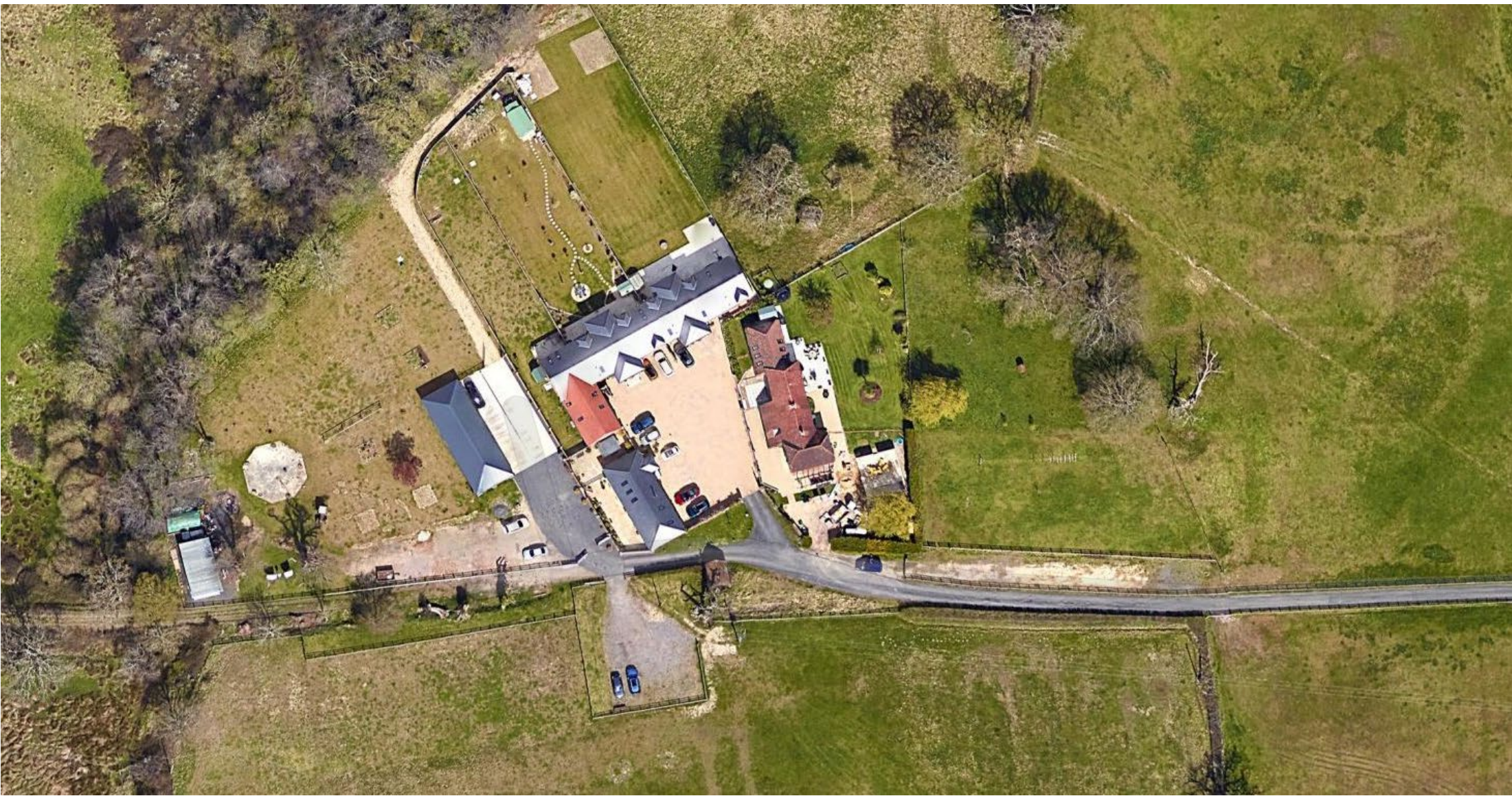




Appeal Statement

**Moorgreen Farmhouse, Moorgreen Farm, Burnetts Lane,
West End, Southampton, SO30 2HH**

18 September 2023

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1 QUALIFICATIONS AND EXPERIENCE

QUALIFICATIONS AND EXPERIENCE

- 1.1 I hold a 2:1 Planning Studies Bachelor of Arts Honours degree and a Diploma in Urban Planning from Oxford Brookes University. I am a member of the Royal Town Planning Institute.
- 1.2 I have worked in Hampshire since 1996. From 1996 to 2014 I worked at Eastleigh Borough Council as a Senior Planning Officer and then as a Principal Planning Officer in the Major Applications Team.
- 1.3 I have practised as a planning consultant since September 2014. I established my Town Planning practice, Wessex Planning Ltd, in September 2016, specialising in small to medium scale residential development.
- 1.4 I was instructed to appeal against the refusal of planning permission F/23/95117 for the Conversion of first floor of existing detached garage to C1 AirBnB.

2 REFUSAL REASONS

REFUSAL REASONS

- 2.1 The planning application was for “Conversion of first floor of existing detached garage to C1 AirBnB”
- 2.2 The application, despite an officer recommendation for approval, was refused by members of the planning committee on Monday 12th June 2023 for the following reasons.

- 2.3 Reason 1

Insufficient information has been submitted to demonstrate whether the originally approved first floor ancillary store and office was implemented and lawfully established for a reasonable period of time prior to the proposed holiday let use, thus would not be considered ‘re-use’ in terms of Policy S5. The change of use would therefore result in an intensification of development within the countryside. The proposals would therefore be contrary to Policies S1, S2, S5 and DM26 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2021).

- 2.4 Reason 2

The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), the provisions of the NPPF (2021) and the Conservation of Habitats and Species Regulations 2017.

3 REBUTTAL OF REASON 1

REBUTTAL OF REASON 1

- 3.1 In November 2021, planning permission was granted to construct a 'detached garage with storage and office above.' The appellant's original intention was to use the room above the garage as a store or an office. The room was constructed with a small en-suite and kitchenette to serve the office and completed in September 2022.
- 3.2 The well-recorded 2022/2023 'energy crisis' and subsequent 'cost of living crisis', fuelled by high inflation, then ensued. This led the appellant, in common with many other homeowners, to reconsider the use of the 'spare' room above his new garage to understand whether it could be used to supplement the appellant's main income.
- 3.3 The appellants long term intention is for this first floor room to be used for flexible ancillary and incidental residential uses over time, for use as a holiday let now, but also for guests, adult children as well as a store and office in the future as household requirements change. These long term intentions are not unusual where a 'spare' room above a detached garage exists.
- 3.4 Having confirmed that the intended use of the room above the garage changed after construction and was now fitted out as a holiday-let rather than as a store/office, an application for planning permission was sought by Eastleigh on the basis that an 'independent planning unit' had been formed that required regularisation.
- 3.5 The garage at ground floor level was intended, constructed and is used for the appellants own parking requirements.
- 3.6 The planning officer recommended approval of the application with a planning condition to secure the use of the room as a holiday let only. At planning committee an additional condition was proposed by the officer to secure a maximum term of holiday booking by an individual occupier at 21 days. This second condition is recorded within the Minutes of the meeting. Both of these conditions would

have ensured that the first floor room would not be used or become an independent residential unit.



- 3.7 The policy reasoning for controlling this use is set within Policy S5 and Policy DM19 of the Eastleigh Borough Local Plan, the wording of which appears below:

Policy S5 – New Development in the Countryside

1. Planning permission will be granted for new development in the countryside provided it is related to:
 - a. the provision of employment through agricultural development (policy DM17), the extension and replacement of existing employment uses (policy DM18) and the re-use of existing buildings (policy DM19);
 - b. residential extensions and replacement buildings (policies DM18 and 26), limited residential conversions (policy DM19), rural workers' dwellings (policy DM27) and accommodation for Gypsies, Travellers and Travelling Showpeople (policy DM31);
 - c. community, tourist, or visitor uses through the re-use of buildings including facilities for the interpretation of heritage assets (policies DM12);
 - d. outdoor recreation and open space (policies DM32 and DM33);
 - e. allotments and community farms (policy DM32);
 - f. cemeteries (policy DM37); and
 - g. essential public utilities (policy DM9).
2. In permitting new development in the countryside the Borough Council will seek to:
 - a. avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area;
 - b. secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast;
 - c. avoid sterilisation of mineral resources, in accordance with the Hampshire Minerals and Waste Plan;
 - d. safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss; and protect soils during construction wherever possible in line with the 'Defra code of practice for the sustainable use of soils on construction sites'.

Policy DM19 -Change of Use of Buildings in the Countryside

1. The change of use of existing buildings in the countryside that are demonstrably unsuitable for continued use for their existing purpose will be permitted subject to the general development criteria and transport policies of the Local Plan and provided that:
 - a. the proposed use is compatible with neighbouring uses and does not have an urbanising effect on the countryside in terms of external layout, lighting, noise or traffic;
 - b. any proposals for developments over 500 sq.m or that would lead to, or consolidate more than, a 30% increase in the floorspace of an established use (measured against floorspace at April 2011), in use classes E(b), E(c), E(d), E(g)(i), C1, F.2(c)/(d), or in use as a cinema, concert hall, bingo hall or dance hall are subject to a sequential test to demonstrate that they cannot be accommodated in more sustainable locations in the town, district or local centres or failing this in edge of centre or out of centre locations within the urban edge. E(a) uses will not be supported;
 - c. the building is of permanent construction and can be re-used without works detrimental to its character or that of its surroundings. For the purposes of this policy 'buildings' do not include open-sided barns or glasshouses;
 - d. access, car parking and services can be provided without having a detrimental impact on the character of the countryside; and
 - e. the property is sustainably located in terms of accessibility by modes of transport other than the private car.
2. Change of use to residential, where this is not permitted development, will only be permitted if:
 - a. the building is demonstrably unsuitable for other uses allowed under this policy; or
 - b. the proposal is for an agricultural worker's dwelling and the terms of policy DM27 are met; or
 - c. the building is of architectural or historic interest and there are no other means of securing its preservation (see also policy DM12); or
 - d. it would achieve amenity, environmental or traffic benefits.
3. Where the proposal also involves extension or replacement of the building, policy DM18 will apply. In boatyards outside the urban edge, policy DM20 applies.

REBUTTAL OF REASON 1

- 3.8 Policy S5 does not allow visitor development in the countryside unless it is for a re-use of an existing building under Policy DM19.
- 3.9 Policy DM19 does not allow the change of use of an existing building within the countryside unless the building is demonstrably unsuitable for its existing use.
- 3.10 Clearly the proposal does not comply with Policy S5 as the proposed holiday-let use of the new first floor room, whilst not originally intended as such, was the first use of the room, rather than a 're-use' of a room with a pre-existing use.
- 3.11 It is contended that Policy DM19 does not apply, as the building was new and therefore did not have a pre-existing use.
- 3.12 It is also contended that the non-compliance with Policy S5 is not determinative of the decision as Section 38(6) of the Planning and Compulsory Purchase Act 2004, which legislates for the appropriate consideration of planning applications, states:
- "where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."***
- 3.13 Therefore, it was incumbent upon the planning committee, in making its determination, to take into account any 'other material considerations' that may have indicated that a planning permission should have been granted otherwise than in strict accordance with the Development Plan policy.
- 3.14 One such material consideration is the National Planning Policy Framework (NPPF).
- 3.15 At paragraph 84, the NPPF states that
- "Planning policies and decisions should enable:***

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; "

and

"c) sustainable rural tourism and leisure developments which respect the character of the countryside;"

- 3.16 The NPPF, in these circumstances, is considered to be a material consideration of determinative weight. The reason for this is because the purpose of Policy S5 is to restrict the number of new buildings within the designated countryside. However, this proposal is not for a new building but a building that had been granted planning permission by the LPA, and is therefore, acceptable.
- 3.17 So, whilst the building itself has been built in complete accordance with the plans, it is only its intended usage which has changed.
- 3.18 The NPPF states that all types of business (and a holiday-let is a business) in rural areas should be enabled including through well-designed new buildings.
- 3.19 It is contended that this building has been very well designed, which is why permission for the building was originally granted. That external design has not altered with the proposed new usage of the first floor room.
- 3.20 The NPPF also states that sustainable rural tourism should also be enabled that respect the character of the countryside. Again, the building has already been granted planning permission, and the use of one room as a holiday-let would not be of a level that would harm the character of the countryside.

REBUTTAL OF REASON 1

- 3.21 The officer report details the acceptability of the design and the impact upon amenity and highways and parking, and the planning committee did not appear to have any objection on these grounds.
- 3.22 The planning committee's apparent concern was with regard to an 'intensification' of development within the countryside. It is not clear whether the planning committee was referring to the building itself or the use. However, for the purposes of this appeal, it is assumed that the committee was referring to the use of the building.
- 3.23 It is also assumed that by 'intensification of development,' the committee meant that the comings and goings associated with a visitor use within the countryside would be detrimental to the character of the countryside.
- 3.24 However, Policy S5 and Policy DM19 do not state that a visitor use, per se, is unacceptable in the countryside by reason of the activities associated with visitors and the NPPF is supportive of new buildings for such use. Indeed, the highways officer was also consulted and reported to consider the usage from the proposal low-key.
- 3.25 With the building itself previously considered acceptable by the LPA, it is therefore difficult to find any local policy or government advice that suggests such a low-key holiday-let use is unacceptable in principle within the countryside, in these circumstances.
- 3.26 On explanation from the LPA, the appellant understood that there was a need to exert control over such uses within the countryside through the imposition of planning conditions, in order to prevent independent residential units from being created and potentially redeveloped for larger independent dwellings. Such proposals have a greater impact on the appearance and character of the countryside.
- 3.27 The appellant had no concerns with regard to the imposition of such conditions and was willing to submit the regularisation application to the LPA.
- 3.28 However, for members of the planning committee to consider that such a low-key use within an existing building would result in unacceptable 'intensification of development' such as to cause material harm to the character of the countryside is considered unreasonable.
- 3.29 The appellant is willing to accept any planning condition that controls the use of the first floor of his garage to prevent it becoming an independent residential planning unit.
- 3.30 On this basis, it is respectfully requested that this appeal against the LPA's refusal to allow the first floor of the garage to be used as a holiday-let is allowed.

4 REBUTTAL OF REASON 2

REBUTTAL OF REASON 2

- 4.1 Under the Habitats Regulations, certainty is required that a planning proposal will not lead to likely significant effects (LSEs) upon protected sites.
- 4.2 In this instance the protected sites are the Solent and Southampton Water SPA, The River Itchen SPA and, the New Forest SPA.
- 4.3 The LSEs relate to impacts upon water quality and recreational pressure impacts.
- 4.4 Eastleigh has mitigation schemes in place, contributions to which allow certainty that the LSEs would be mitigated.
- 4.5 As the planning officer's report indicates, the contribution payments towards these schemes would have been sought prior to the issue of planning permission, and the appellant was willing to pay these contributions.
- 4.6 A Unilateral Undertaking is enclosed with this appeal that obliges the applicant, in the event that the appeal is allowed to:
- to make payment towards the relevant recreational pressure mitigation schemes
 - to replace a current old, inefficient sewage treatment plant which currently serves the dwelling with a new, more efficient sewage treatment plant that would serve both the dwelling and the holiday let. A monitoring and maintenance plan is also proposed to secure nutrient neutrality .
- 4.7 The mitigation schemes relate to the following impacts:

Water Quality

- 4.8 Wastewater created from the use of new overnight accommodation releases nutrients (nitrates and phosphates) into the Solent and Southampton Water SPA.

- 4.9 This wastewater changes the chemical composition of the seawater reducing levels of oxygen (eutrophication), allowing algae to multiply, causing algae matting over the sea bed that, at low tide, disallows overwintering birds (for which the SPA is designated) from feeding, thereby detrimentally affecting their populations.
- 4.10 Advice from Natural England includes a nutrient calculator designed to calculate the level of nutrient released by new uses. For this appeal a nutrient report is submitted which calculates the relevant levels of both phosphate and nitrate and also demonstrates that, with the replacement of an old sewage treatment plant with a new, more efficient sewage treatment plant, 'nutrient headroom' can be achieved for both nutrients, allowing the proposal to become 'nutrient neutral'.
- 4.11 This means that no financial contribution towards Eastleigh's (or any other) phosphate or nitrate mitigation scheme is required.

Recreational Pressure

- 4.12 Recreational pressure is exerted by new residential uses upon two protected sites near to the appeal site – The Solent and Southampton Water SPA but also the New Forest SPA.
- 4.13 The recreational pressure impact upon the Solent and Southampton Water SPA causes increased disturbance by people visiting the SPA either on their own or with their dogs. This disturbance causes overwintering birds to feed less which affects their body weight which affects their ability to reproduce resulting in reduced populations.
- 4.14 The recreational pressure impact upon the New Forest SPA causes similar impacts, for similar reasons, to ground-nesting birds.
- 4.15 Eastleigh's mitigation scheme for the Solent and Southampton Water SPA effects is part of a wider scheme (Bird Aware) that funds wardens to patrol the Solent and Southampton Water SPA coastline to

educate visitors. It also funds leaflets and interpretation boards to educate the general public as to the impact of recreational pressure and, finally, funds the provision of alternative areas away from the coastline that can be used for recreation.

- 4.16 Eastleigh's mitigation scheme for the New Forest SPA effects funds the provision of alternative recreational sites within the borough to reduce recreational pressure upon the New Forest. Details of these schemes are provided in Appendix 1.
- 4.17 As such it is considered that the second reason for refusal is addressed.

5 CONSULTEE / NEIGHBOUR RESPONSES

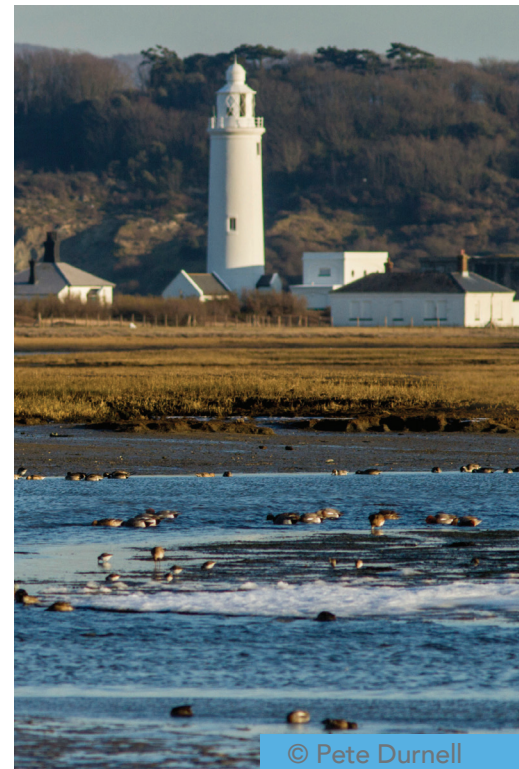
- 5.1 The application received no objections from neighbours or any internal or external consultees.

6 CONCLUSION

CONCLUSION

- 6.1 It is respectfully requested the Inspector take the above rebuttals into account, and allow the appellant's appeal subject to the obligations in the signed Unilateral Undertaking, and any conditions considered necessary.

7 APPENDIX 1



Solent Recreation Mitigation Strategy

Foreword by Cllr Seán Woodward - Chairman, PUSH



The value of good partnerships cannot be overstated. Clear thinking, practical application and professional commitment really can change the world.

The Partnership for Urban South Hampshire (PUSH) has been proud of its involvement with the Solent Recreation Mitigation Partnership (SRMP) from its very inception. True concern about protecting the coastline of the wider Solent region, backed up by valid research and a pragmatic approach to dealing with developers and the public alike has led to some ground-breaking progress, with the work of the SRMP being regarded nationally as best practice.

The existence of the SRMP means that our coastline can remain evolving and vibrant, benefitting from considered and relevant development whilst also ensuring ecological needs are duly met. With a public-facing brand - Bird Aware – the SRMP has achieved unprecedented success in engaging with the wider public and is developing into a major and positive force for behaviour change.

I am proud to present to you the Solent Recreation Mitigation Strategy – a document that embodies a progressive way of thinking and an opportunity to ensure our landscape is developed to meet the needs of society and our unique ecological assets. I look forward to seeing the many benefits that will arise as a result of this strategy and I invite you all to take steps to become more bird aware when visiting our beautiful coastline.

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The Solent Recreation Mitigation Partnership was established to formulate, implement and monitor the strategy using developer contributions transferred from the local planning authorities. The Partnership comprises the fifteen Solent local authorities, Natural England, the Royal Society for the Protection of Birds, Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The authorities are: Chichester District Council, East Hampshire District Council, Eastleigh Borough Council, Fareham Borough Council, Gosport Borough Council, Hampshire County Council, Havant Borough Council, Isle of Wight Council, New Forest District Council, New Forest National Park Authority, Portsmouth City Council, Southampton City Council, South Downs National Park Authority, Test Valley Borough Council, Winchester City Council.

Further information about the Partnership and its work including answers to frequently-asked questions is available at: www.birdaware.org

Summary

Tens of thousands of coastal birds fly from as far as Arctic Siberia to spend the winter on the Solent. They need to be able to feed and rest undisturbed, if they are to survive the winter and fly back to their summer habitats. Three Special Protection Areas (SPAs) have been designated to safeguard the birds.

Over 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds.

The strategy set out in this document, aims to prevent bird disturbance from recreational activities. It seeks to do this through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities that take place there. Prepared by the Solent Recreation Mitigation Partnership of local authorities and conservation bodies, the strategy was published for consultation in July 2017 and changes incorporated as a result.

The Strategy proposes:-

- a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc;
- communications, marketing and education initiatives and an officer to implement them;
- initiatives to encourage responsible dog walking and an officer to implement them;
- preparation of codes of conduct for a variety of coastal activities;
- site-specific projects to better manage visitors and provide secure habitats for the birds;
- providing new/enhanced greenspaces as an alternative to visiting the coast;
- a partnership manager to coordinate and manage all the above.

Implementation of these measures and monitoring of their effectiveness, will be funded by 'developer contributions' calculated according to the bedroom numbers of the property, equivalent to an average of £564 per dwelling (increased annually to take into account inflation). This applies to new homes built within 5.6 kilometres of the SPAs. (This 5.6 kilometre zone is where the majority of coastal visitors live.) Some developments may require additional mitigation due to their size or proximity to a SPA.

The developer contributions will be collected by the local authorities and transferred to the Partnership which will implement the measures. Some of the money received will be set aside to fund the measures 'in-perpetuity' (calculated on an 80 years basis) after 2034.

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.

Further information about the Partnership is at: www.birdaware.org

Introduction

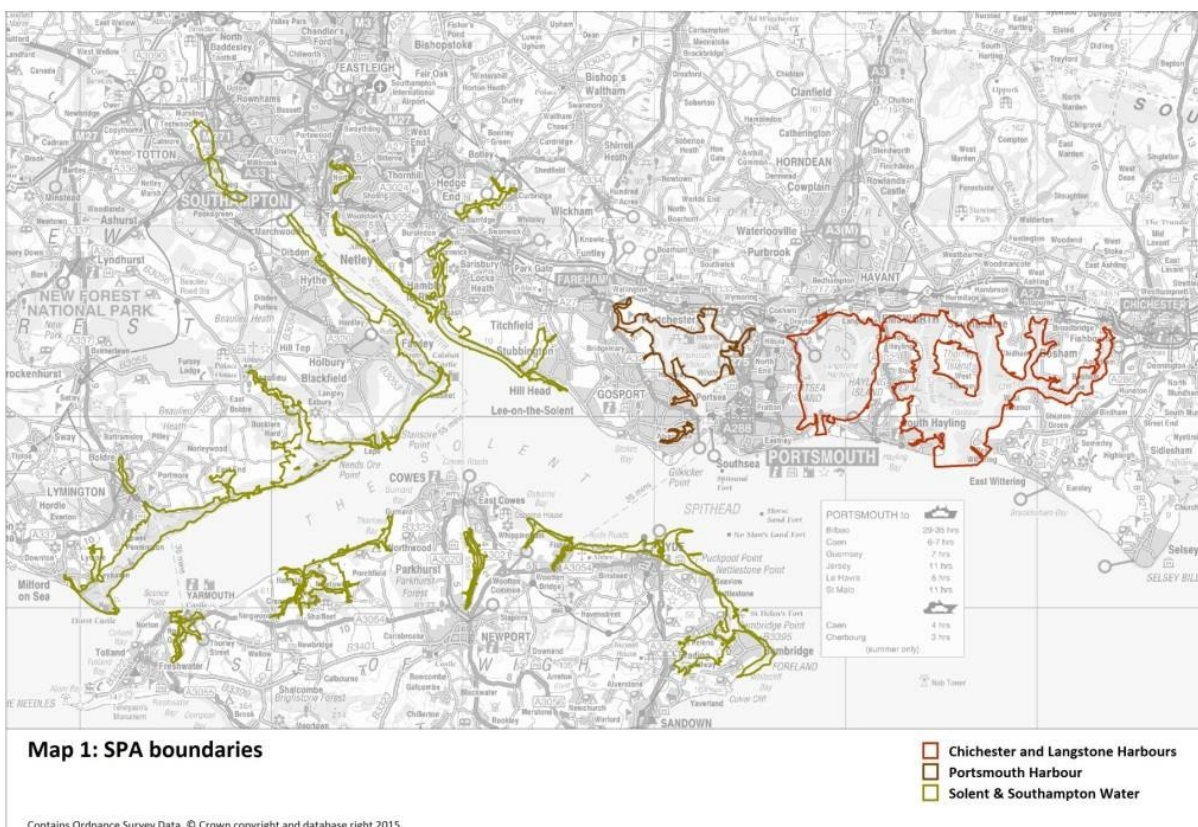
- 1.1. The Solent is internationally important for its wildlife. Each winter, the Solent hosts over 90,000 waders and wildfowl including 10 per cent of the global population of brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. Three Special Protection Areas (SPAs) were designated by the Government predominantly to protect these over-wintering birds (see map on page 6).
- 1.2. Legislation requires mitigation for any impact which a proposed development, in combination with other plans or project, is likely to have on a SPA. It requires local planning authorities before they grant planning permission for the project, to ensure the necessary mitigation will be provided. In practice this means that that development proposals cannot be consented or proceed unless there are no impacts on the integrity of European sites. If significant effects are predicted to occur, suitable measures for mitigation are required to reduce impacts to acceptable levels.
- 1.3. The Strategy provides a strategic solution to ensure the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
- 1.4. The Conservation of Habitats and Species Regulations 2017 consolidate all the various amendments made to the Conservation of Habitats and Species Regulations 2010 and the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. Further details are available [here](#).
- 1.5. The Strategy seeks to provide mitigation for the duration of the impact (in-perpetuity) in line with the Habitats Regulations. Throughout this period, regular strategic reviews will take place every 5 years or more frequently if changes in the legislation or evidence necessitate.
- 1.6. A development can have various impacts, but one which is likely to arise from all new housing around the Solent SPAs is the impact of additional recreational visits, and therefore potential bird disturbance to the SPAs. Although the developer has the legal duty to provide the mitigation, the local authorities and conservation groups have devised a strategic approach to the provision of the mitigation for recreational impacts in order to facilitate delivery and ensure a consistent approach.
- 1.7. This document sets out that strategic approach, the mitigation measures to be implemented, and the arrangements for governance, reporting, and monitoring. It provides mitigation for the impact of in-combination recreational visits arising from housing which is planned around the Solent up to 2034. It does not address the impact of existing activities, which is the role of the separate Solent European Marine Sites (SEMS) initiative. It should also be noted that the Strategy does not deal with any other impacts on the SPAs such as loss of habitat, increased noise, effect on water quality etc - which may arise from new housing, or the potential impact of other types of development such as new employment sites. Separate mitigation may be required to address these additional impacts on the SPAs that arise from new development. These will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage.

1.8. The strategy enables a housebuilder to make a monetary 'developer contribution' for the strategic mitigation of recreational pressures that would otherwise occur over a wide area, instead of needing to provide bespoke mitigation themselves. A developer can still provide their own mitigation, if they have the ability to do so, but for the vast majority it will be simpler, quicker and less costly to make a contribution towards the Strategy. This approach provides clarity and certainty for both developers and local authorities. It helps to deliver coordinated and effective mitigation, whilst simultaneously speeding up the development approval process and reducing the costs for all parties. It also provides a means for mitigating the impact of small developments for which it would not be practical to provide bespoke mitigation for.

2 The need for mitigation

- 2.1. The Solent coast, particularly its mudflats, shingle and saltmarshes, provide essential winter feeding and roosting grounds for birds that spend the winter here. The wide range of recreational activities which take place on this coast can result in disturbance to the birds, albeit often unintentional.
- 2.2. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may move away from the disturbance. A bird which moves away forgoes valuable feeding time whilst in the air and also uses energy in flying - a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food.
- 2.3. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

The Solent Special Protection Areas



- 2.4. Extensive research was undertaken during 2009-2013 to assess the impact of recreational activity on wintering birds on the Solent coast. This work was known as the Solent Disturbance Mitigation Project and formed part of the Solent European Marine Sites (SEMS) Scheme of Management. The research was coordinated by the Solent Forum, who coordinated it. This work included recording the response of birds to disturbance, face-to-face surveys of visitors at the coast, and a postal survey of households living around the Solent. Computer modelling using that information predicted the number of additional recreational visits which would be generated by planned housebuilding.
- 2.5. By far the most popular activity taking place at the coast is walking, with jogging and cycling also proving popular. The research shows that these account for 91% of all recreational activity¹. The same research also highlighted that dogs off lead were a cause of 47% of all 'major flights' i.e. bird(s) flying more than 50 metres to escape disturbance². This is why understanding the needs of dog walkers and proactively working with them is a priority for the Partnership.
- 2.6. Although other types of recreational use such as surfing, horse riding and rowing only amount to a total of 9% of activities carried out, each occurrence can create substantial disturbance³. Therefore the Partnership has longer term goals to work with each of these groups too.
- 2.7. The research predicted a 13% increase in visitor numbers at the Solent coast as a result of planned new housing, with the change on individual sections varying from 4% to 84%⁴. This highlights that the planned new housing will mean a large increase in coastal visits with a likely impact on the birds unless mitigation measures are put in place.
- 2.8. The research showed that how people behave, and how access is managed at each location determines the extent of disturbance⁵.
- 2.9. On the basis of this research, Natural England - the Government's advisor on the natural environment - issued formal advice to the Solent local planning authorities in March 2013. Their letter⁶ stated: *"This follows the completion of Phase II of the Solent Disturbance and Mitigation Project (SDMP), which reported that there is a Likely Significant Effect associated with the new housing planned around the Solent. Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided."*
- 2.10. Ecological consultants Footprint Ecology were then commissioned to recommend a package of appropriate mitigation measures. Drawing on an evaluation of measures used elsewhere in the UK and the expert opinion of leading academics and practitioners, they recommended⁷:-
- A delivery officer
 - A team of wardens/rangers
 - A coastal dog walkers project
 - A review of parking
 - A review of watersport zones/watersport access
 - Codes of conduct pack
 - Series of site specific projects
 - Watersport permits & enforcement
 - Suitable Alternative Natural Greenspaces/additional green Infrastructure/alternative roost sites.

- 2.11. Of these, the main recommendation (in terms of resource allocation) would be the team of wardens/rangers. Footprint Ecology recommended that around 5-7 rangers would form a core team, supplemented with casual staff if necessary⁸. The main ranger presence would be required from September through to the end of March, they advised, but that summer tasks - such as delivering projects, liaison with local landowners and stakeholders - might make it appropriate for some staff to be employed all year.
- 2.12. Suitable Alternative Natural Greenspaces (SANGs) are a key mitigation measure at some other Special Protection Areas, but Footprint Ecology recommended caution in using them for the Solent SPAs⁹. In large part this was because a survey showed that many people visit the Solent 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 them¹⁰. A subsequent study¹¹ concluded that SANGs may have a role to play in providing mitigation if they are closely linked to management at the coast, are targeted in the right locations, and are accompanied by active promotion of their existence.
- 2.13. The evidence¹² showed that mitigation should be required from all dwellings built within 5.6 kilometres of the boundaries of the SPAs. This is the zone from which 75% of coastal visitors live. The zone boundary is defined by using straight line distances from the SPA boundary. This approach is the same as that adopted for Thames Basin Heaths and Dorset Heathlands SPAs.
- 2.14. Two research studies were commissioned to help identify which measures would be the most effective in encouraging responsible dog walking. The first was market research with dog walkers¹³ involving interviews at the coast and an on-line survey.
- 2.15. The second study¹⁴ reviewed measures which have been successfully used elsewhere in the UK and would be relevant to the circumstances of the Solent. It recommended the use of a website, social media and other initiatives to raise dog walkers' awareness of bird disturbance and to promote alternative inland greenspaces. The study emphasised that these initiatives would require adequate resourcing and this has been taken into account with the staffing numbers to carry out this Strategy. They allow for a full time dedicated resource to work with dog walkers and dog interest groups to achieve a way forward that fully considers their needs.

NB: References for the documents mentioned above are in Appendix E.

3 Overall approach and benefits

- 3.1. The aim of this strategy is to prevent any net increase in bird disturbance as a result of additional recreational pressures arising from the approximately 64,000 new dwellings which are planned around the Solent SPAs up to 2034 (see Appendix A for the derivation of this figure). This will be achieved by:-
- raising awareness and encouraging behavioural change of coastal visitors;
 - implementing projects to better manage visitors and provide secure habitats for the birds;
 - providing and promoting new/enhanced greenspaces in less sensitive areas as an alternative to visiting the coast.
- 3.2. This overall approach of better managing visitors at the coast, rather than attempting to restrict access through bylaws, permits, etc, reflects the research (paragraph 2.4 above) which found that the level of disturbance is determined more by peoples' behaviour than purely by the number of visitors.
- 3.3. Public access to the coast provides benefits including health, education, inspiration, spiritual and general well-being. Visitor access is also important in the management of the sites for nature conservation, because people are more likely to want to be involved with and protect local sites if they have close links with them. So by maintaining public access but with measures to ensure that recreational activity and nature conservation interests are not in conflict, the coast can be managed for the benefit of both wildlife and the public.
- 3.4. Based on the findings on the level of disturbance caused by various recreational activities (paragraphs 2.5 and 2.6 above), this strategy places a particular focus on walkers, cyclists, and dog walkers, but with proportionate mitigation measures for other recreational activities. So the package of mitigation measures comprises:-
- A team of rangers
 - Communications, marketing and education initiatives
 - Initiatives to facilitate and encourage responsible dog walking
 - Codes of conduct
 - Site-specific visitor management and bird refuge projects
 - New/enhanced strategic greenspaces
 - A delivery officer (called 'Partnership Manager' from here on)
 - Monitoring to help adjust the mitigation measures as necessary.
- 3.5. These measures are described in more detail in the next section. The package echoes the recommendations of consultants Footprint Ecology (paragraph 2.10 above) except for their proposal for watersport permits and enforcement. The latter would be contrary to the Partnership's overall approach which is aimed at managing rather than preventing activity at the coast. The consultants' recommendations for a review of watersports zones and parking may be considered again if monitoring of the Strategy's effectiveness suggests additional steps are required and these actions are judged likely to assist with providing further mitigation.
- 3.6. Implementation of these measures will help avoid disturbance to the birds which fly thousands of miles to spend the winter here. There will be benefits for people too, with a wider range of greenspaces and better facilities at many of them. It will be a win-win outcome: an enhanced range of quality recreational opportunities **and** safeguarding of the birds which are such an important feature of our shores.

4 The mitigation measures

- 4.1. This section sets out the mitigation measures required. How they will be resourced is dealt with in section 5.

Rangers

- 4.2. The rangers are the key mitigation measure. A small interim team was established in late 2015. They have begun to establish themselves and their presence has generally been well received. However, a larger team is needed in order to a satisfactory minimum Ranger presence along the 250 kilometer Solent coastline and build the necessary profile amongst people who regularly visit the coast, local communities, land owners and partner organisations.
- 4.3. During the winter period (1 October - 31 March), a team of seven rangers will focus their time on engaging with visitors at the coast, explaining the vulnerability of the birds, and advising people how they can avoid bird disturbance.
- 4.4. Five of the seven will be employed all-year. During the summer period (1 April - 30 September), the five will undertake tasks for which there is insufficient time during the winter period or which are best done during better weather. Those tasks will include meeting with landowners and stakeholders, installing/maintaining signs and interpretation panels, assisting with dog walking initiatives, staffing a stand at outdoor shows/events; hosting school visits, and preparing codes of conduct in consultation with local clubs (see paragraph 4.9 below). Once the enlarged ranger team is in place, they will prepare the Access Management Assessments described in paragraph 4.18 below.
- 4.5. The Ranger programme seeks to bring positive changes in behavior through promoting a better understanding and appreciation of the Solent's birds and the threats they face. If the monitoring or new research suggests that this approach is not working or needs to be adjusted, the Ranger programme will be adapted to improve its effectiveness.

Communications, marketing and education initiatives

- 4.6. The overall approach of this strategy is to secure behavioural change through awareness raising. Communications, marketing and education are central to that mission. The 'Bird Aware Solent' brand name, a presence on Twitter and Facebook, and a high quality website provide sound foundations for further communications and education initiatives. Those further initiatives are likely to include further development of the website, regular press releases, longer articles for magazines, educational materials for schools, and a range of leaflets targeted at different coastal visitor groups. A gazebo or a mobile display vehicle would enable key messages to be disseminated at local events/shows events.

Initiatives to encourage responsible dog walking

- 4.7. Key messages for dog walkers will be part of the general communications, marketing and education initiatives described above, but online and printed materials specifically targeted at dog walkers will also be produced.
- 4.8. A dedicated member of staff for dog walker engagement will roll out a series of positive measures to actively work with this group and will draw from measures that have been successful in other areas.

Codes of conduct

- 4.9. Codes of conduct will be developed, in conjunction with user groups, as the mitigation measure for activities such as horse-riding and water-based recreation (sailing, rowing, kite surfing etc). This measure is proportionate to the impact of these activities which is small compared to walking, jogging and cycling.
- 4.10. Codes of conduct are particularly effective for club-based activities, but their availability - via smartphone access to the Partnership's website for example - can also be promoted to casual visitors through signs at locations where the activities take place. Preparing the codes in conjunction with local clubs/user groups will ensure that appropriate language is used and will help secure buy-in as a result of the clubs being signatories to the codes.

New/enhanced strategic greenspaces

- 4.11. The research showed that some coastal visitors would be prepared to visit alternative greenspaces for at least some of their recreational trips. That would help moderate the predicted increase in visitors at the coast and thus the potential for bird disturbance. It will be done through a combination of an enhanced portfolio of alternative greenspaces plus increased promotion of them by the rangers and through on-line/printed media.
- 4.12. The creation of two completely new strategic greenspaces and enhancements to other existing greenspaces is already underway^a. In the medium-longer term, there may be a need for additional strategic greenspaces - known as Suitable Alternative Natural Greenspaces (SANGs). These could be created by a developer as part of a very large housing scheme or alternatively will be implemented through the Solent Recreation Mitigation Partnership. (NB: funding for these will not be from developer contributions – see paragraph 5.12 below.) Whether delivered by developers or the Partnership, new SANGs should be sited and be laid out in accordance with the guidelines in Appendix B.

Site-specific visitor management and bird refuge projects

- 4.13. These projects could include small scale minor works which are designed to help manage the impact of recreational visits on the coast: signs and interpretation boards, provision of a low wall/fence/planting to discourage coastal users from accessing particularly sensitive spots, screening to reduce visual and noise disturbance to birds (but low enough to enable people to still see the birds and the sea), bird roosts to make them more secure, improving an inland footpath to encourage walkers to skirt around a vulnerable site. Such measures may reduce the need for the rangers to visit the stretches of coast so frequently where they have been implemented.
- 4.14. Any party wishing to suggest a project within an identified site should make the local authority within which it is sited aware of the project and ask that they assess it and consider putting it forward for potential funding.
- 4.15. The projects put forward by local authorities are then assessed on their proposal in relation to the mitigation objectives of the Strategy and the evidence base that supports their ability to alleviate pressure on sensitive parts of the coast. Assessment factors relate

^a At Alver Valley Country Park; Manor Farm Country Park; Horsea Island Country Park; Shoreburs Greenways.

to the project scale, deliverability, effectiveness, monitoring and cost. Projects are assessed by a team that includes representatives from Natural England, the RSPB, Hampshire and Isle of Wight Wildlife Trust, the New Forest National Parks Authority and the Partnership Manager.

- 4.16. Once assessed, the projects are then prioritised based on their overall score for the factors listed above and where possible funding will be recommended for those with the highest scores, in the annual budget report to PUSH.
- 4.17. The Partnership has evaluated an initial tranche of potential projects for implementation. These projects were identified by Partnership members as having the potential to contribute to the mitigation aims of the Strategy. This work will be refreshed/reviewed closer to the funding being available (anticipated to be 2020) and repeated annually thereafter. Once funding is available, the site specific projects and their scores will be published annually on the Bird Aware website.
- 4.18. Further projects will emerge from a detailed assessment of each section of coast, of the recreational uses, bird numbers, and what might be done to resolve any current and future potential bird disturbance. This work will form an Access Management Assessment. The first of those Access Management Assessments will be undertaken during 2017/18: the rest will follow once the enlarged ranger team is in place.
- 4.19. The Access Management Assessments will seek to review the activities of all coastal users and make recommendations about how their needs can be accommodated without causing recreational pressures and disturbance on the overwintering birds. These will include the identification of site specific projects (such a screening and creating all weather surfaces, re-routing of small stretches of footpath) as well as further establishing links with stakeholders.

Monitoring

- 4.20. Monitoring will help confirm that mitigation measures are working as anticipated, and whether refinements or adjustments are necessary. Monitoring is therefore integral to the mitigation 'package'. In the longer term, it will establish whether the mitigation strategy is being effective. The monitoring is explained further on the Partnership's website at <http://www.birdaware.org/article/28103/Monitoring>

5 Resource costs and funding

- 5.1. Implementation of the mitigation measures set out in the preceding section will require resources - a mix of staff and funds for projects, communications, monitoring etc.

Rangers

- 5.2. The cost of the ranger team (five all-year and two winter-only rangers - see section 4) is based on the rangers who are currently employed on the Partnership's behalf. It also includes the higher salary which will be paid to the lead ranger who will manage the team and reflects the cost of vehicles. Further details are in Appendix C.

Other staff and operating budget

- 5.3. The volume of communications, marketing and education initiatives and the specialist skills required justify a dedicated part-time communications post.
- 5.4. Drawing on the experience of the other established projects (see paragraph 2.13 and 2.14 above), a dedicated full-time officer will liaise with dog walkers to devise initiatives to encourage responsible dog walking.
- 5.5. A dedicated Partnership Manager post is crucial to successful delivery of this mitigation strategy. The post will coordinate implementation of the mitigation measures, procure and manage the required staff and other resources, and provide the necessary reporting.
- 5.6. An operating budget will fund the procuring of graphic design skills, IT staff time to maintain/expand the website, leaflet printing etc. and any consultancy support which may be needed from time to time. A small contingency is provided for the possibility of some unforeseen essential but incidental expenditure.

Site-specific visitor management projects

- 5.7. The site-specific visitor management projects will be implemented through a rolling five-year programme with a budget of £400,000 per year. The completed projects will need routine maintenance: a 5% per annum figure for ongoing maintenance is included in the £420,000 figure in the table below.
- 5.8. It should be noted that a number of local planning authorities in the zone of influence of the New Forest Special Protection Area (SPA) / Special Area of Conservation (SAC) have adopted habitat mitigation strategies in place; and are liaising to explore opportunities to develop a co-ordinated strategic approach in the future to ensure significant adverse effects on these New Forest designated sites are avoided. In the vicinity of the New Forest, Bird Aware site-specific projects will provide mitigation for the Solent designated sites, but some may be able to also give some additional benefit to the New Forest SPA/SAC.

In-perpetuity

- 5.9. This strategy mitigates the recreational impact of new housing up to 2034, but the mitigation measures need to be in place for the duration of the impact. The Partnership has decided that this 'in-perpetuity' payment should be calculated on an 80 year basis and this has been accepted by Natural England. This is the same time period as that adopted for South East Devon European Site Mitigation Strategy for example.

- 5.10. So this strategy includes a mechanism for funding the mitigation measures after 2034 when the developer contributions from those planned new homes will come to an end. That mechanism is described in more detail in Appendix D, but in summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in-perpetuity fund' will grow each year through those annual cash transfers and the interest earned. By 2034, the fund will be sufficiently large to fund the mitigation measures in-perpetuity.
- 5.11. Some of the mitigation measures will not continue after 2034 or will be resourced at a reduced level. The programme of site specific visitor management projects will end, the dog walking initiatives post and the communications & education post will be combined, the operating budget will reduce, monitoring will continue at a reduced scale, and the Partnership Manager post will cease. The work of the latter will be much diminished after 2034; the local authorities have agreed to take on the remaining tasks in-perpetuity.

Funding

- 5.12. The current strategic greenspace projects (paragraph 4.12 above) are funded through the Solent Local Growth Deal with complementary local funding from the local authority which is implementing it. Funding for the further strategic greenspaces will be sought from future local growth deals or other similar sources, unless the greenspace is provided as part of a large housing scheme in which case the developer will fund it. PUSH has produced a Green Infrastructure Strategy which may be able to help secure funding for further greenspace enhancements.
- 5.13. The other resource costs need to be funded from developer contributions. Those costs are summarised in the table below and are set out in greater detail in Appendices C and D.

Summary of annual costs up to the year 2034

	£thousands per annum
Rangers	272
Other staff	93
Operating budget and monitoring	90
Site specific visitor management projects	420
Contingency	10
In-perpetuity funding	1111
Total annual cost	1996

All figures are at 2016 prices because the developer contribution is index linked and will automatically rise with inflation.

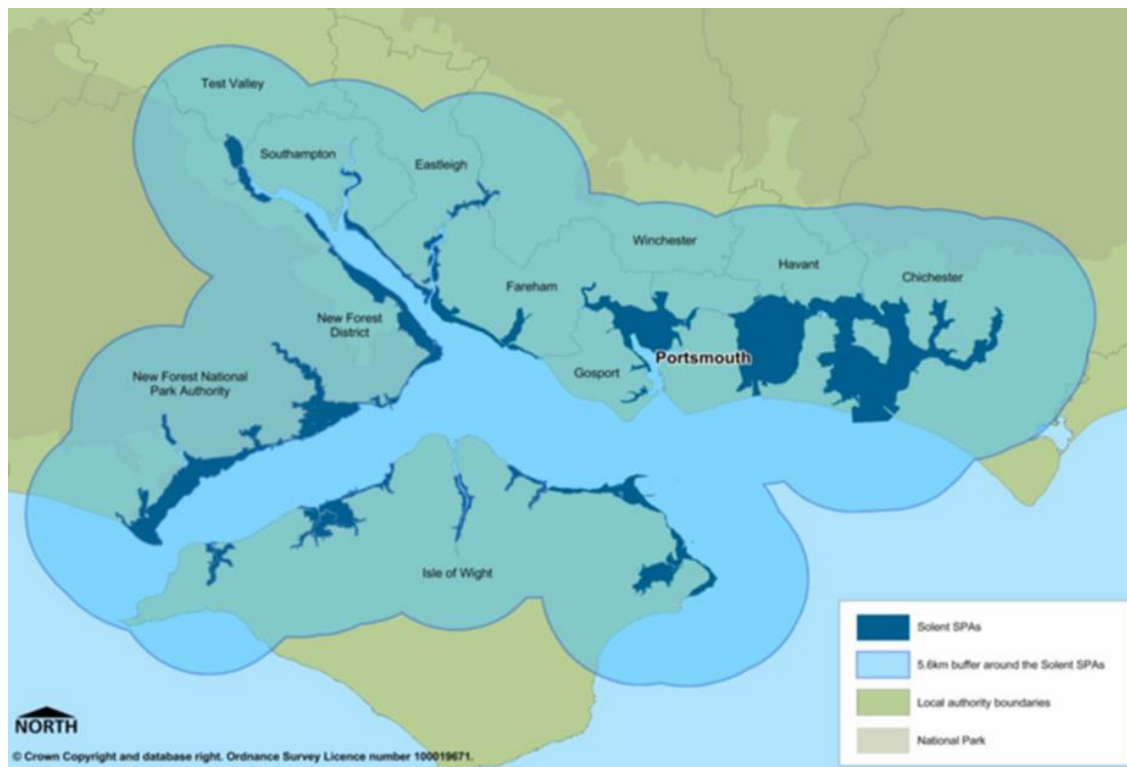
- 5.14. This total cost when divided amongst the number of new dwellings to be mitigated each year (estimated as 3,538 - see Appendix A), means that an average developer contribution of £564 per dwelling is required (These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.)
- 5.15. Although that figure is the best estimate of the number of planned new homes, the number actually constructed could be different to the estimate. However, the package of mitigation measures in this strategy is 'scalable', which means that the amount of mitigation can be increased or decreased in line with actual housebuilding.

6 Developer contributions

- 6.1. As explained in the previous section, the baseline developer contribution is the equivalent of £564 per dwelling (though in practice this will be charged on a sliding scale based upon bedroom numbers per dwelling). These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.
- 6.2. Immediately following the adoption of the Strategy by a given local authority, the new developer contribution rate will apply to all relevant applications within the 5.6km zone, determined after that date within the authority's area. It is anticipated that all Solent local authorities will have adopted the Strategy by the end of March 2018.
- 6.3. That developer contribution will be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Solent Special Protection Areas (see map below) unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that it will provide alternative 'bespoke mitigation' which will fully mitigate the recreational impact of the development.
- 6.4. In this context, 'dwelling' includes net new dwellings created through the sub-division of existing dwellings, second homes, dwellings to be used as holiday accommodation, self-contained student accommodation, and new dwellings created as a result of approval granted under the General Permitted Development Order e.g. change of use from office to residential (including houses and flats). It includes permanent accommodation for gypsies and travellers; temporary/transit pitches will be assessed on a case-by-case basis by the local planning authority in consultation with Natural England.
- 6.5. In the case of self-contained student accommodation, a case by case approach is taken because it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order^b). The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.
- 6.6. Whilst these units of accommodation are assessed on a case by case basis, not purely on their numbers of bedrooms, a general model for calculation follows: As the average number of study bedrooms in a unit of purpose built student accommodation is five, for the purposes of providing SPA mitigation, every five study bedrooms will be considered a unit of residential accommodation and charged accordingly (i.e. 50% of the rate of the 5 bedroom property charge). However, the final figure will be derived in consultation with Natural England and the local planning authority and developers are urged to hold early discussions with them on this matter.

^b https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

The 5.6 kilometre zone around the Solent Special Protection Areas



- 6.7. Some housing schemes, when accounting for their scale or relationship with the SPAs, may need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance/mitigation of impacts on the SPA. A very large scheme could have a disproportionate impact on particular sections of coast compared to the dispersed impact of smaller schemes providing the same overall number of new homes. Similarly, mitigation in addition to the standard developer contribution may be needed for new dwellings which are close to the SPAs because the occupants are much more likely to visit the coast with the potential for a greater impact.
- 6.8. Other influencing factors that might be considered in the need for additional mitigation could include (but are not be limited to), existing access to inter-tidal areas, type of frontage - beach, sea wall, adjacent habitats - deep mud or shingle/sand, the height of the site in relation to the inter-tidal level and proposed design of the new scheme. Therefore even very modest housing schemes could have a greater impact, whilst some larger schemes may have less of an impact due to their specific location. The assessment as to whether a particular scheme will require additional mitigation is complex and will depend on a range of factors so it is not possible to say, as part of Strategy, when development will need to provide further measures. The local planning authority, with advice from Natural England, will consider the mitigation requirements for such housing proposals on a case-by-case basis. Developers are encouraged to hold early discussions with Natural England and the local planning authority on the mitigation which will be needed for such schemes.
- 6.9. The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is bases around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential

accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

- 6.10. New hotels and other holiday/tourist accommodation - defined as both wholly new establishments and extensions of existing ones - is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the local planning authority in relation to the 'tests' set out in the paragraph above. Mitigation is unlikely to be required for new hotel accommodation in a city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast. On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend some time walking or pursuing other recreational activities at the coast.
- 6.11. Where mitigation is deemed to be necessary for new hotel and other holiday/tourist accommodation, the 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 6.1 above. Such contributions will be pooled and spent on mitigation measures in the same way as developer contributions from new dwellings.
- 6.12. This scope of this strategy is mitigating the recreational impact of new residential-related accommodation on the Solent Special Protection Area(s). Separate mitigation may be required for other impacts which may arise from new housing, e.g. impacts on water quality, noise disturbance, high buildings obstructing bird flight lines, loss or damage to supporting habitats. Those will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage to identify whether, and if so what, mitigation is required. However, developers are encouraged to hold early discussions with Natural England and the Local Planning Authority

A sliding scale of developer contributions?

- 6.13. Currently, the same developer contribution is paid irrespective of property size - a 'flat rate' contribution. However, larger properties can accommodate more people, with the potential for a larger number of visitors to the coast, creating a higher level of impact so a sliding scale of contributions has been developed to reflect this. There are practical difficulties with trying to vary it by floorspace or sale price, but for some SPA mitigation strategies elsewhere in the UK, it has been determined fairest that the developer contribution varies according to the number of bedrooms in the new property.
- 6.14. So instead of a £564 flat rate, the Partnership will use a sliding scale of contributions. This will be:-
- £337 for 1 bedroom dwelling
 - £487 for 2 bedroom dwelling
 - £637 for 3 bedroom dwelling
 - £749 for 4 bedroom dwelling
 - £880 for 5 bedrooms or more

6.15. 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. The methodology used to calculate the figures is based on that developed by LPA's within the Thames Basin Heaths mitigation scheme. It accounts for the existing occupancy of properties and the projected mix going forward based on a sample of authorities within this area. These will be reviewed every two years throughout the duration of the Strategy.

7 Implementation, governance and reporting

Implementation

- 7.1. The developer contributions are paid to local planning authorities. Each authority decides which legal mechanisms to use to secure the developer contributions from schemes in its area and the potential for phased / staged payments in relation to specific proposals.
- 7.2. The authorities pool the developer contributions received and implement the mitigation measures through the Solent Recreation Mitigation Partnership. The contributions received by the authorities are transferred quarterly to the Partnership.
- 7.3. The Partnership sets a budget for each year, including the amount to be transferred that year into the in-perpetuity fund (see paragraph 5.13). Some money will be held in reserve at all times to cushion against variations in the amount of developer contributions received each quarter: such variations are inevitable due to market-driven fluctuations in the number of sites/development phases on which construction begins. The value of the contributions received by the Partnership each year and details of all expenditure, are set out in an annual statement of accounts.
- 7.4. The higher developer contribution will mean increased funding for mitigation. However, many developer contributions are only paid on the commencement of development, so there is a time delay between a planning permission being granted and the money being paid to the authority. For some schemes this can be a matter of weeks; for others it can be several years. So that time delay will mean that the amount of money received by the Partnership will increase only gradually over the next 2-3 years. This will constrain the implementation of mitigation measures in the short term: so, for example, it will probably not be possible to have the full ranger team in place until 2019 or 2020.

Governance

- 7.5. The Partnership's management structure comprises a small Project Board of senior officers and a Steering Group which includes an officer from each of the nineteen partner organisations. The Project Board sets the Partnership's overall direction and budget. Working within those, the Steering Group manages the operational tasks. The Partnership Manager has delegated responsibility for managing day-to-day activities.
- 7.6. Further details of the composition and roles of the Project Board and Steering Group are in the Partnership's Terms of Reference, which can be seen at: <http://www.birdaware.org/CHttpHandler.ashx?id=27311&p=0>
- 7.7. The governance, political steer and oversight of the Solent Recreation Mitigation Partnership (SRMP) is provided by the Partnership for Urban South Hampshire (PUSH) with the involvement of representatives of the three local planning authorities which are not members of PUSH - Chichester District Council, New Forest National Park Authority, and South Downs National Park Authority. This is done through reports to the PUSH Joint Committee, which comprises the Leader of each PUSH authority supported by their Chief Executive. A representative from each of the three non-PUSH authorities is invited to participate in the Joint Committee meeting whenever there is discussion of a SRMP-related matter.

Reporting

- 7.8. Normally, the SRMP presents two reports each year to the PUSH Joint Committee: one to seek approval for the proposed SRMP budget and Project Board membership for the ensuing year, and the other to seek approval of the SRMP's Annual Report. Those reports to the PUSH Joint Committee can be seen at: http://www.push.gov.uk/work/latest_joint-committee.htm
- 7.9. The Annual Report records the progress made in implementing the mitigation measures and summarises the conclusions of completed monitoring. It also contains the statement of accounts for the preceding year and the budget for the coming year. It is published immediately after approval by the PUSH Joint Committee.
- 7.10. Partnership reports on research and monitoring are published as soon as they have been completed.
- 7.11. All those reports, this strategy, and a range of other documents/information can be seen on the SRMP's website at: www.birdaware.org

Review

- 7.12. The Strategy seeks to provide mitigation for development planned until 2034. In order to keep the Strategy relevant throughout this period, regular strategic reviews will take place every 5 years from implementation (or more frequently if changes in legislation or evidence necessitate). This will allow for lessons learnt, new best practices and variations over time to be incorporated into the Strategy, making it more relevant for longer. Following each review, an update report will be made available on the website.

Appendix A: Calculation of number of new dwellings mitigated

- A1. This strategy has been prepared to mitigate the 63,684 new dwellings which are planned between 2016 and 2034 - an average of 3,538 per annum. This estimate is derived from the PUSH Spatial Position Statement which looks to 2034^c and an assumed continuation to 2034 of the currently planned building rate in the three non-PUSH authority areas.
- A2. The PUSH Spatial Position Statement envisages an average of 4,537 new dwellings each year in the whole PUSH area. It is estimated that around 3,195 of these could be located within 5.6km of the Special Protection Areas. This estimate is based on information provided by the local planning authorities for a sub-regional transport model which uses localised zones and thus provides a reasonably good basis for calculating development within 5.6km. Working from these figures has provided the best available estimate.
- A3. In the three non-PUSH authority areas - Chichester District, New Forest National Park, South Downs National Park - the currently planned building rate is a combined 343 dwellings per annum. The adopted Local Plans for those three areas only look ahead to varying dates between 2026 and 2031, so for the purpose of this strategy it is assumed that the currently planned rate of 343 dwellings per annum will continue to 2034.
- A4. Therefore, the figure for the whole Partnership area is 3,538 per annum - a total of 63,684 between 2016 and 2034.

^c View at: www.push.gov.uk/work/planning-and-infrastructure/push_spatial_position_statement_to_2034-2.htm

Appendix B: Criteria for Suitable Alternative Natural Greenspaces (SANGs)

The following guidelines have been created to reflect responses to Solent specific research and may further evolve over time as more research is undertaken.

These guidelines are focused towards strategic SANGs, rather than bespoke mitigation packages for individual developments and include locational criteria for siting wholly new sites, and criteria for their design and facilities. The latter criteria are also relevant to projects to enhance existing strategic sites: they set out the priorities for new facilities to be provided, and the improvements to be made to the layout and design. The guidelines take account of the research findings¹³ on the features/facilities which would make an alternative site attractive to people seeking places for recreation. Monitoring is being undertaken at the strategic SANGs which will further inform future SANG design.

Locational criteria

Essential

- a wholly new site or an enhancement of existing public open space if the site is currently underused and has substantial capacity to accommodate additional recreational activity or could be expanded, taking into account the availability of land and its potential for improvement;
- be in a location where it will divert visitors especially dog walkers away from sections of SPA coast which are sensitive to additional human disturbance and where a significant increase in visitors is predicted;
- be located where it will attract visitors who would otherwise have gone to those sections of coast ^d;
- be large enough to include a variety of paths which enable at least one circular walk of at least 5 km (approx. a 60 min walk);
- be in a location where a SANG would be acceptable in terms of planning policy and traffic generation, and would not have an unacceptable impact on biodiversity e.g. a nature conservation site protected under a local or national designation;
- be sufficiently large to be perceived as a cohesive semi-natural space, offering tranquility, with little intrusion of artificial structures (except in the immediate vicinity of car parks) and with no unpleasant intrusions of other kinds e.g. wastewater treatment odours;

Desirable

- has views of the sea which are not too distant or includes a sizeable water feature;
- has a varied topography with some gentle slopes, a mix of open and wooded areas, and a focal point such as a viewpoint, monument etc.

Criteria for design and facilities

Essential

- includes a variety of paths which enable at least one circular walk of at least 5km (approx. a 60 min walk);

^d Generally, proposals will be within the Partnership area but sites located just outside might be considered.

- includes adequate car parking for visitors with that car parking being well located in relation to the road network;
- be clearly signed at access points and at key junctions on the surrounding road network, with an information panel at each access point which explains the layout of the SANG and the routes available to visitors.
- access points for visitors arriving on foot must be well located in relation to nearby residential areas;
- designed so that the SANG is perceived by users as a cohesive semi-natural space which is safe and easily navigable;
- paths must be clearly discernible, well signposted/waymarked, and have firm, level, well drained surfaces (albeit unsealed to avoid any 'urban feel') in order to be useable throughout the winter;
- movement within the SANG must be largely unrestricted, with plenty of space away from road traffic;
- Dogs are welcome and the majority of the sites is suitable for safe off-lead dog exercise.
- Dog swimming area.
- Dog waste bins.

Desirable

- car parking would be free of charge in the winter and preferably all year round;
- has multiple access points and with car parking at each rather than in a single location;
- incorporates innovative and attractive dog walking facilities such as dog activity trails, agility courses, enclosed off-lead training/exercise areas, dog washing facilities.

Appendix C: Resource costs

The table below sets out the estimated annual costs of each expenditure item, for the period up to 2034 and during the in-perpetuity period thereafter.

Expenditure item	Up to 2034	After 2034	Notes
All-year rangers	200,000	200,000	5 posts @ £40k pa ^e
Extra salary payment for Lead Ranger	5,000	5,000	
Branded vehicles for all-year rangers	25,000	25,000	£5k pa each (all-year rangers only)
Winter-only rangers	42,000	42,000	2 posts @ £21k pa
Sub-total	272,000	272,000	
Communications & education post and Dog Walking Initiatives Post	63,000	-	Total of 7.5 days per week
Combined communications, education and dog walking initiatives post	-	21,000	2.5 days per week
Partnership Manager	30,000	-	3 days per week
Operating budget	60,000	30,000	
Monitoring	30,000	15,000	
Site specific visitor management projects	400,000	-	
Maintenance of capital projects	20,000	20,000	5% of the £400k projects funding
Contingency	10,000	5,000	
Total expenditure	885,000	363,000	
In-perpetuity funding for expenditure beyond 2034	1,111,000		See Appendix D
Grand total	1,996,000		
Divided by number of new dwellings	3,538		See Appendix A
Developer contribution - £ per dwelling	564		

Notes

All the figures are at 2016 prices: the developer contribution is index linked, so that annual increase will cover inflation-related rises in the above figures.

The winter-only rangers costs provide for their employment for seven months from 1 September, in order to allow one month for training and familiarisation ahead of winter patrols between 1 October and 31 March.

Each all-year ranger will have a small van to transport equipment for displays to local events etc. The seasonal rangers will use their own vehicles to get to sites.

All the staff cost figures include the employer's national insurance and pensions contributions, office accommodation, IT costs, as well as the individual's salary.

The operating budget will cover website development and maintenance, graphic design and printing costs, display/exhibition materials, consultancy support. for all communications/education, dog walking initiatives and generic Partnership activities.

^e This cost does not represent the Rangers salary level as it also includes other employment costs such as uniform, office space, national insurance and pension contributions.

Appendix D: In-perpetuity funding

D1. Paragraphs 5.9 - 5.10 explained the need to fund the key mitigation 'in- perpetuity' - defined in agreement with Natural England as 80 years beyond 2034 i.e. to the year 2114. In summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in- perpetuity fund' will grow each year through those annual cash transfers and the interest earned, such that by 2034 it will be sufficiently large to fund the mitigation measures every year thereafter. This Appendix provides more details of methodology and assumptions used in the in-perpetuity funding calculations.

Creating the in-perpetuity fund

D2. The amount of money which needs to be transferred into the in-perpetuity fund each year to 2034 is determined by the annual cost of the mitigation measures during the ensuing in-perpetuity period (£363,000 - see Appendix C) and predicted interest rates during that same period. Capita - a leading expert body which provides financial advice to many of the Solent local authorities - predicts that interest rates will rise from 0.25% in 2018/19 to 2.50% in 2024/25, and thereafter remain at 2.50%.

D3. As explained in paragraph 7.4, the amount of money received by the Partnership will only increase gradually over the next 2-3 years. Taking that into account, the £122,000 which was transferred into the in-perpetuity fund in 2016/17 needs to rise to £1,110,000 in 2020/21 and each year thereafter, in order that the value of the fund in 2034 is sufficiently large to fund the planned expenditure during the ensuing in-perpetuity period.

D4. The table below shows the situation in 2016/17 and 2017/18, and the predicted situation in the final year 2033/34. All the figures are at 2016 prices because the developer contribution is index linked and will rise with inflation. There is only space here to show three years, but full calculation for all 18 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/faqs

		2016/17	2017/18						2033/34
a	Fund value at year start	£0	£122,000						£18,790,302
b	Interest rate	0.25%	0.25%						2.50%
c	Interest generated	£0	£305						£469,758
d	Money transferred in	£122,000	£267,000						£1,111,000
e	Fund value at year end	£122,000	£389,305						£20,370,060

row (a) = (e) of previous year row

(b) = forecast interest rate row (c) =

row (a) x row (b)

row (d) = amount transferred into the fund in that year rom

(e) = (a)+(c)+(d)

Funding the mitigation measures during the in-perpetuity period

D5. At the start of the in-perpetuity period in 2034/35, the fund is predicted to have a capital value of around £20million. Spending on mitigation measures during the 80 year in-perpetuity period will be funded partly by drawing on that capital and partly from the interest earned on the remaining balance. So at the end of the in-perpetuity period in 2113/14, the capital will have reduced to around zero.

D6. This calculation incorporates an assumed inflation rate of 2% per annum during the in-perpetuity period. (That 2% rate is based on the latest OECD forecast which looks to 2060.) Factoring in that 2% assumption over an 80 year period has a big impact on the calculations. The planned spending during the in-perpetuity period is £363,000 at 2034 prices. Increasing that figure by 2% per annum means it becomes £1.74million by 2113/14.

E7. The table below shows the first and last years of the 2034-2114 in-perpetuity period. The full calculation for all 80 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/strategy

		2034/5						2113/4
a	Fund value at year start	£20,370,060						£1,888,146
b	Spent during year	£363,000						£1,735,083
c	Amount left in fund	£20,007,060						£153,064
d	Interest earned	£500,176						£4,592
e	Fund value at year end	£20,507,236						£157,656

row (a) = (e) of previous year

row (b) is the cost of the in-perpetuity mitigation measures, increased by 2% each year to allow for inflation

row (c) = (a) - (b)

row (d) = (c) x 2.5%

row (e) = (c) + (d)

Appendix E: References

1. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.7
2. Ibid. Paragraph 3.15
3. Ibid. Figure 8
4. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraph 2.9
5. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.18
6. Natural England (31 May 2013). Letter from to all local authorities
7. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.1 - 5.66
8. Ibid. Paragraph 5.6
9. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.61 - 5.63
10. Fearnley H, Clarke R T & Liley D (2010) Solent Disturbance & Mitigation Project Phase II On-site visitor survey results. Paragraph 2.26
11. Panter C & Liley D (2015) Alver Valley SANG Study
12. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 7.28 – 7.30
13. Clarke C (2016) Market research relating to initiatives to encourage responsible dog walking
14. Jenkinson S (2016) Mitigation options for influencing the behaviour of walkers with dog in the Solent area
15. Ibid. Paragraph 9.4.2.1

All these documents can be accessed via:

<http://www.birdaware.org/article/28102/Research>

CABINET

Thursday, 24 March 2022 (6:30 pm – 7:24 pm)

PRESENT:

Councillor House (Chair); Councillors Bicknell, Airey, Corben, Craig, Kyrle and Pretty

Also in attendance: Councillors Holes, Parker-Jones and Garton

RESOLVED ITEMS (SUBJECT TO QUESTIONS ONLY)84. PUBLIC PARTICIPATION

Councillor Parker-Jones asked if there was any flexibility in the Council's approach to affordable housing on the One Horton Heath development. Councillor House confirmed that the first phase affordable housing will be affordable rent and the Government's new "First Homes" product, but future phases will be reviewed at in due course. In the meantime, shared ownership homes are available on developments across the Borough, including in Horton Heath.

RECOMMENDED ITEMS (REQUIRING A DECISION)85. RECOMMENDATIONS FROM COMMITTEESIssues

Committees can refer items to Cabinet under the Council's Constitution. (Paper 4). The Bishopstoke, Fair Oak and Horton Heath Local Area Committee approved the following motion at their meeting on 9 March 2022:

This committee actively promotes and champions the establishment of a local nature reserve on land being purchased at Stoke Park Farm. To ensure the site provides a diverse range of habitats, that nitrates and other environmentally harmful impacts from its previous use are eliminated and that it remains a special place for wildlife, nature and the people of Bishopstoke, Fair Oak and Horton Heath and indeed all across the Borough in perpetuity.

Considerations

Cabinet must consider any recommendations made by Committee's as part of their decision making process.

RESOLVED -

That Cabinet note the proposed motion from Bishopstoke, Fair Oak and Horton Heath Local Area Committee.

[NOTE: Councillor Parker-Jones spoke on this item.]

86. **FREEPORT FULL BUSINESS CASE**

Issue

Freeports are a flagship HM Government programme that play an important part in the UK's post-Covid and post Brexit economic recovery. The aim is to contribute to Government's levelling up agenda by bringing jobs, investment, and high value opportunities to some of the most deprived communities across the country, whilst at the same time generating national level benefits through trade and innovation. (Paper 5)

Consideration

Eastleigh Borough Council has, to date, supported the process of establishing the Solent Freeport (Cabinet 22 February 2021), with representation by the Cabinet Member for Economy for the Council on the SFCL company from 2020/21. Since January 2022 a draft Final Business Case is being developed by the SFCL and its consultants (KPMG), with Site Specific Agreement (SSA) drawn up with the landowners agreeing to deliver the objectives of the Freeport.

RESOLVED –

That Cabinet:

- (1) Note the approved Outline Business Case as submitted to the Department of Levelling Up, Communities and Housing (DLUHC);**
- (2) Note the completion of the Site-Specific Agreement with Southampton Airport and Network rail and support the principle of staff working with Diageo to agree suitable wording with the Site Specific Agreement for Eastleigh Railway works;**
- (3) Delegate the decision to support the Full Business Case for Solent Freeport to the Executive Head of Planning and Economy in consultation with the Portfolio Lead for Economy to enable its submission to DLUHC before 15 April 2022;**
- (4) Approve the principles of the final draft Business Rate Retention Memorandum of Understanding and delegate final approval to the Executive Head for Finance and Housing and the Leader of the Council;**

(5) Approve the principles of the final draft Terms of Reference to the Investment Committee and delegate final approval to the Executive Head of Planning and Economy in consultation with the Cabinet Member for Economy; and

(6) Approve the draft Business Rates Freeport Rate Relief Scheme detailed at Appendix 5.

[NOTE: Councillor Parker-Jones spoke on this item.]

87. RESPONSE TO HAMPSHIRE COUNTY COUNCIL CONSULTATION ON APPLICATION TO EXTRACT GRAVEL AT FORMER HAMBLE AIRFIELD

Issue

The Council received notification on 18th January 2022 of an application by Cemex to extract minerals from the former Hamble Airfield site, which is allocated in the Hampshire Authorities' Hampshire Minerals and Waste Plan (HMWP) 2013 as a site for sharp sand and gravel extraction. (Paper 6)

Consideration

The Council objects to this application. Eastleigh Borough Council is not the planning authority for this application (Hampshire County Council is the planning authority for minerals and waste planning applications) and our response will be considered equally by HCC alongside all other responses. The consultation period is 21 January to 4 March 2022; HCC have indicated that responses received after this date will be taken into account.

RESOLVED –

- (1) The Council responds to Hampshire County Council's (HCC's) consultation with an objection to the Cemex application (HCC reference HCC/2021/0787) and asks Hampshire County Council's Regulatory Committee to refuse permission;**
- (2) The contents of this report be agreed as supporting evidence for the Council's objection, together with the grounds for objection agreed by the Council's Bursledon, Hamble-le-Rice and Hound (BHH) Local Area Committee (LAC) on 3 March 2022;**
- (3) The Council reserves the right to give further formal and material views on this matter in response to any further information from the developer (Cemex) and or Hampshire County Council;**

(4) The Council formally requests (via this committee report and decision) that Hampshire County Council removes the Hamble Airfield as an allocated site for minerals extraction from the Hampshire Minerals and Waste Plan; and

(5) Cabinet delegates the approval of further representations to Hampshire County Council on minor matters to the Executive Head for Planning and Economy in consultation with the Leader of the Council, Chair of the Bursledon, Hamble-le-Rice and Hound Local Area Committee, and the Chief Executive.

[NOTE: Councillor House declared a personal interest as he is a member of Hampshire County Council's Regulatory Committee. Councillor Bicknell Chaired the item. In light of the interest declared Councillor House did not take part in the debate or vote on the item.]

88. ELAC ALLOTMENT TRANSFERS

Issue

Following a Community Governance Review in 2020/2021 the making of a reorganisation order was approved by the Council on 25th February 2021. 3. A reorganisation order was made on 17th March 2021 (Appendix B) but subsequent review has resulted in revisions which are detailed below, and the proposed revised order is appended (Appendix A). 4. The revised order includes a service level agreement for the provision of services to the new parish councils by Eastleigh Borough Council and details the 6 allotments that will transfer to the new parishes by operation of law and includes provisions to transfer the Chestnut Avenue Allotments as these are non-statutory and therefore would not automatically transfer by operation of law (Paper 7).

Consideration

The Chestnut Avenue allotments detailed in schedule 3 part 1 of the revised reorganisation order are not statutory and therefore will not automatically transfer. Cabinet approval is sought for the order to include provisions for the transfer of these allotments at the same time as the statutory allotments transfer.

RESOLVED –

That Cabinet:

(1) Notes the revised reorganisation order for the creation of two new parishes in the unparished area of Eastleigh Borough and the inclusion of a service level agreement at schedule 10;

(2) Notes that the statutory allotments listed in part 2 of schedule 2 and part 2 of schedule 3 of the reorganisation order will be transferred by operation of law on 1st April 2022; and

(3) Approves the transfer of the Chestnut Avenue allotments to Eastleigh Parish Council.

89. EQUALITIES STRATEGY AND ACTION PLAN 2022-2025

Issue

The Council has legal duties and a community leadership role in the exercise of its functions to address discrimination, promote genuine equal opportunities and foster good relations between different communities in Eastleigh Borough. The Strategy and Action Plan proposes a plan to improve consideration of equalities in the workforce, services, and projects of the Council. (Paper 8)

Consideration

The Equalities Strategy and Action Plan was agreed by Cabinet in March 2021 and sets out how the Council will not only fulfil its legal duties under the Equality Act 2010, but work towards embedding an inclusive mindset within all its services, processes, and culture in order to create an approach that values every individual regardless of their background and characteristics.

RESOLVED –

That Cabinet:

(1) approve the Equality Strategy and Action Plan 2022 – 2025 at Appendix 1.

[NOTE: Councillor Parker-Jones asked a question on this item.]

90. TREE STRATEGY

Issue

On 22 July 2020, Cabinet approved the creation by the Council of a Tree Nursery to help achieve its commitment to plant 160,000 new trees by 2030. At the same time, Cabinet was informed that work was underway to produce a Tree Strategy for the Borough. (Paper 9)

Consideration

The Strategy expresses the Council's ambitions for preserving and increasing trees and demonstrates how these aims will be achieved.

RESOLVED –

That Cabinet approve the Tree Strategy for adoption.

[NOTE: Councillor Parker-Jones spoke on this item.]

91. STRATEGY FOR SUITABLE ALTERNATIVE NATURAL GREENSPACE

Issue

Increased development leads to a number of environmental and other impacts which need to be mitigated to minimise harm. One of these impacts is from recreational pressures causing erosion and disturbance on the internationally protected New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites. (Paper 10)

Consideration

While Eastleigh Borough Council does not border the New Forest National Park, technical research commissioned by local authorities in and around the New Forest shows that residents of the Borough choose to visit the area from time to time and thus risk contributing towards erosion of the habitats and disturbance of the species they support. Mitigation is required to avoid significant adverse effects on the protected sites and species and to enable planning permissions to be granted, to support wider housing delivery objectives.

RESOLVED –

- (1) Cabinet approves an interim strategy at Appendix 1 involving creating Suitable Alternative Natural Green Space (SANG) and financial contributions towards the management of visitor pressures as mitigation of the impacts of the Borough's increasing householder population on the New Forest National Park;**
- (2) Cabinet approves the allocation of land east of Allington Lane totalling 14.3 hectares for the delivery of a new SANG, subject to the necessary planning approvals;**
- (3) Cabinet approves the proposed developer contribution of £1,161 per dwelling to fund the implementation of the interim strategy; and**
- (4) Cabinet delegates an annual review of the developer contribution to the Executive Head of Environment in consultation with the Leader of the Council (as Cabinet Member for Planning and Property).**

[NOTE: Councillor Parker-Jones asked a question on this item.]

92. EXEMPT BUSINESS**RESOLVED -**

- (1) That, in pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they are likely to involve the disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act; and**
- (2) That, in pursuance of the public interest test, the public interest in disclosing the information contained in the following item of business was outweighed by the public interest in maintaining the exemption.**

93. RECOMMENDATIONS FROM AUDIT AND RESOURCES (EXEMPT)Issue

To consider recommendations from Audit and Resources Committee (Paper 12)

Consideration

The report sets out recommendations from the Audit and Resources Committee.

RESOLVED –

That the recommendations in the report be noted.

94. HOUSING ACCELERATION FUNDINGIssue

To consider the report of the Housing Acceleration Funding. (Paper 13)

Consideration

The report sets out the Housing Acceleration Funding.

RESOLVED –

That the recommendations in the report be approved.

[NOTE: Councillor Parker-Jones and Councillor Holes asked a question on this item.]

RESOLVED ITEMS (SUBJECT TO QUESTIONS ONLY)95. DECLARATIONS OF INTEREST

Councillor House declared a personal interest in item 6 as he is a member of Hampshire County Council's Regulatory Committee. Councillor Bicknell will Chair the item.

96. MINUTES**RESOLVED -**

That the Minutes of the meeting held on 17 February 2022 be agreed as a correct record.

97. ANY OTHER BUSINESS

Councillor House expressed his thanks to Councillor Airey for his contribution to Cabinet over the years and for dealing with his Portfolio with such detail and passion.

CABINET

Thursday, 24 March 2022

STRATEGY FOR SUITABLE ALTERNATIVE NATURAL GREEN SPACE

REPORT OF THE STRATEGIC PLANNING MANAGER

Recommendation:

It is recommended that:

- 1. Cabinet approves an interim strategy at Appendix 1 involving creating Suitable Alternative Natural Green Space (SANG) and financial contributions towards the management of visitor pressures as mitigation of the impacts of the Borough's increasing householder population on the New Forest National Park;**
- 2. Cabinet approves the allocation of land east of Allington Lane totalling 14.3 hectares for the delivery of a new SANG, subject to the necessary planning approvals;**
- 3. Cabinet approves the proposed developer contribution of £1,161 per dwelling to fund the implementation of the interim strategy.**
- 4. Cabinet delegates an annual review of the developer contribution to the Executive Head of Environment in consultation with the Leader of the Council (as Cabinet Member for Planning and Property).**

Summary

Increased development leads to a number of environmental and other impacts which need to be mitigated to minimise harm. One of these impacts is from recreational pressures causing erosion and disturbance on the internationally protected New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites.

While Eastleigh Borough Council does not border the New Forest National Park, technical research commissioned by local authorities in and around the New Forest shows that residents of the Borough choose to visit the area from time to time and thus risk contributing towards erosion of the habitats and disturbance of the species they support. Mitigation is required to avoid significant adverse effects on the protected sites and species and to enable planning permissions to be granted, to support wider housing delivery objectives.

In September 2021 the Cabinet approved the principle of a package of mitigation measures to mitigate the impact. This paper sets out an interim strategy to address the

impact of new development until March 2027. It is based on the delivery of proportionate Suitable Alternative Natural Green Space (SANG) in the Borough to divert recreational pressures away from the New Forest protected areas, and financial contributions to managing the impact of those visitors that nevertheless will still choose to visit them. The SANG strategy will be focused on a new publicly accessible SANG on the One Horton Heath project site and adjoining former farmland to the north of Itchen Valley Country Park and improvements to the existing Itchen Valley Country Park. It will be funded by a contribution from all new residential development permitted in the Borough.

Statutory Powers

The Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

Town and Country Planning Act 1990

Strategic Implications

1. The decision in this report supports the Green Infrastructure, Housing and Health and Wellbeing objectives in the Corporate Plan 2015-2025. It also supports the aims of the Climate and Environmental Emergency Action Plan by protecting important habitats.
2. The Council's Corporate Strategy (Housing) (2018) includes the aim of ensuring there is a planned housing supply to meet residents' requirements for new housing in the Borough. Policy DM11 in the emerging Local Plan commits the Council to implement a mitigation strategy to address the impact on the New Forest protected sites.

Introduction

2. Local Planning Authorities have a legal duty through the Conservation of Habitats and Species Regulations (2010) as amended (known as the Habitat Regulations) to ensure that development does not have an adverse effect on designated sites supporting internationally important species and habitats. This includes Special Protection Areas (SPAs) which are designated for certain bird species they support and Special Areas of Conservation (SACs) and Ramsar sites which are designated for their habitat. A large proportion of the New Forest is designated as SAC, SPA and Ramsar sites (referred to in this report as the 'New Forest protected sites').
3. Recent research has defined a catchment area from within which 75% of visits to the New Forest protected sites originate. This catchment includes most of Eastleigh Borough. This research provides evidence for the first time that there is a potential impact from residents of new development in the Borough visiting these sites.
4. The Council has been working in partnership with adjoining authorities, Natural England, the Forestry Commission and other wildlife organisations on

a strategic approach to address increased recreational impacts associated with new residential development within the catchment of the protected sites. Until this strategic approach is delivered, an interim mitigation package is required for Eastleigh to provide a way forward in considering planning applications.

Background

5. The Council has recently undertaken a programme of land acquisition as part of its environmental and ecological strategy and as part of solar farm proposals. Areas of land have been purchased to address issues relating to biodiversity net gain, nitrates, phosphates, tree planting and woodland creation, solar energy and the impact of recreation on the New Forest protected sites. This has required close working between different teams in the Council including Planning, Ecology, the Countryside Service, Asset Management and Project Management and this will continue as the strategy is implemented.
6. This proactive approach enables the Council to develop a comprehensive approach across the Borough and to consider opportunities for land uses which meet a number of sustainability objectives. It provides a strategy for developers to contribute to and does not rely on developers' on-site provision to address strategic issues which often require a larger land area than can be accommodated on individual development schemes. This strategy will enable development to continue within the Borough whilst mitigating its environmental impact.
7. Natural England has advised the Council that there is a likely significant effect from any additional residential development within the Borough on the New Forest protected sites based on additional visits from residents of new residential development. This is significant enough that objections are being raised by Natural England to all planning applications for new dwellings until satisfactory mitigation measures are put in place. Policy DM11 in the Emerging Local Plan commits the Council to implement a mitigation strategy to address the impact on the New Forest protected sites. This report seeks Cabinet approval for an interim strategy containing a package of mitigation measures for the impacts of new residential development in the Borough.
8. The Council has been working in partnership with adjoining authorities, Natural England, the Forestry Commission and other wildlife organisations on a strategic approach to address recreational impact. The first phase of this work created an evidence base on the visits undertaken to determine where visitors came from and why they visited. Around two thirds of Eastleigh Borough residents surveyed reported that they had visited New Forest protected sites in the last 12 months. The research found that across the whole area surveyed the visit rate per household declines dramatically with distance from the protected sites especially over the first few kilometres and the impact of each additional new house declines with distance. Eastleigh households made between 40-50% fewer visits than the average of all households within a 25-kilometre distance (an average of 25 visits per annum compared to 48 visits per annum across the area).

9. The partnership is considering how to progress this work to agree a strategic approach and the structures needed to implement strategic measures. Some of the local authorities involved in the partnership have full mitigation strategies already in place including the New Forest National Park Authority. The approach will therefore need to address existing strategies and provide a proportionate solution to reflect the different levels of impact across the partnership area. Until this strategic approach is delivered, an interim mitigation package is required for Eastleigh to provide a way forward in considering planning applications. The interim strategy addresses impact to March 2027 to provide sufficient time for the wider strategic framework to be agreed, to undertake additional monitoring and surveys and in order to demonstrate the deliverability of the measures identified. The full strategy will refine the approach and the costings and will consider the effectiveness and delivery of measures from the interim strategy.

Interim strategy

10. Council officers have had ongoing discussions with Natural England while developing a package of mitigation measures to address impacts of new residential development within the Borough. The interim strategy involves two components; the delivery of Suitable Alternative Natural Greenspace (SANG) within the Borough to provide an attractive local alternative to visiting the designated sites, and financial payments to the New Forest National Park Authority. This will fund Strategic Access Management and Monitoring (SAMM) of visitors who still choose to visit the designated sites.
11. Research has shown that 75% of all day visitors to the New Forest protected sites come from within a zone of 13.8km around the boundaries and therefore that all further residential development within this catchment zone is likely to have significant adverse effects on the designated sites. This includes most of Eastleigh Borough which generally falls between the 5-10 and 10-15km zones. The interim strategy will therefore apply to residential development within this catchment zone (i.e. up to 13.8km), shown in Appendix 2. This includes residential development that requires Reserved Matters approval.
12. There may be an impact from larger developments (covered by the Environmental Impact Assessment regulations) within the 13.8km-15km zone and applications for these should be screened to consider whether mitigation is required. There is also a potential impact from other development such as new hotels and development in C2 Use Class (residential institutions). This development is not covered by this interim strategy and proposals within the 13.8km catchment zone (and larger EIA development within 15km) will be assessed on a case by case basis.
13. One option discounted was for developers to pay contributions entirely to the New Forest National Park Authority to employ further rangers, for more land management and for the education of users directly in the National Park. It is considered more beneficial however, both to the National Park and to the Council's residents and businesses, if recreational activity can predominantly remain in Borough and so avoid impact on the New Forest. In addition to enabling new residential development to come forward, development of

SANG within the Borough would have a significant economic and health benefit for all Borough residents. Dedicated recreational green space encourages healthier lifestyles, helps to minimise travel outside of the Borough and boosts the local economy.

14. It is therefore recommended that Cabinet approve an interim strategy that includes seeking developer contributions for:
 - (a) The creation and ongoing maintenance of 27.1 hectares of SANG within the Borough made up of 14.3 hectares of new SANG land on Allington Lane and improvements to Itchen Valley Country Park; and
 - (b) The funding of the equivalent of one full-time ranger post in the New Forest National Park until March 2027 to address the impact of the residents from new development in the Borough who will wish to continue to visit the New Forest because of its special landscapes and wildlife.
15. The map at Appendix 3 shows the relationship between the area of proposed SANG land at Allington Lane and Itchen Valley Country Park, together with other land parcels currently in the Council's ownership.
16. Land east of Allington Lane that is part of the One Horton Health (OHH) development is currently considered open space and not required for development, and is therefore available for use as SANG. This is subject to full determination of land usage to ensure that the Council can bring forward this development. The OHH Project team have advised of the possibility of parts of this land being required for uses including to create a landscape buffer zone adjacent to residential development or wetland creation in order to mitigate nutrient impacts of development. If the amount of SANG being created in this area decreases, the Council will identify equivalent alternative locations for SANG creation in accordance with the strategy.
17. The total developer contribution required is £1,161 per dwelling, reviewable annually. Calculations for this figure are shown at Appendix 4. This will be index-linked, paid to the local planning authority on commencement of development and secured via a s106 legal agreement. The contributions will fund SANG projects and the funding of one ranger post and can be pooled.
18. The contributions are based on the costs involved in delivering a new SANG or improving the attractiveness of an existing green space including infrastructure and landscaping and associated costs, ongoing management and maintenance of the infrastructure, and monitoring. The Council will retain flexibility to use the contributions to deliver appropriate SANG in the Borough which may include improvements to deliver SANG on other sites not only Itchen Valley Country Park.
19. In the event that the Council is not able to create sufficient SANG at Land east of Allington Lane and Itchen Valley Country Park, there are other places in the borough which may be brought forward using Council land holdings. The Council's approach in the interim strategy is where possible to use land in its

ownership (where this does not conflict with other competing land uses) and to improve existing greenspace.

20. The interim strategy will also provide an opportunity for developers to deliver their own bespoke mitigation package as an alternative to the financial contribution. This will need to be agreed by the Council in consultation with Natural England and must demonstrate that the measures contained provide additional capacity and deliver an appropriate alternative to visits to the protected sites.

SANG requirements

21. Natural England published revised guidance on SANGs in August 2021. In summary a single SANG must be a minimum size of 4ha, offer a range of informal recreational activities such as dog walking, running and spending time in nature including a choice of 2.3 - 2.5km circular walks, be designed to be perceived as safe, have way-markers, be well linked to footpaths and make provision for a car park. A semi-natural looking landscape with plenty of variation is desirable with little intrusion from artificial structures to provide a similar countryside experience as visiting parts of the New Forest.
22. The amount of SANG required to mitigate the impact of new development is generally calculated based on a requirement of 8ha per 1,000 additional population. However, this standard applies to new developments within the greatest zone of impact (based on the original SANG scheme for the Thames Basin Heaths SPA where 75% of all day visitors originated within 5km). While some parts of the Borough are within the New Forest's 5km zone of impact measured in a straight line, they are separated by Southampton Water. Much of Eastleigh Borough, including the One Horton Heath development site, is 10-15km away with alternative destinations closer by. As the research shows that the level of trips reduces with distance away from the New Forest, it is not appropriate to base the interim strategy on this standard. It is instead based on both the number of additional households and the number of additional visits to deliver proportionate mitigation to address the impact, as explained below.
23. The Footprint Ecology research includes a variety of data which can be used to estimate the additional visits from the Borough. Taking a precautionary approach based on the highest estimate (from the telephone survey undertaken across the subregion including Eastleigh residents), the average number of visits from each household in the Borough is 25 visits each year. This is just under one quarter of the average number from households in New Forest district (105 visits) which is predominantly within the 0-5km zone. The interim strategy is therefore based on a 25% contribution toward the total SANG required, equating to 2ha/1,000 of additional population. The Council expects 13,500 new residents to be living in the Borough by 2027. Therefore a total of 27.1 hectares of SANGs (new or improved existing greenspace) is required to address the impact of development to March 2027.

Natural England view

24. The Council considers that this interim strategy is effective, robust and proportionate. It is based on a reduction in the level of SANG provision per household to reflect evidence showing a decrease in visits with distance away from the New Forest protected sites. While Natural England support the provision of SANG in the Borough, they have advised using the 8ha/1,000 population standard to calculate the SANG requirement to address the impact on the New Forest. They advise that this is the most precautionary approach and it ensures effective SANG provision. This would require the same area of SANG per 1,000 population in Eastleigh Borough as in for example New Forest district.
25. The 8ha/1,000 population standard is based on research at Thames Basin Heaths about the density of people using SANG and providing a level of 'semi-naturalness'. This standard has provided the starting point for the interim strategy which has subsequently been refined as it does not reflect the distance from the protected sites and the number and type of trips that would be diverted. The Council does not consider that the 8ha/1,000 standard provides a proportionate approach based on recent evidence.
26. The Council will continue to work with Natural England to develop the full strategy. This will consider the effectiveness of the measures within the interim strategy and use monitoring and survey data to supplement the existing evidence base.

SANG sites

27. The proposed SANG sites within the Borough are located east of Allington Lane and at Itchen Valley Country Park, and on land shown in Appendix 3 (page 12) of the attached strategy (See Appendix 1).
28. Council officers have considered the scope to repurpose land previously identified solely for nitrates mitigation to deliver new SANG within the Borough. This follows confirmation from Natural England that this would not reduce the number of nitrate credits available on the land. An area of land east of Allington Lane has been identified which will deliver 14.3 hectares of new SANG. This is considered suitable for a new SANG to deliver greenspace close to new development.
29. The new SANG will provide public recreational space and improved links into the wider footpath network. It comprises part of the One Horton Heath site (approximately 5 hectares currently designated in OHH plans an area of ecological mitigation, consistent with this proposed use) and adjoining farmland in Council ownership (10 hectares). The land includes Hearts Copse, a 3.3 hectare SINC, criteria 1A Ancient Semi-natural woodland. There is an existing public right of way through the sites between Burnetts Lane and Allington Lane (West End FP3).
30. The components required to deliver SANG on the site following the removal of debris and tree safety work have been identified. This will include a circular

gravel surfaced path, 10-15 car parking spaces, benches and signage, with boundary treatment as required to include enclosed fencing and designed to screen the SANG and maintain its character. The capital and initial set up costs of creating this new SANG on Council owned land is approximately £2.0 million. In addition to funding these costs, the calculation includes management and contingency costs and annual costs for maintenance in perpetuity (for 80 years). In order to fund both the initial and ongoing costs for this period, the total cost increases to approximately £5.6 million.

31. Alongside the creation of new SANG, there is scope to increase the recreational capacity of existing greenspaces so they can function as SANG or increase the amount of SANG available. Itchen Valley Country Park is an existing open space at the centre of the Borough with public access. The Country Park contains a mix of water meadows, woodland and meadows, it is suitable and very popular for dog walking, and provides a range of walking routes and circular trails. It has scope to increase its capacity through improvements to make it more attractive for visits otherwise made to the New Forest, notably for families looking for a destination for a half or full day out.
32. The Itchen Valley Country Park Masterplan identified improvements to both increase the overall capacity and to extend the season and increase its attractiveness in the winter months. Contributions will bring forward improvements to increase the amount of SANG available including new car parking spaces, improvements to existing footpaths and new signage and interpretation boards. The interim strategy will contribute £704,000 to implementing these improvements. A planning application for the proposals in the Masterplan will be submitted in Summer 2022.
33. At this stage, the area of SANG identified will address the impact of development to March 2027, including approved residential development that requires Reserved Matters approval. Further SANG will be required to address development beyond this time period and the Council will continue to bring forward a pipeline of land when the interim strategy is in place.
34. The contribution collected includes costs for monitoring to check the implementation of the measures and their costs and to assess their effectiveness. This will include the costs to install automatic counters within SANGs to provide information on visitor numbers and staff costs to check and analyse the data. There is scope to undertake a survey of the number of visits made to the New Forest protected sites by Eastleigh residents to supplement the recent survey findings.
35. The contribution required to deliver SANG is based on costings from other Eastleigh projects and other similar schemes with allowances included where necessary. The Council will reconsider the SANG contribution in 12 months' time to take into account updated costs once the detailed design has been finalised. This will be part of a general review of mitigation requirements and reflect new national guidance on the delivery of mitigation land which is expected to be published within the next year.

Financial Contributions to the New Forest Ranger Provision

36. The interim strategy focuses strongly on the delivery of more local and convenient alternatives to visiting New Forest protected sites. However it is recognised that residents of new development in Eastleigh Borough will want to visit the New Forest protected sites due to their scenery, wildlife interest and views.
37. There is currently a limited programme of access management in place within the National Park to address the impact from residents of new development. Appropriate measures could range from the management of paths and tracks and parking revisions to the provision of rangers. Further work is required at a partnership level to assess the specific measures required and level of contributions needed to mitigate the impact of people travelling from further afield including Eastleigh borough. Until a comprehensive strategy is agreed by all authorities, the Council is proposing a similar approach to New Forest District Council who have a higher number of annual visits (approximately 37,500 compared to 28,000 visits) and collect contributions to employ one full-time ranger alongside other access management infrastructure. The interim strategy therefore proposes funding the equivalent of one ranger post including salary and additional costs for 5 years.
38. The funding of this post is intended to supplement the existing ranger team employed by the National Park Authority who will manage the post. Rangers provide face to face interactions with visitors, prepare resources, undertake visitor surveys and potentially get involved in practical projects. This level of funding will be guaranteed for the period of the interim strategy. The funding will be ringfenced to be spent on ranger provision, however the National Park Authority will have flexibility to decide whether to use the funding on a full time ranger post or two seasonal rangers.
39. This contribution is a precautionary approach to reflect the growth planned and the number of visits from the Borough. This contribution will be refined in the full strategy and reflect ongoing work by the partnership on the strategic approach.
40. The New Forest National Park Authority has provided a formal response that welcomes the proposal and is supportive of the proposed ranger role within the New Forest's designated sites. Based on their experience of similar roles, they have advised that the costs of delivering the role is £45,000. They will work with the Council to set up a Service Level Agreement and report back to confirm that the ranger has been employed and is in post and the activities undertaken.

Cost of mitigation

41. The cost of the interim strategy is £1,161 per dwelling, to be paid by developers, index linked and secured through s106 agreement. Calculations and components of this cost are set out in summary a below and in further detail in Appendix 4.

42. The SANG component comprises capital items and associated costs to set up the new SANG at Land east of Allington Lane, maintenance and management in perpetuity (80 years), an allowance for works at Itchen Valley Country Park including visitor signage, interpretation and welcome.
43. The SAMM (Strategic Access Management and Monitoring) component to be spent in the New Forest National Park itself comprises £45,000 per year for the duration of the interim strategy as agreed with the National Park Authority.
44. There are additional monitoring costs of £50,000 per year for the duration of the interim strategy. These are in addition to the ongoing on-site monitoring costs and will specifically inform the full strategy. These include installation of automatic counters to provide accurate visitor numbers and other costs to administer and analyse surveys to supplement existing evidence on the attractiveness of local greenspace and the New Forest protected sites.

Financial Implications

45. The development of the designated SANG site(s) will require financial investment and following Cabinet approval a detailed design and business plan will be drawn up informed by ecology surveys and assessments. However, at this stage, it is anticipated that the costs of creating, managing and monitoring SANG sites will be fully funded from developer contributions.
46. Additionally, there is a requirement to pay contributions to the management and monitoring of visitors to the New Forest undertaken by the New Forest National Park Authority, in recognition that new Eastleigh residents will still visit the New Forest and in growing numbers as residential development progresses, and therefore potentially adversely impact the New Forest protected sites without these interventions. The Council has committed to providing the funding for a ranger post for the time period of the interim strategy subject to the approval of this strategy. Again, at this stage, it is anticipated that these contributions too will be fully funded from developer contributions.
47. The costs of mitigation to be borne by developers are set out in summary form below with more detail given in Appendix 4 to this report. Calculations are based on 5648 dwellings over the period of the Strategy (5yrs).

Summary of costs	Total cost	Cost per dwelling
Deliver a new SANG: Land at Allington Lane	£5,579,146	£988
Improvements to existing Country Park	£704,000	£125
New Forest ranger funding (45,000 for 5 years)	£225,000	£40

Additional Monitoring costs	£50,000	£9
Total cost	£6,558,146	£1,161

Risk Assessment

48. The interim strategy uses land already in the Council's control. The risk of not introducing this scheme is that housing delivery could stall within the Borough as planning application decisions will not be issued. The strategy can be put in place without consultation.
49. When determining whether a planning application can be granted, the Council is the competent authority and will consider the impact of development. There is however a risk of objection and legal challenge via judicial review from a third party as the strategy does not have Natural England support. There is a legal requirement for the Council to take into consideration Natural England's view. The Council has considered Natural England's view in forming this interim strategy and has set out the reasoning for a different approach to providing SANG. The Council will consider Natural England's view on individual planning applications.
50. Delivering the full SANG standard as suggested by Natural England would place extra financial burden on developers. This could threaten the viability of their development, or reduce their contributions for other important mitigations: highways, community infrastructure, air quality, public art etc. The Council's approach helps to mitigate this risk by introducing an interim strategy which is robust and proportionate and places lower burden on developers.
51. The proposed SANG land identified in this strategy at the One Horton Heath site is currently designated for ecological mitigation. If final determination of land use (e.g. for wetland creation, landscape buffering, footpaths, parking) is incompatible with SANG creation, the Council will identify equivalent land in other an location within the Borough, e.g. at Windhover Meadows, for SANG creation.

Equality and Diversity Implications

52. An Equality Impact Assessment was undertaken on the Local Plan and its proposed modifications. The interim strategy implements a requirement set out in the Local Plan policy and has no equality and diversity implications. The detailed design will consider suitable car parking provision, safe walkways and disabled access to address any potential impacts.

Climate Change and Environmental Implications

53. The proposals contained within this report will have a positive impact on the environment. By seeking to provide SANG to encourage residents to stay within the Borough for their recreational visits, there will be a reduction in car journeys to the New Forest and other destinations. Furthermore the approach proposed aims to prevent harm to important habitats from development.

Conclusion

54. The Council, in implementing its planning functions, has a number of legal requirements to satisfy. This includes obligations in relation to certain nature conservation designations. With regard to the Habitats Regulations and the New Forest SAC, SPA and Ramsar sites, mitigation is required as a result of the in-combination effect of new housing through recreational pressures. As such an interim mitigation package has been proposed to provide a way forward in considering applications in the short term.
55. It is recommended that Cabinet approve the interim strategy and the principle of creating SANG within the Borough through using land within the Council's ownership at land east of Allington Lane and making equitable and proportionate financial contributions to visitor management and monitoring schemes within the New Forest.

DICCON BRIGHT
STRATEGIC PLANNING MANAGER

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Appendices Attached: 2

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

Appendix 1 Interim Mitigation Strategy to address recreation impacts on New Forest protected sites

Appendix 2 New Forest mitigation catchment zone (13.8km) and screening zone (13.8-15km)

Appendix 3 Map of proposed SANG land east of Allington Lane and at Itchen Valley Country Park, also showing other Council land holdings.

Appendix 4 SANG contributions calculations and Business Case