

Chichester District Council

CABINET

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Recreational Disturbance at Pagham Harbour - Joint Approach to Mitigation with Arun District Council

1. Contacts

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2. Recommendations

- 2.1. That the joint scheme of mitigation for Pagham Harbour Special Protection Area (SPA) in Appendix 1 be endorsed.
- 2.2. That the level of developer contributions to the joint scheme set out in Appendix 2 to this report be approved.
- 2.3. That the holding of s106 funds by Chichester District Council on behalf of Chichester District Council and Arun District Council jointly be approved.
- 2.4. That the expenditure of the joint s106 funds on the scheme of mitigation as specified in paragraph 5.6 be approved.

3. Background

- 3.1. Pagham Harbour is designated as a Special Protection Area (SPA) for its internationally important bird populations. Increases in population associated with new housing development would, without mitigation measures, cause a negative impact on the SPA. Permitting new housing development would not comply with the Habitat Regulations without a strategic scheme of mitigation measures, funded 'in perpetuity'. Such a scheme has been in place for Chichester Harbour for some time. This report seeks to put in place a similar scheme for Pagham.

4. Outcomes to be achieved

- 4.1. The main purpose of this report is to allow the continued delivery of housing in the area around Pagham Harbour SPA and to protect the bird populations of Pagham Harbour.
- 4.2. The joint scheme of mitigation enables the delivery of the Chichester Local Plan (2014-2029) (CLP). The need for mitigation measures within a 3.5km zone around the harbour is set out in Policy 51 of the CLP Key Policies document.
- 4.3. The outcomes will be monitored through the local plan monitoring process, the council's procedures for the monitoring of s106 expenditure and site specific

monitoring delivered as part of the scheme itself.

5. Proposal

- 5.1. Since 2009 recreational disturbance has been an issue for the planning and delivery of new housing across the south of our district. Within the Solent area a joint scheme of mitigation through wardening and education has been put in place; the Solent Recreation and Mitigation Partnership (SRMP). CDC and the Partnership for Urban South Hampshire (PUSH) authorities are members of this.
- 5.2. Although closely linked to the Solent harbours ecologically, Pagham lies outside the geographic area of the Solent and so Arun DC are not members of the SRMP. Negotiations are ongoing to integrate Pagham Harbour in some form into the SRMP scheme but this will not happen before 2017 at the earliest. In the meantime a joint scheme is needed to allow planning permissions to be granted and the local plans of Chichester and Arun districts to be delivered.
- 5.3. If integration is not agreed by the members of SRMP the Pagham scheme will continue in perpetuity (125 years) as a stand-alone scheme. The level of developer contribution reflects the high costs of maintaining a small stand-alone scheme over such a timescale. The costs are based on local plan figures of 427 dwellings in the zone of influence in Chichester district and 855 in Arun district.
- 5.4. The SRMP scheme will deliver a mixture of wardening of the coast, educational campaigns, site specific improvements and monitoring of these measures. The aim is to make small changes in the behaviour of a large number of visitors in order that the impact of a smaller number of additional visitors (from new housing) is fully offset and disturbance of protected bird populations is not increased.
- 5.5. The Royal Society for the Protection of Birds (RSPB) are site managers for Pagham harbour, leasing the site from WSCC. They have also been involved with the design of the scheme and have agreed to host a warden post (0.5 FTE) within their team at the harbour for a period of up to four years initially. The proposal is to spend between £18,000 and £23,500 per annum from 2015 to 2029. The costs of the scheme are based on RSPB costs for this level of wardening (see Appendix). The scheme costs also include an allowance of £2,000 p.a. for delivery of awareness raising programmes and of £1,000 p.a. for monitoring. These are to be delivered under a service level agreement (SLA) with the SRMP.
- 5.6. Implementing a joint scheme with Arun will support our duty to co-operate on planning policy matters; it will be clearer and simpler for developers and will ensure consistency of funding and of outcomes for the scheme.
- 5.7. Administration of the in perpetuity investment funds and of the annual expenditure would be simpler if undertaken by a single authority on behalf of both. Given our existing experience with the SRMP this report proposes that Chichester DC undertakes this role. Arun would make and sign agreements with applicants in their area, collect the funds and then remit them on a quarterly basis to a holding cost centre at CDC.
- 5.8. Under CDC's s106 protocol, expenditure greater than £50,000 requires Cabinet approval and this report seeks this (para 2.4). The joint scheme including the expenditure proposals has been agreed by Arun DC's Cabinet. Expenditure for the first four years is £74,190 (see Appendix 2).

- 5.9. The next steps would be to sign a detailed agreement for the delivery of services with the RSPB and the SRMP. A legal agreement with Arun would also be required so that any unexpended funds could be returned if the proposed arrangement is dissolved in the future.

6. Alternatives that have been considered

- 6.1. Alternatives for an interim scheme (3-4 years of delivery) that have been considered are: firstly to make developers fund and deliver their own individual mitigation schemes. Policy 51 of the Local Plan allows for this, but for small sites the costs would be disproportionate and NE advise that this approach is not robust enough to meet the regulations as delivery may cease before the 125 year timescale.
- 6.2. The second option is that each authority holds their own funds. However this increases costs and the complexity of managing delivery measures without offering any benefit to the authorities, developers or the effectiveness of the scheme.
- 6.3. For the longer term future of the scheme officers are pursuing some form of integration with SRMP. If this is achieved the holding of the in perpetuity funds would be passed over to the SRMP banker authority but this is not a guaranteed 'exit strategy' and the scheme could remain independent, even if the delivery partner changes over time.

7. Resource and legal implications

- 7.1. The scheme fulfils our obligations under the Habitats Regulations 2010. The management and monitoring of funds and s106 agreements will be undertaken by existing staff resources as currently happens for the SRMP funds.
- 7.2. Some staff time would be needed to make formal agreements with Arun and RSPB and to set up cost centres for expenditure and for the invested in-perpetuity funds.
- 7.3. The rates of indexation and rate of return on investment used in the scheme's financial calculations (Appendix) have been selected in consultation with financial services team to ensure a realistic and sustainable scheme.

8. Consultation

- 8.1. The mixture of mitigation measures proposed for Pagham is based on those already in use for the SRMP. Natural England (NE) have been fully involved in the drawing up of the scheme and advise that such a scheme will be compliant with the Habitats Regulations 2010. The RSPB have also been involved with the design of the scheme and have agreed to host a warden post (0.5 FTE) within their team at the harbour for a period of up to four years initially.

9. Community impact and corporate risks

- 9.1. The main community impact will be to facilitate the continued delivery of housing development in the zone of Influence (3.5 km of Pagham Harbour SPA boundary). The delivery of the Local Plan targets will have positive impacts for housing provision and for economic development. The scheme is designed to have a neutral environmental effect, in other words the bird populations are

unaffected by the new development.

- 9.2. The main corporate risk is rates of return on investment remaining below even the low rate used in the calculations. This is discussed in paragraph 7.3 above.

10. Other Implications

	Yes	No
Crime & Disorder:		X
Climate Change:		X
Human Rights and Equality Impact:		X
Safeguarding:		X

11. Appendices

- 11.1. Outline joint scheme of mitigation
11.2. Pagham Harbour SPA – Cost calculations
11.3. Map of the zone of influence for Pagham Harbour

12. Background Papers

- 12.1. None