

AM 696/24

NEW FOREST NATIONAL PARK AUTHORITY MEETING

17 OCTOBER 2024

BIRD AWARE SOLENT PARTNERSHIP – REVISED STRATEGY

Report by: David Illsley, Policy & Conservation Manager

Summary:

The New Forest National Park Authority 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 endorsement for the revised Bird Aware Mitigation Strategy and financial model for developer contributions. The revised Mitigation Strategy (Appendix 1) reflects the recommendations of the independent review of the existing recreation mitigation strategy for the Solent and is supported by the Partnership for South Hampshire and Natural England.

Recommendations:

It is recommended that the New Forest National Park Authority:

- a) **Endorses the Bird Aware Partnership's revised mitigation strategy (Appendix 1) and supporting financial model; and**
- b) **Permits the Appendix 2 financial model of the revised strategy to be updated over time, as required by emerging guidance, caselaw and local circumstances. This will be through delegated authority to the Partnership for South Hampshire (PfSH) lead chief executive in consultation with the Chair of Joint Committee with any significant changes to be reported to the PfSH Joint Committee.**

1. Introduction

- 1.1 The Solent coast is recognised as being of international importance for the range of birds it supports. This is reflected in the designation of three Special Protection Areas (SPAs) – the Chichester & Langstone Harbours SPA, the Portsmouth Harbour SPA and the Solent & Southampton Water SPA (see below). The latter of these designations covers all 26 miles of the coastline of the New Forest National Park.



- 1.2 [Research](#) indicates that planned new development in the Solent region will result in increased recreational pressures on the designated coastal sites. A 5.6km 'zone of influence' has been established, indicating the area within which planned new development could have a recreational impact on the Solent's designations. Within this zone mitigation measures funded through proportionate developer contributions are sought to ensure compliance with the requirements of the Habitats Regulations. Planning authorities – including national park authorities - are 'competent authorities' under the Habitats Regulations and must therefore ensure their planning decisions do not impact on the integrity of the Solent's internationally designated sites.
- 1.3 An [interim mitigation strategy](#) for the Solent was adopted in 2014, bringing together 14 local planning authorities (including the New Forest National Park Authority) across the Solent to deliver a strategic package of agreed mitigation measures, funded through proportionate developer contributions. This interim strategy was then replaced by the [Solent Recreation Mitigation Strategy](#) in 2018 and this recreation mitigation strategy has been used by local planning authorities (including the National Park Authority) over the last 6 years to deliver new development alongside mitigation to protect site integrity.

2. Review of the existing Bird Aware Solent Recreation Mitigation Strategy

- 2.1 At the time the current mitigation strategy was endorsed in 2018, it was agreed it would be reviewed after 5 years. This [independent review](#) in 2023 considered the effectiveness of the partnership and emerging evidence relating to breeding birds within the Solent Special Protection Areas. The review was undertaken by Footprint Ecology – the leading consultancy specialising in strategic mitigation schemes.
- 2.2 The review contained the following key points and recommendations:
 - Bird Aware Solent has received widespread recognition with several awards, reflecting a national profile. It is highly visible to the developer community and its approach is welcomed by the statutory nature conservation organisations.
 - The relatively low level of ranger coverage is a consistent theme within the review. There is therefore clear merit in expanding the ranger team.
 - There is also merit in extending mitigation delivery to include issues relating to summer birds, as there is much overlap with the wintering bird interest (see below).
- 2.3 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 also commissioned by Partnership for South Hampshire in 2023. It concluded that it was difficult to rule out adverse effects on integrity without adequate mitigation measures being secured. Natural England and the Bird Aware Partnership have acknowledged the findings of this review and agree 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 the issues.

3. Revised Bird Aware Solent Mitigation Strategy – October 2024 – Appendix 1

- 3.1 Based on the recommendations of the 5-year review of the existing strategy (see paragraphs 2.1 – 2.2 above) and the recent evidence on breeding bird activity over the summer months, an updated mitigation strategy was endorsed by the Partnership for South Hampshire at their Joint Committee meeting on 30 September 2024.
- 3.2 The National Park Authority is now being asked to endorse the revised strategy (Appendix 1). The main changes from the Bird Aware Strategy (2018) 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 allows the strategy to support emerging local plans which have end-dates beyond 2034.
- Based upon this extended operating period, the number of predicted dwellings has been remodelled. This means that over the lifetime of the strategy, it is predicted that just over 147,000 new dwellings will require mitigation within the zone of influence.
- The strategy has been extended to provide a proportional response to the updated evidence on breeding summer 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 increase from 10 to 19. This is in response to the warnings in the independent review regarding low staff numbers and allows for the additional workload associated with breeding bird mitigation to be delivered. Increased resources are also allocated to monitoring to ensure that changes in coastal use patterns are quickly identified and appropriately responded to.

- 3.3 Many other areas of Solent mitigation work will continue as per the current approach, 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. Governance will continue to be provided by the Partnership for South Hampshire and the commitment to regular reporting and reviews remains.
- 3.4 As an important partner of Bird Aware, Natural England has been regularly consulted during this review and has provided support and guidance throughout. Natural England have formally confirmed that they are supportive of the revised Bird Aware Solent Mitigation Strategy and the funding review that has contributed towards it.
- 3.5 The mitigation strategy continues to provide a proportionate, costed method through which the impacts of new development can be addressed and the legal obligations on 'competent authorities' under the Habitats Regulations met. The strategy mitigates the in-combination impacts of development in a transparent and efficient manner. It remains an opt-in scheme and there is no obligation for developers to contribute to the strategy – they continue to have the option of bespoke mitigation. The [financial contribution figures](#) currently range from £465 for a 1-bed dwelling to £1,207 for a 5-bed dwelling and are updated at the start of each financial year (April). The financial contributions should be factored in by developers into their land acquisition costs and viability appraisals.

4. Findings of the Financial Review – Appendix 2

- 4.1 The revised strategy has also been informed by a full financial review. This considered the extended timeline for the operation of the mitigation strategy (from 2034 to 2050); the expected dwelling numbers coming forward; and predicted future costs, including those associated with expanding the team and resources available to them. There remains an ongoing commitment to review the mitigation strategy and the funding model regularly to ensure it remains fit for purpose over the lifetime of the strategy.
- 4.2 The results of the financial model indicate there is no need to amend the existing payment structure, or to alter developer contribution levels outside of the established annual inflationary rise. Developer contributions are currently sought on a sliding scale based on dwelling size and this will continue. The level of contributions sought through

the new mitigation strategy is therefore consistent with the current levels summarised in paragraph 3.5 of this report and so should not impact on development viability.

- 4.3 Oversight and governance for the Bird Aware Solent Mitigation Strategy is provided by the Partnership for South Hampshire (PfSH), reflecting the fact that the mitigation strategy covers 14 planning authorities. Recommendation (b) in this report is that more routine or minor updates to the financial model will be delegated to the Partnership for South Hampshire lead chief executive in consultation with the Chair of Joint Committee. Any more substantive changes will be considered at the PfSH Joint Committee, which the National Park Authority is represented on and an active member of.

5. Conclusions

- 5.1 Since it was established in 2014, the Bird Aware Solent mitigation partnership has been an effective and efficient route through which planned development can be delivered while also protecting the integrity of the Solent coastal designations from recreational impacts. This strategic mitigation scheme brings together 14 planning authorities, Natural England and other partners and is a positive example of partnership working.
- 5.2 The recent 5-year independent review of the existing mitigation approach was positive, highlighting that the level of mitigation has been delivered by Bird Aware Solent and partners is impressive. It also noted, "...Bird Aware has been ground-breaking in many ways and has provided a mould for many other mitigation schemes around the country."
- 5.3 The revised Bird Aware Mitigation Strategy (Appendix 1) has been informed by the recommendations of the 5-year review and updated evidence on breeding birds using the Solent in summer months. The extension of the Strategy to 2050 aligns with the work many south Hampshire planning authorities – including the National Park Authority – are undertaking for their own respective local plan reviews. There are benefits through the economies of scale that a strategic mitigation scheme like Bird Aware Solent can deliver and it is therefore recommended the revised Strategy is endorsed.
- 5.4 The Partnership for South Hampshire approved the revised Strategy on 30 September 2024 and each of the local authorities within the Bird Aware Partnership has been asked to approve it within their own organisations by January 2025. This report recommends the revised Strategy is endorsed to enable the Authority to deliver its statutory responsibilities as 'competent authority' under the Habitats Regulations. The Bird Aware Solent Partnership will be notifying developers, residents and other identified stakeholders of the changes to the Strategy and the rationale behind them.

Recommendations:

It is recommended that the New Forest National Park Authority:

- a) Endorses the Bird Aware Partnership's revised mitigation strategy (Appendix 1) and supporting financial model; and**
- b) Permits the Appendix 2 financial model of the revised strategy to be updated over time, as required by emerging guidance, caselaw and local circumstances. This will be through delegated authority to the Partnership for South Hampshire (PfSH) lead chief executive in consultation with the Chair of Joint Committee with any significant changes to be reported to the PfSH Joint Committee.**

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- Papers:** **NFNPA 696/24** – cover paper
Appendix 1 – Bird Aware Solent Revised Strategy
Appendix 2 – Bird Aware Solent Financial Model
(Available online only)
- Equality Impact Assessment:** The proposals are not considered to give rise to any impacts on people who share a protected characteristic. The revised Bird Aware Solent Mitigation Strategy plays a role in protecting the integrity of the Solent's designated sites, driven by the requirements of primary legislation.