

DECISION TAKER: Cabinet Member for Place and Local Plan, Councillor Jackie Porter

REPORT TITLE: REVISED BIRD AWARE STRATEGY

11 DECEMBER 2024

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WARD(S): BISHOP'S WALTHAM, WHITELEY & SHEDFIELD, CENTRAL MEON VALLEY, SOUTHWICK & WICKHAM AND DENMEAD

PURPOSE

Winchester City Council is a member of the Bird Aware Solent Partnership, along with all Local Planning Authorities in PFSH (Partnership for Southern Hampshire), adjacent Solent area authorities and national and local conservation bodies.

The Bird Aware Strategy (previously known as the Solent Recreation Mitigation Partnership Strategy) provides a mechanism which enables housing developers to address the issue of mitigation on the Solent coastline arising from new housing developments within 5.6km of the Solent Special Protection Areas (SPAs). This means that the Council is able to meet its obligations under the Habitats Regulations and, in so doing, continue to grant planning permissions for residential developments in the southern part of the district.

This paper outlines the steps undertaken to review the work and finances of Bird Aware Solent and seeks approval from Cabinet Member for Place and Local Plan for the revised Bird Aware Strategy and financial model. The key revisions to the Strategy include extending the duration from 2034 to 2050, providing mitigation for around 5,700 dwellings per annum where previously it had been closer to 2,500 per annum, and the inclusion of summer/breeding birds.

RECOMMENDATIONS:

That the Cabinet Member for Place and Local Plan:

- i. Notes and Endorses the Bird Aware Partnership's revised strategy and supporting financial model.

- ii. Authorises the Strategic Director to approve updates to Appendix B financial model of the revised strategy , as required by emerging guidance, caselaw and local circumstances,.
- iii. Authorises the Strategic Director to approve updates to the financial model as required by operational need and market influences.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The Revised Bird Aware Strategy is in accordance with the council priority of tackling the climate emergency and creating a greener district. The strategy supports the vision that the natural environment is protected, maintained, sustained and enhanced.
- 1.2 The revised strategy is also in accordance with the council's declaration of a nature emergency and the strengthened biodiversity duty in the Environment Act 2021. The mitigation delivered through the strategy will help safeguard internationally important designated sites.
- 1.3 The strategy will continue to contribute to the council priority of homes for all. Currently the strategy can provide effective mitigation for over 2,500 residential planning permissions annually, across all Local Authority Partners (members of the Bird Aware Partnership). The revised strategy can provide mitigation for around 5,700 dwellings per annum. The duration of the strategy has also been extended from 2034 to 2050 which supports the Reg 19 Local Plan.

2 FINANCIAL IMPLICATIONS

- 2.1 No new budgets or charging systems are proposed. This revised strategy is an update to the existing Bird Aware Strategy (previously known as the Solent Recreation Mitigation Partnership Strategy) whereby contributions are collected and passed over to the partnership, meaning there is no net financial impact.
- 2.2 Developers are accustomed to this strategy as it has been operating since 2018 and the Local Plan Viability Report that has been taken to support the Winchester City Council Proposed Submission Local Plan (Regulation 19) has taken into account these costs.
- 2.3 The existing payment structure will not be amended, and the prices will not alter outside of the established annual inflationary rise. 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 summer/breeding birds. Please see Table 1 which shows the future charging structure.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 No new systems or legal agreements are proposed. This revised strategy is an update to the existing Bird Aware Strategy and will be implemented in the same way.

4 CONSULTATION AND COMMUNICATION

- 4.1 The Bird Aware Strategy was initially endorsed by PUSH in December 2017, then approved by Winchester City Council in February 2018. On 30th September 2024, PfSH (Partnership for South Hampshire) approved the Revised Bird Aware Strategy <https://www.push.gov.uk/wp-content/uploads/2024/09/Item-11-Bird-Aware-Partnership-Revised-Strategy.pdf> (which now includes summer/breeding birds as well as overwintering birds). As a member of the partnership, the council has been regularly updated and involved in steering group discussions as this revised strategy has progressed. The council is now seeking internal approval with this report, as are all other LPA partners.
- 4.2 The Bird Aware Partnership is undertaking a period of notifying developers, residents and other identified stakeholders of the changes to the Strategy and the rationale behind them prior to operating under the new strategy from April 2025.
- 4.3 The council website and GIS mapping will be updated following approval of this report.

5 ENVIRONMENTAL CONSIDERATIONS

- 5.1 The revised strategy aligns with the climate and nature emergency, the Winchester City Council Biodiversity Action Plan and the strengthened biodiversity duty under the Environment Act 2021. The strategy helps maintain and protect the natural environment.

6 PUBLIC SECTOR EQUALITY DUTY

- 6.1 An Equality Impact Assessment has been undertaken (Appendix E).

7 RISK MANAGEMENT

- 7.1 The table below considers the risks, mitigation and opportunities related to the revised strategy.

Risk	Mitigation	Opportunities
Financial Exposure - None		
Exposure to challenge	Member of the Bird Aware Partnership so continued involvement in monitoring and review while the strategy is implemented.	Strategic approach through PfSH. Bird Aware engagement with various stakeholders.
Innovation	Exploration and development through monitoring and annual reporting.	
Reputation - Failing to	The Strategy provides a	A good example of

provide a straightforward means for developers to address the issue of mitigation on the Solent coastline could add to development costs and delay or prevent planning permissions being granted thereby harming confidence in the Council's ability to enable new homes to be delivered.	convenient and relatively inexpensive way for the effects of new housing development to be mitigated. The Revised Strategy is based on current knowledge and further reviews will be undertaken in the years to come.	Collaborative working and the Strategy will deliver wider benefits for the Solent coastline. Bird Aware Solent has attracted nationwide interest.
Achievement of outcome	Reviews will be undertaken, and the strategy may be revised again subject to the evidence.	Potential for benefits to the natural environment beyond the mitigation measures required for the strategy (e.g. reduced recreational pressure may benefit some plants or invertebrates).
Property - None		
Community Support - Lack of understanding or awareness of the Revised Strategy could undermine support for it.	Website updates and Bird Aware Partnership engagement with developers, residents and stakeholders.	
Timescales - The current Strategy will be outdated and replaced with the Revised Strategy, and in the absence of a Definitive Strategy, it may no longer be possible for the Council to grant planning permission for housing development in the south of the district. The Reg 19 Local Plan also covered a greater period than the existing Strategy.	The revised strategy will be introduced from 1 April 2025. Given the length of the strategy further reviews and updated will likely be required.	
Project capacity - None		
Other - In the absence of a convenient mechanism for addressing the impacts of	The Strategy provides a convenient and relatively inexpensive way for the	

new housebuilding on the coastline residential development could be delayed and this could adversely affect the delivery of the Local Plan and maintenance of a 5 year land supply.	effects of new housing development to be mitigated.	
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8 OTHER KEY ISSUES

8.1 None. No data protection issues, property and asset implications, or workforce implications of approving the revised strategy.

9 SUPPORTING INFORMATION:

9.1 **Background**

9.1.1 The Bird Aware Strategy (previously known as the Solent Recreation Mitigation Partnership Strategy) was initially endorsed by PUSH in December 2017, then endorsed by Winchester City Council in February 2018. The Strategy came into operation on 1 April 2018, replacing an interim strategy which had been in operation since 2015.

9.1.2 On 30th September 2024, PfSH approved a Revised Bird Aware Strategy <https://www.push.gov.uk/wp-content/uploads/2024/09/Item-11-Bird-Aware-Partnership-Revised-Strategy.pdf> (which now includes summer/breeding birds as well as overwintering birds). All Local Planning Authority (LPA) Partners are now considering this for internal approval. All LPA partners must agree whether to endorse the Revised Strategy by January 2025 prior to its implementation on 1 April 2025.

9.1.3 The purpose of the Bird Aware Strategy is to deliver measures which mitigate the impact of additional recreational visits to the coast resulting from housebuilding within 5.6km of the Solent Special Protection Areas (SPAs). The mitigation measures are funded by developer contributions. This enables developers to provide mitigation for their schemes and means that local authorities along the Solent meet their statutory requirements under the Habitat Regulations, so they can continue to grant planning permission for housing developments within this area.

9.1.4 The Strategy focusses on managing the impacts of recreational visits to the coastline by educating people and influencing their behaviour, and providing alternative destinations inland, rather than preventing access to the Solent or enforcing controls on coastal activities. The main mitigation measures are summarised below:

- A team of rangers that patrol the coast and engage with visitors to educate, inform and influence behaviours to avoid detrimentally affecting the over-wintering bird population.
- Communications, marketing and education initiatives.
- Initiatives to facilitate and encourage responsible dog walking.
- Codes of conduct (coastal activities like water-based recreation).
- Site-specific visitor management and bird refuge projects.
- New/enhanced strategic greenspaces (funded by means other than 6 CAB3009 developer contributions).
- A delivery officer (called 'Partnership Manager' from this point on).
- Monitoring to help adjust the mitigation measures as necessary.

- 9.1.5 Winchester City Council is an active member of the Bird Aware Partnership, with representation on the Steering Group. The Revised Strategy also supports the Proposed Submission Local Plan (Regulation 19) as the current Strategy will run out (2034) before the end of the proposed Local Plan (2020-2040).
- 9.1.6 The 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.
- 9.1.7 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.
- 9.1.8 Through this work (and other measures) the Partnership can provide effective mitigation for over 2,500 residential planning permissions annually, including all eligible ones within Winchester City Council.
- 9.1.9 The Partnership has achieved both peer and national recognition for the work it undertakes, winning several prestigious awards including 'excellence in planning for the natural environment' at the Royal Town Planning Institute South East annual awards in 2028 and 'best sustainability campaign in the public sector' from the Institute of Environmental Management & Assessment (IEMA) Sustainability Impact Awards in 2020.
- 9.1.10 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.

9.1.11 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 summer/breeding birds within the Solent Special Protection Areas (SPAs).

9.2 Findings of the Independent Review

9.2.1 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'*.

9.2.2 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'*.

9.3 Findings of the Breeding Bird Study

9.3.1 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'*.

9.3.2 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.

9.4 Key Revisions to the Bird Aware Strategy since it was endorsed in December 2017

9.4.1 The revised strategy is contained within Appendix A, the main changes from the original Bird Aware Strategy are listed below:

- 9.4.1.1 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, including Winchester's Reg 19 Local Plan, which have dates beyond 2034.
- 9.4.1.2 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.
- 9.4.1.3 The strategy has been extended to provide a proportional response to meet the needs of summer/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.
- 9.4.1.4 The core team of dedicated staff will be increased from 10 to 19. This is in response to the recommendations in the independent review and allows for the additional workload associated with breeding bird mitigation to be adequately accommodated.
- 9.4.1.5 Increased resources allocated to our 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.
- 9.4.1.6 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 our audiences and amplifying our message in all interactions.
- 9.4.1.7 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.

9.5 Key Similarities to the 2017 Strategy

- 9.5.1 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.

- 9.5.2 The Partnership will continue to have governance provided by the Partnership for South Hampshire and will maintain its commitment to regular reporting and reviews.
- 9.5.3 The strategy continues to aim to provide an efficient 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-combinations 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.
- 9.5.4 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*, 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.
- 9.5.5 It remains a collaborative Partnership between local authorities within and adjoining PfSH, as well as national and local nature conservation bodies.

9.6 Findings of the Financial Review

- 9.6.1 The strategy review was accompanied by a full financial review, and recreating 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.
- 9.6.2 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.
- 9.6.3 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.
- 9.6.4 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. It is anticipated that this will apply to a modest percentage of projected housing within the Winchester district and has been taken into consideration for the purpose of modelling and charging.

9.6.5 Appendix C shows the charging areas within the Winchester District.

9.6.6 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).

9.7 Status of Revised Strategy

9.7.1 The Leader and Strategic Director (in place of the Chief Executive) attended a Partnership for South Hampshire (PfSH) Joint committee on 30 September where this strategy was presented. The subsequent joint committee draft minutes note the following:

9.7.2 BIRD AWARE PARTNERSHIP REVISED STRATEGY

9.7.3 The Committee received a report and supporting presentation from Anna Parry from Bird Aware outlining the steps undertaken to review the work and finances of Bird Aware Solent and the revised Bird Aware Strategy and financial model. A copy of the presentation is published with these Minutes.

9.7.4 RESOLVED that the Joint Committee:-

9.7.5 a) NOTES and ENDORSES the Bird Aware Partnership's revised strategy and supporting financial model;

- 9.7.6 b) PERMITS Appendix B financial model of the revised strategy to be updated over time, as required by emerging guidance, caselaw and local circumstances - through delegated authority to the PfSH lead chief executive in consultation with the Chair of Joint Committee with any significant changes to be reported to the Joint Committee; and
- 9.7.7 c) PERMITS the financial model to be updated over time, as required by operational need and market influences, through delegated authority to the PfSH lead chief executive in consultation with the Chair of Joint Committee.
- 9.7.8 The PfSH report went on to say:
- 9.7.9 Should the revised strategy and financial review be approved by PfSH, then the local authorities within the Partnership will be asked to approve it within their own organisations. They will be asked to complete this process by the end of January 2025.
- 9.7.10 During this period, the Partnership will undertake a period of notifying developers, residents and other identified stakeholders of the changes to the Strategy and the rationale behind them. 26. 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.
- 9.7.11 PfSH approved the Revised Strategy on 30th September 2024 <https://www.push.gov.uk/wp-content/uploads/2024/09/Item-11-Bird-Aware-Partnership-Revised-Strategy.pdf>. 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 Winchester City Council.

9.8 Proposed Next Steps

- 9.8.1 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.
- 9.8.2 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.

9.9 Statement from Natural England

- 9.9.1 As a partner of Bird Aware, Natural England has been regularly consulted during this review period and has provided support and guidance throughout.
- 9.9.2 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'.

9.9.3 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'.

9.9.4 This letter can be seen in full in Appendix D.

10 OTHER OPTIONS CONSIDERED AND REJECTED

10.1 It is recommended that the council approves the revised Bird Aware Strategy and financial model.

10.2 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 Strategy 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 as the Strategy does not align with the city council's Local Plan period (2040), this could be an issue that is raised at the Local Plan examination as the city council will not be 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.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

SOLENT RECREATION MITIGATION PARTNERSHIP (BIRD AWARE SOLENT) –
DEVELOPER CONTRIBUTIONS FOR A NEW MITIGATION STRATEGY 14
FEBRUARY 2018 (CAB3009)

APPENDICES:

Appendix A: Revised Strategy document

Appendix B: Financial Model

Appendix C: Map showing the charging areas within WCC

Appendix D: Letter from Natural England

Appendix E: Equality Impact Assessment