

# Chichester District Council

Development Plan and Infrastructure Panel

20 November 2024

## Bird Aware Solent Revised Strategy and Financial Review

### 1. Contacts

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### 2. Executive Summary

Chichester District Council is a member of the Bird Aware Solent Partnership. This report outlines the steps undertaken to review the work and finances of Bird Aware Solent and seeks approval from Cabinet, following consideration by the Development Plan and Infrastructure Panel, for the revised Bird Aware Strategy.

The revised Strategy has been developed following a comprehensive independent review of Bird Aware Solent and a Breeding Bird Study.

The Strategy is supported by an updated financial model and sets out the contribution levels that will be sought through S106 Agreements to provide mitigation for recreational disturbance from additional dwellings within the zone of influence for the Chichester and Langstone Harbour Special Protection Area (SPA). The scope of the mitigation set out in the revised Strategy has been increased to include summer breeding birds.

### 3. Recommendation

**That Development Plan and Infrastructure Panel recommend to Cabinet that the Bird Aware Partnership's revised Bird Aware Strategy is approved for use in the determination of relevant planning applications.**

### 4. Background

- 3.1. The Bird Aware Strategy (previously known as the Solent Recreation Mitigation Partnership Strategy) was initially endorsed by the Partnership for South Hampshire (PfSH, previously PUSH) in December 2017, then approved by Chichester District Council in March 2018; it came into operation on 1 April 2018, replacing an interim strategy which had been in operation since 2015. On 30 September 2024, PfSH endorsed a revised Bird Aware Strategy, which

is now being considered for approval by the PfSH local authorities. All Local Authority Partners who are not members of PfSH are routinely invited to participate in PfSH meetings when matters related to Bird Aware Solent are discussed.

- 3.2. Chichester District Council is an active member of the Bird Aware Partnership, with representation on the Steering Group and Project Board.
- 3.3. The current Strategy is now well established and annually delivers in excess of 650 ranger patrols talking to over 8,000 people, over 50 community events allowing the rangers to speak with a further 1,500 people and over 30 guided walks with a total of over 400 people taking part.
- 3.4. The Partnership further extends this outreach work with effective communication tools such as leaflets (6,000 delivered annually), site signage and targeted social media posts (over 10,000 followers across different platforms). Feedback shows that 97% of people who hear their messaging receive it positively.
- 3.5. Through this work (and other measures) the Partnership is able to provide effective mitigation for over 2,500 residential planning permissions annually, including all eligible ones within the Chichester plan area. The Partnership has achieved both peer and national recognition for the work it undertakes, winning several prestigious awards.
- 3.6. At the time the Strategy was endorsed, it was agreed that as well as regular 5 yearly reviews, an initial review of its effectiveness would take place within the first three years of operation. The findings of that review were presented to PfSH and approved in January 2021.
- 3.7. This report forms a more comprehensive strategy and finance review and was triggered by the findings of an independent review into the work of the Partnership, growing operational experience and emerging evidence related to breeding birds within the Solent Special Protection Areas (SPAs).

#### Findings of the Independent Review

- 3.8. The independent review was very positive in its findings. It *'summarised the level of mitigation that has been achieved by Bird Aware Solent and Partners and the total for the 5 years under review are impressive'*. It also noted that *'Bird Aware has been ground-breaking in many ways and has provided a mould for many other mitigation schemes around the country'*. Furthermore it stated *'Bird Aware have achieved a wide reach, strong profile and there is a sense of momentum, with new projects and different engagement being rolled out'*.
- 3.9. However, the same review also issued some warnings, including that *'mitigation is a long term commitment with the full scale of impacts from growth yet to materialise'*, noting that *'changes might be necessary in future to ensure mitigation measures are fit for purpose'*. It further cautioned that *'figures indicate the level of Ranger cover is low given the scale of visitor use'*.

## Findings of the Breeding Bird Study

- 3.10. A review of the likelihood of impacts on breeding birds (present during the summer months) around the Solent from increasing recreational disturbance from new housing was commissioned by PfSH in 2023. It concluded that *'any plan or project that results in a general increase in local population, such as plan-led housing growth, could trigger likely significant effect for this species'*. It also noted *'it will be difficult to rule out adverse effects on integrity without adequate protective measures (i.e. mitigation) being secured. The next step resulting from this report is therefore to consider what mitigation might be necessary and how it could be implemented'*.
- 3.11. Natural England and the Bird Aware Partnership have acknowledged the findings of this report and that the evidence base has changed over time. The Partnership has considered this updated evidence within the revised Strategy and applied new measures as a proportional response to issues it raises.

## **5. Outcomes to be achieved**

- 3.12. The main outcome is to allow new development to continue to be permitted in accordance with the Habitats Regulations by mitigating the impact of increased recreational pressure on feeding and resting over-wintering birds and summer breeding birds. The council will continue to collect financial contributions from developers and pass these on to the Bird Aware Partnership, who will then deliver the agreed mitigation actions over the revised Strategy period.
- 3.13. The Strategy includes a Monitoring delivery strand, with the next wholesale review scheduled for April 2027, which will be a 10-year review period.

## **6. Proposal**

- 6.1. The proposal is to approve the revised Bird Aware Strategy (including the supporting financial model) for use in the determination of relevant planning applications.

## Key Revisions to Bird Aware Strategy since endorsement in December 2017

- 5.1. The revised Strategy is contained within **Appendix A**, the main changes from the original Bird Aware Strategy are listed below:
- The duration of the Strategy has been extended from 2034 to 2050, with the in-perpetuity period now running until 2130 (was previously 2114). This is in response to requests from the PfSH Planning Officers Group and allows the strategy to support emerging local plans which have dates beyond 2034.
  - Based upon this extended operating period, the number of predicted dwellings has been remodelled. This requires the revised strategy to be

capable of providing mitigation for around 5,700 dwellings per annum, where previously it had been meeting the needs of closer to 2,500 per annum. This means that over the lifetime of the Strategy, it is predicted to mitigate for just over 147,000 new dwellings.

- The Strategy has been extended to provide a proportional response to meet the needs of breeding birds, by supporting the work of organisations already active in that area of work. This means that rangers will provide an element of site visits for the entire year, not just the winter period as has been the case to date.
- The core team of dedicated staff will be increased from 10 to 19. This is in response to the warnings related to low staffing numbers in the independent review and allows for the additional workload associated with breeding bird mitigation to be adequately accommodated.
- Increased resources allocated to the dog initiative 'Coast and Country Canines' (three of the additional staff members and a £20k uplift to the annual budget) based on the success of this initiative so far and an ongoing awareness that this user group remains a key target audience for the Partnerships to work with.
- Increased resources allocated to communications and engagement workstreams (two of the additional staff members and a £20k uplift to the annual budget) in recognition of the role this work plays in reaching audiences and amplifying the message in all interactions.
- Increased resources allocated to monitoring (one of the additional staff members) to ensure that the resources are allocated as efficiently as possible and to make sure that changes in coastal use patterns are quickly identified and appropriately responded to.

### Key Similarities to the 2017 Strategy

- 5.2. Many other areas of work will continue on a business-as-usual basis, based on positive feedback from the independent review, growing operational experience in delivering mitigation and Bird Aware's position as a national leader in this area of work. The Partnership will continue to have governance provided by the Partnership for South Hampshire and will maintain its commitment to regular reporting and reviews.
- 5.3. The Strategy continues to provide a convenient way for developers to meet their obligations under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). It allows them to mitigate the in-combination impacts of their developments without having to provide bespoke mitigation measures, which may be difficult in practical terms and potentially far more expensive. However, it remains an opt-in scheme and there is no obligation for a developer to make contributions to the Strategy and it is open for them to pursue other ways to mitigate the effects of their scheme.

- 5.4. The emphasis of the Strategy remains on managing the way visitors interact with the coastal environment, rather than trying to prevent access to it per se, in order to avoid harmful impacts on nature conservation interests. It continues to focus on informing and educating all users of the coast to influence how they behave when visiting the Solent.
- 5.5. It remains a collaborative Partnership between local authorities within and adjoining PfSH, as well as national and local nature conservation bodies.

#### The Financial Model and Findings of the Financial Review

- 5.6. The Strategy review was accompanied by a full financial review, and update of the supporting financial model, which can be found in **Appendix B**. This work considered the extended timeline for the operation of the Strategy, the expected rise in dwelling numbers coming forward and predicted future costs, including those associated with expanding the team and resources available to them.
- 5.7. The Partnership sought to take a prudent approach to various modelling parameters, such as interest and inflation rates, so that the resulting model is as robust as it can be for such an extensive timeline. There remains an ongoing commitment to review it regularly to ensure it remains fit for purpose over the lifetime of the Partnership.
- 5.8. The results of the financial model indicated that there is no need to amend the existing payment structure, with no need to alter prices outside of the established annual inflationary rise.
- 5.9. Furthermore, where breeding birds are only listed in the citation of two of the three SPAs (Chichester and Langstone Harbour and Southampton and Solent Water), when the 5.6km zone of influence was mapped for these two areas, it was found to be fractionally smaller than the zone of influence for overwintering SPA birds. Dwellings proposed within the area only covered by overwintering birds will be able to pay a modestly reduced developer contribution under the revised strategy, to reflect that they do not need to contribute to mitigation measures designed to support breeding birds. In reality, this amounts to less than 1% of all projected housing and none within the Chichester plan area but it has still been taken into consideration for the purpose of modelling and charging.
- 5.10. The future charging rate is outlined below in Table 1.

| Bedroom size | Current: 2024/25 | Moves to: All year | Homes within the zone of SPA with winter birds only (less than 1% of total) |
|--------------|------------------|--------------------|---|
| 1            | £465             | £465*              | £419*   |
| 2            | £671             | £671*              | £604*   |
| 3            | £875             | £875*              | £788*   |
| 4            | £1,029           | £1,029*            | £927*   |
| 5+           | £1,207           | £1,207*            | £1,087*   |
| flat fee     | £777             | £777*              | £700*   |

TABLE 1 - Future charging structure (the \* notes that the annual inflationary increase will continue as usual).

#### Alternative Options / Potential Consequences of not Adopting

- 5.11. If the Partnership does not adopt the proposed changes, it is acknowledged that this may lead to potentially negative outcomes, including, but not limited to:
- With Natural England acknowledging the new evidence base related to breeding birds, it is possible that developers may be required to provide their own mitigation for these birds if they are not covered under this strategic scheme.
  - With more housing coming forward, the existing scheme will not remain fit for purpose over time, as it will not have the required scale of resources to deal with the scale of the issues it is mitigating against.
  - There is an increasing risk that emerging local plans will not fully pass inspection if they are not able to evidence an appropriate mitigation scheme.
  - There will be an increasing risk that the condition of the SPAs will deteriorate over time, resulting in increased mortality of the birds.

#### Status of Revised Strategy

- 5.12. PfSH endorsed the revised Strategy on 30 September 2024. Now, each of the local authorities within the Bird Aware Partnership has been asked to consider and approve it within their own organisations by the end of January 2025. This paper is seeking that approval for Chichester District Council.

#### Proposed Next Steps

- 5.13. During this period, the Partnership is undertaking a period of notifying developers, residents and other identified stakeholders of the changes to the Strategy and the rationale behind them.

- 5.14. The Partnership will begin recruiting the new team members from early 2025, with the intention of being fully staffed and operating under the new strategy from 1 April 2025.

## **7. Resource and legal implications**

- 6.1 The council already has to collect developer contributions through s106 agreements and unilateral undertakings. These are handed over to the Bird Aware Partnership every quarter. The revised Strategy will not alter the workload involved.

## **8. Consultation**

### Natural England

- 7.1 As a partner of Bird Aware, Natural England has been regularly consulted during this review period and has provided support and guidance throughout.
- 7.2 In a letter to the Partnership, dated 2 August 2024, it confirmed '*Natural England are supportive of the resourcing plan that has been drafted to set out the aims and focus of the Bird Aware Strategy over the next five years*'. Furthermore, it confirmed that it '*support[s] the recommendations for additional resources and welcome the breadth of work covered by the delivery strands in order to influence visitor behaviour positively*'.
- 7.3 With regard to the inclusion of breeding birds within the revised strategy, it has confirmed that it '*welcome[s] the consideration of designated breeding birds within the Revised strategy*' and they also noted they '*were pleased to see the detailed work undertaken to identify the best potential resources to address this issue*'.
- 7.4 This letter is reproduced in full in **Appendix C**.

### Wider Consultation

- 7.5 The revised Strategy has not been subject to wider consultation, however, the Partnership will be undertaking a period of notifying developers, residents and other identified stakeholders of the changes to the Strategy and the rationale behind them.

## **9. Community impact and corporate risks**

- 8.1 There are financial impacts on landowners and developers of net new dwellings, which will continue in line with the current approach.

## 10. Other Implications

|   | Yes | No |
|---|-----|----|
| <b>Crime and Disorder</b>                         |     | ✓  |
| <b>Climate Change</b>                             |     | ✓  |
| <b>Human Rights and Equality Impact</b>           |     | ✓  |
| <b>Safeguarding and Early Help</b>                |     | ✓  |
| <b>General Data Protection Regulations (GDPR)</b> |     | ✓  |
| <b>Health and Wellbeing</b>                       |     | ✓  |

## 11. Appendices

10.1 Appendix A – Bird Aware Solent Revised Strategy (September 2024)  
<https://birdaware.org/solent/wp-content/uploads/sites/2/2024/09/PFSH-30-September-Strategy-Review.pdf>

10.2 Appendix B - financial model – Electronic Copy

10.3 Appendix C – Letter from Natural England

## 12. Background Papers

[Home - Bird Aware Solent](#)