

AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

**REPORT TO AND DECISION OF CABINET
ON 13th March 2017**

PART A : REPORT

SUBJECT: Update on Access Management at Pagham Harbour

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EXTN: x37839

EXECUTIVE SUMMARY:

This report provides an update on work connected with the strategic approach, previously agreed at the 20th July 2015 Cabinet meeting, for mitigating potential impacts to Pagham Harbour or its features, due to recreational disturbance from new residential development.

RECOMMENDATIONS

It is recommended that:

- i. The work connected with the revised mitigation is noted; and
- ii. A revised level of financial contribution, of £871 towards the revised strategic mitigation for likely effects at Pagham Harbour, is agreed;

1. BACKGROUND:

1. Pagham Harbour is an important natural asset for the District and residents. It has also been recognised internationally for its important role in terms of nature conservation. The Council under the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010, have a responsibility to ensure that there is no deterioration to the site or its features. The latter of these enacts the requirements of European Directive 92/43/EEC, commonly referred to as the Birds Directive.
2. The process for analysing whether a plan or programme, not linked to the conservation of a designated site, will have an impact is called Habitats Regulations Assessment. The Habitats Regulations Assessment for the Arun District Local Plan (March 2013) concluded that "sufficient avoidance and mitigation measures are incorporated into the Local Plan as policy provision, to avoid impacts on shorebird, wader and wildfowl populations due to disturbance resulting from residential development. *However, additional work is required to establish a delivery and funding mechanism to ensure that these policy provisions are implemented in an effective and timely manner.*"

3. Acting on the basis of this conclusion, a strategic approach to mitigation was agreed between Arun District Council and partners Chichester District Council (CDC); RSPB and Natural England (NE) in Spring 2015. Details of the formulation of this can be found in Background Paper 1. This approach to mitigation consists of four elements covering wardening; dog project; signage/interpretation and monitoring. As it is necessary for the mitigation to be provided in perpetuity to ensure effects are avoided in the long term, the calculations were based on a period of 125 years. The wardening element was for a 0.5FTE part time warden. The average tariff was calculated by dividing the costs by the expected number of units within the buffer areas. In Arun this covers a distance of 5km from the boundary of the site. For Arun this equated to 855 units, constituted from Parish allocations to 5 parishes (Pagham;Aldwick;Bersted;Bognor and Middleton-on-Sea;) as included within H SP1 of the submitted ALP, plus large sites from the same parishes contained in the 5 year land supply.
4. As detailed within Background Paper 1, during formulation of the Pagham Harbour mitigation strategy, the similarity of actions with that of the Solent Recreation Mitigation Partnership (SRMP) were noted. Due to this it was considered that there could be cost benefits in terms of delivery of the mitigation strategy and so talks were also had with them.
5. Financial contributions to fund this mitigation and their application were agreed by Cabinet on 20th July 2015 and applied to all planning applications for net new residential development, within the associated buffer since that time. This was to be imposed until such time as a finalised strategy was produced and/or a Service Level Agreement (SLA) signed with the Solent Recreation Mitigation Partnership (SRMP), whichever was the sooner, to allow delivery of the required mitigation.
6. Following specific Hearing sessions during the Examination of the Local Plan on housing need, the Inspectors determined that 845 would be an appropriate starting point. As a result, the Council was allowed a period of 15-18 months to do further work before carrying out a consultation on Main Modifications and resuming Hearings.
7. During the suspension period of the emerging Local Plan, Urban Edge Environmental Consulting has been commissioned to reassess the ecological impacts associated with modifications to the Local Plan. This involved considering each of the potential housing locations being considered, in terms of their existing ecology and importance to the District, plus application of the Habitats Regulation Assessment process to the proposed modifications of the Plan.
8. This report provides an update on work during the suspension connected with the mitigation strategy and resultant change to the tariff.
- 2. Revising the tariff**
9. Work during the suspension of the Local Plan examination, has reconsidered sites to accommodate the higher housing requirements. Three of the potential locations being considered fall within the buffer area of Pagham Harbour; two at the edge of Pagham and one to the west of Bersted. It is proposed these would add 400

dwellings at Pagham South; 800 across Pagham North and 2,500 in the area to the west of Bersted, totalling a further 3,700 dwellings over and above the previous 855 that the original mitigation strategy was based on.

10. The work on the Habitat Regulations Assessment during the Local Plan suspension has continued to conclude that likely significant effects would occur to Pagham Harbour, through recreational disturbance, from the increased local populace. Therefore it was necessary to reconsider if the mitigation approach agreed would be sufficient to mitigate effects of the expected increase resulting from Modifications.
11. Following discussions with Natural England, at the beginning of October 2016, it was confirmed that the overall principles of the existing mitigation was appropriate, but that due to the significant increase in expected numbers the mitigation would need to be scaled up appropriately.
12. As the mitigation and its actions are required to last beyond the developments lifetime, to reduce impacts to the designated site it is crucial that visitor engagement occurs every day due to the increase in proposed housing. Natural England therefore advised that on this basis the wardening element of the strategy should be increased from 0.5 FTE to 1.5 FTE, along with an associated tripling of the costs for the dog project, signage/education and monitoring elements.
13. Therefore resulting from the increased operational costs of the approach and the housing numbers expected, the tariff was recalculated on the basis of the following facts:
 - Overall cost increases to £60,000
 - The housing figure equates to 600 in Chichester and 4,555 in Arun, making a total of 5,155
 - The overall length of the project is reduced from 125 years to 80 years, reflecting that of the SRMP
 - The rate of return was reduced from 3% to 2.5%, in line with the Treasury's advice for long term investments
14. Using the same methodology as before towards the calculation, the updated cost, plus the other elements (i.e. interest rates; indexation and length) are taken and divided by the revised number of residential units in the buffer area. Therefore the resultant average figure is lower at £871 per dwelling, rather than the original £1275.

3. Implementing the Strategic Mitigation

15. On 5th January 2016, the Cabinet of Chichester District Council (CDC) agreed that to simplify processes, they will be responsible for holding of funds on behalf of both authorities. They would then pass expenditure for the on-site elements of the strategy to RSPB to implement the additional wardening at the reserve, plus signage/interpretation, in line with mitigation strategy.
16. Contracts are currently being drafted to ensure employment of the necessary wardens to provide delivery of the necessary mitigation.

4. Update on progress with the Solent Partnership

17. As detailed within Background Paper 1, during formulation of the Pagham Harbour mitigation strategy, the similarity of actions with that of the Solent Recreation Mitigation Partnership (SRMP) were noted. Due to this it was considered that there could be cost benefits in terms of delivery of the mitigation strategy and so talks were also had with them.
18. Scoping work on the Definitive Solent Strategy (the SRMP mitigation strategy) began at the end of 2015 and the finalised strategy is scheduled for completion in 2017. Arun officers attended a couple of meetings through 2016 talking about this and progress on work connected with this.
19. The outcome of current discussions with the SRMP have resulted in them agreeing to consider some form of integration of between the two schemes, although this is currently only at Officer level. Members of the Partnership will be discussing this matter in the coming months.
20. Discussions have begun with the SRMP about how the Pagham mitigation could be integrated. Currently indications at Officer level are that this would most likely occur through a partial integration, where the SRMP would hold the in-perpetuity funds and action the dog project and monitoring. Importantly this will mean control over the charge applied to Pagham Harbour remains to be set separately by the responsible partners with the RSPB continuing to deliver the wardening but the administration of the scheme being done by the partnership.

2. PROPOSAL(S):

The revised form of the mitigation strategy is noted and agreement to the Pagham Harbour contribution be lowered to £871

3. OPTIONS:

1. Continuation of the existing Strategic Approach to mitigation at Pagham Harbour, which Natural England would consider leaves a high potential for detrimental impacts to the SPA.
2. Progression of an individual Service Level Agreement with SRMP to deliver only part of the strategy. This may include risks associated with the continuation of the wardening role following the four year agreement with RSPB.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X

Other groups/persons (please specify) Chichester District Council Solent Recreation Mitigation Partnership	X	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability	X	
Asset Management/Property/Land		X
Technology		X
Other (please explain)	X (The Local Plan)	
6. IMPLICATIONS: <p>This will mean that the Council is fulfilling its requirements in terms of helping to ensure that sustainable development is achieved across its whole District and meeting its legal responsibilities to ensure no deterioration of the features and species at Pagham Harbour, under the Conservation of Habitats and Species Regulations 2010 and Natural Environment and Rural Communities Act 2006.</p>		

7. REASON FOR THE DECISION:

Through consideration of this paper Members are able to be kept informed of actions being taken to ensuring the protection of this internationally recognised site and its features for nature conservation.

8. BACKGROUND PAPERS:

Background Paper 1 - 20th July 2015 Cabinet report on Strategic Access Management at Pagham Harbour. <http://www.arun.gov.uk/cabinet-meetings>

Background Paper 2 – latest situation with the Local Plan examination
<http://www.arun.gov.uk/local-plan-examination>