

Chichester District Council

THE CABINET

9 May 2017

Recreational Disturbance at Pagham Harbour – Revision to the Joint Approach to Mitigation with Arun District Council

1. Contacts

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2. Recommendations

- 2.1. That the revisions to the joint scheme of mitigation for Pagham Harbour Special Protection Area in appendix 1 to this report be endorsed.
- 2.2. That the reduced level of developer contributions to the joint scheme set out in appendix 2 to this report be approved.
- 2.3. That the increased expenditure of the joint section 106 funds on the scheme of mitigation as specified in para 5.2 of this report be approved.
- 2.4. That the Head of Housing and Environment Services be authorised to enter into an agreement with the Royal Society for the Protection of Birds and Arun District Council to deliver mitigation measures for a five-year period, with the option to extend this to ten years.

3. Background

- 3.1. Pagham Harbour is designated as a Special Protection Area (SPA) for its internationally important bird populations. Increases in human 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, a joint scheme with Arun District Council was agreed by Cabinet in January 2016 for Pagham Harbour. Since then Arun's projected housing numbers have increased significantly, leading to revisions to the scheme.

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.

5. Proposal

- 5.1. The Cabinet agreed a joint scheme of mitigation for Pagham Harbour in January 2016. Since that time Arun's projected housing numbers within the zone of influence for the harbour have increased from 855 to 4,555, triggering a revision to the agreed scheme. The additional dwellings will generate additional contributions, but the level of mitigation effort, and expenditure, will now increase from 0.5 FTE to 1.5 FTE staff to be hosted by the Royal Society for the Protection of Birds (RSPB) Pagham. This increases the annual expenditure from the £18,000 agreed in January 2016 to £55,000.
- 5.2. At the same time the Solent mitigation scheme (Bird Aware Solent) have adopted an 80 year definition of 'in-perpetuity' rather than the 125 year definition initially used by the Pagham scheme. In revising the Pagham scheme, the opportunity has been taken to harmonise with the Solent scheme. This, together with the increased scale of development, brings the average amount required per dwelling down from £1,275 to £871. Appendix 2 gives more detail on this calculation.
- 5.3. Arun's Cabinet agreed the proposed changes at their meeting on 10th April. A memorandum of understanding for the delivery of mitigation by RSPB Pagham as site managers is being drawn up, initially for five years with the option to extend this to ten.

6. Alternatives Considered

- 6.1. This is a revision to an existing scheme. A wider range of alternatives were considered in the report of January 2016. The main alternative considered at this stage was to stick with the 125 year definition of in-perpetuity. However in the light of Natural England accepting the Solent scheme's use of 80 years, there was considered to be a risk of challenge from developers on the grounds of unnecessary cost and inconsistency.

7. Resource and Legal Implications

- 7.1. The implications were considered in more depth in the previous report. The need for staff time to set up an agreement with Arun and the RSPB was envisaged at that time
- 7.2. The increase in the sums of money passing through the scheme should not increase the administrative burden significantly as the level of development in Chichester District remains the same. More developments in Arun will fall into the scheme, but those contributions will be collected by Arun DC and only

passed on to CDC as lump sums at pre-defined points in the year.

8. Consultation

- 8.1 Natural England and the RSPB's area manager were consulted on the proposed revisions to the scheme, and both supported the changes.

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 that 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 (0.55% rising to 2.5% long-term). In order to manage this risk, the rate of return will be monitored and any necessary adjustments made to the scheme during the delivery stage of the housing developments, in order to address any potential shortfall that could arise from lower return rates.

10. Other Implications

	Yes	No
Crime and Disorder		X
Climate Change		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X

11. Appendices

- 11.1. Revised Joint Scheme of Mitigation.
11.2. Pagham Harbour SPA Joint Scheme of Mitigation – cost calculations.
11.3. Map of the 3.5km Zone of Influence.

12. Background Papers

- 12.1. Report to Cabinet 5 January 2016