

Annex 1 to Cabinet Report (15/05/14).
Solent Disturbance and Mitigation Project – Interim Framework

1. This framework seeks to provide an overview of the approach to be taken in considering proposals for net gains in dwellings in relation to the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) for the Solent SPA designations. The below is in the context of advice from Natural England that all new dwellings, in combination, within 5.6km (see Figure 1) of the Solent SPA designations could lead to a likely significant effect of these designations through recreational disturbance.
2. The focus of this framework relates to the approach for planning applications, although it should be recognised that proposals being considered for net gains in dwellings through the prior approval process will also need to have regard to the requirements of the above legislation.
3. Where a net gain in dwellings is proposed within 5.6km of the Solent SPA, one of below options would be available:
 - a) Develop a bespoke mitigation package for the proposal, which would need to be subject to a site specific Habitat Regulations Assessment
 - b) Put forward evidence to justify that the proposal would not lead to a likely significant effect when considered alone or in combination
 - c) Provide a contribution towards the SDMP interim mitigation project at £172 per dwelling (index linked)
4. It should be noted that significant residential development outside the 5.6km zone may also have a likely significant effect in combination. Such schemes will be considered on a case by case basis. Where a proposal is likely to have a significant effect on its own (i.e. not just in combination), a bespoke mitigation package may be required.
5. The remainder of this document focuses on option c) within paragraph 3.
6. The interim mitigation package comprises a number of elements:
 - Project initiation officer / project implementation officer – co-ordinating the introduction and implementation of the mitigation project
 - Ranger project – phased introduction, management of posts by Hampshire County Council
 - Monitoring programme – in line with the legal requirements
7. The contributions will be pooled and held by one authority on behalf of those securing contributions towards the SDMP interim mitigation package.
8. Section 106 agreements would be the preferred method of securing the contribution. Unilateral undertakings can also be used where appropriate. Please note, the interim mitigation package summarised above is not considered to be within the definition of infrastructure based on the CIL regulations.

9. Contributions towards the mitigation package are to be paid on commencement of development. This is to enable mitigation measures to be in place in time for occupation.
10. The contribution of £172 per dwelling includes provision for the mitigation to be secured in perpetuity, as required by the legislation. On this basis, not all of the contribution will be spent in the short term. Therefore, it would not be appropriate for the application of any clawback provisions for this contribution.

[Note: Figure 1 available separately]