

www.hants.gov.uk/landplanningandenvironment/countryside/accessplan

Solent Waders and Brent Goose Strategy (Hampshire and IOW Wildlife Trust et al 2020)

<https://solentwbgs.files.wordpress.com/2021/03/solent-waders-brent-goose-strategy-2020.pdf>

Building with Nature: Standards Framework 2.0 (BwN, 2021)

www.buildingwithnature.org.uk

Open Space Monitoring Report (2026) and supporting evidence

www.gosport.gov.uk/GBLP2042

Policy D5: Internationally and Nationally Important Sites and the Local Ecological Network

Introduction

- 2.129 This section relates to the preservation and enhancement of the Borough's Local Ecological Network including its biodiversity (see Box 4) and habitats. Policy D5 relates specifically to protected habitats and species as well as other important nature conservation features. It should be read in conjunction with Policy D4 which sets out the multiple benefits of green infrastructure.

Box 4: What is biodiversity and its benefits?

Biodiversity is the variety of life, including all plants, animals and their habitats. The protection and enhancement of biodiversity is a key factor in the achievement of sustainable development by safeguarding the natural systems that underpin human life.

Natural processes that support biodiversity can assist with flood mitigation, help to filter waste water, clean pollutants from the air and mitigate noise and the visual intrusion of development. Biodiversity helps to mitigate the effects of climate change through locking-up carbon, increasing water storage capacity and providing shade within urban areas. It also contributes to our physical and mental health by providing relaxation, enjoyment and recreation opportunities. Nature conservation measures to protect biodiversity can be an important education resource which encourages respect for the environment.

Local context

- 2.130 The Local Ecological Network (LEN) of Gosport comprises international, national and locally designated sites of importance for biodiversity, local nature reserves, ancient woodlands and other priority habitats, veteran trees, important hedgerows, buffer zones, wildlife corridors and the stepping stones that connect them. Functionally linked land, sites identified as compensatory measures for adverse effects on biodiversity, areas identified for habitat restoration and creation, and sites with protected or notable species and their habitats also form part of the LEN. Sites could include playing fields, allotments, cemeteries, residential gardens, hedges, landscaped areas, informal open space and former railway lines. Gosport's natural assets contribute significantly to the quality of the environment and to its distinctive character. There are a number of issues which affect the LEN and biodiversity and these are summarised in Box 5.

Box 5: Key issues relating to the Local Ecological Network and biodiversity⁶⁴

Key issues primarily relate to the increased pressure on habitats and the species they support (particularly those of international and national importance) as outlined below.

- Development growth in Gosport in-combination with the proposed growth in South Hampshire and beyond with particular concerns relating to:
 - loss of habitat as a direct result of development (building on sites that are protected or important to the integrity of a particular habitat);
 - increased water consumption which has a potential impact on water levels on protected rivers in the sub-region;
 - capacity for dealing with additional wastewater and the potential consequences on water quality including the impact of nutrients on sensitive habitats;
 - increased air pollution particularly relating to increased traffic on sensitive species; and
 - increased demands on recreational resources in the area which can potentially disturb sensitive species or even destroy habitats.
- Climate change with a number of consequences including sea-level rise which could result in the loss of important coastal habitats such as salt marshes and mudflats through the process of coastal squeeze.

Other related issues include balancing increasing access to the natural environment without harming it and improving the quality of life of residents by taking opportunities to enhance biodiversity across the Borough.

⁶⁴ See Biodiversity and Geological Conservation Background Paper and evidence studies identified therein for further details: www.gosport.gov.uk/GBLP2042

- 2.131 The Council's role as the Local Planning Authority is critical in safeguarding internationally, nationally and locally important sites as well as protected species and other features of nature conservation importance. The main designations of the LEN are summarised in Box 6 and shown on Plan 6. Designations are identified in detail on the Policies Map.

Box 6: Summary of nature conservation designations

Internationally Important Sites The legal requirements for all nature conservation designations are set out in the Conservation of Habitats and Species Regulations 2017.	
Designation	Sites
Special Protection Areas (SPA) - SPAs are designated under the European Union Birds Directives and transposed into UK Law. This requires special measures to protect migratory, rare and vulnerable species of birds. SPAs are particularly important for birds which depend on specialised or restricted habitats for breeding, feeding, wintering or migration.	<i>Portsmouth Harbour Special Protection Area (SPA)</i>: includes a significant part of Portsmouth Harbour within the Borough including a number of creeks such as Frater, Forton, Haslar, Workhouse and Stoke Lakes. Other parts of the SPA are within Fareham and Portsmouth. <i>Solent and Dorset Coast Special Protection Area (SPA)</i>: includes the Borough's Solent and Portsmouth Harbour coastline including the creeks, and is identified for its importance for feeding for various tern species.
Special Area of Conservation (SAC) - designated under the European Union Habitats Directive and transposed into UK Law which protects important wildlife habitats and the rare or threatened plants and animals they support.	<i>Solent and Isle of Wight Special Area of Conservation (SAC)</i>: includes Gilkicker Lagoon within Gosport Borough. This is part of a larger designation which includes a series of saline lagoons around the Solent.
Ramsar Sites - designated as wetlands of international importance under the 1971 Ramsar Convention. Where the sites are identified for waterfowl interest, the criteria are similar to those for SPAs.	<i>Portsmouth Harbour Ramsar site</i>: covers the same areas as the Portsmouth SPA but has additional features of interest. <i>Solent and Southampton Water Ramsar Site</i>: includes the Gilkicker Lagoon, but is part of a much larger designation which includes a variety of habitats including saline lagoons stretching from Hurst Spit in the New Forest to Gilkicker in Gosport.
Potential SPA, Possible SAC and proposed Ramsar are sites on which Government has initiated public consultation on the scientific case for designation and are given the same status as fully designated habitat sites (see Chapter 15 of the NPPF).	None at present.

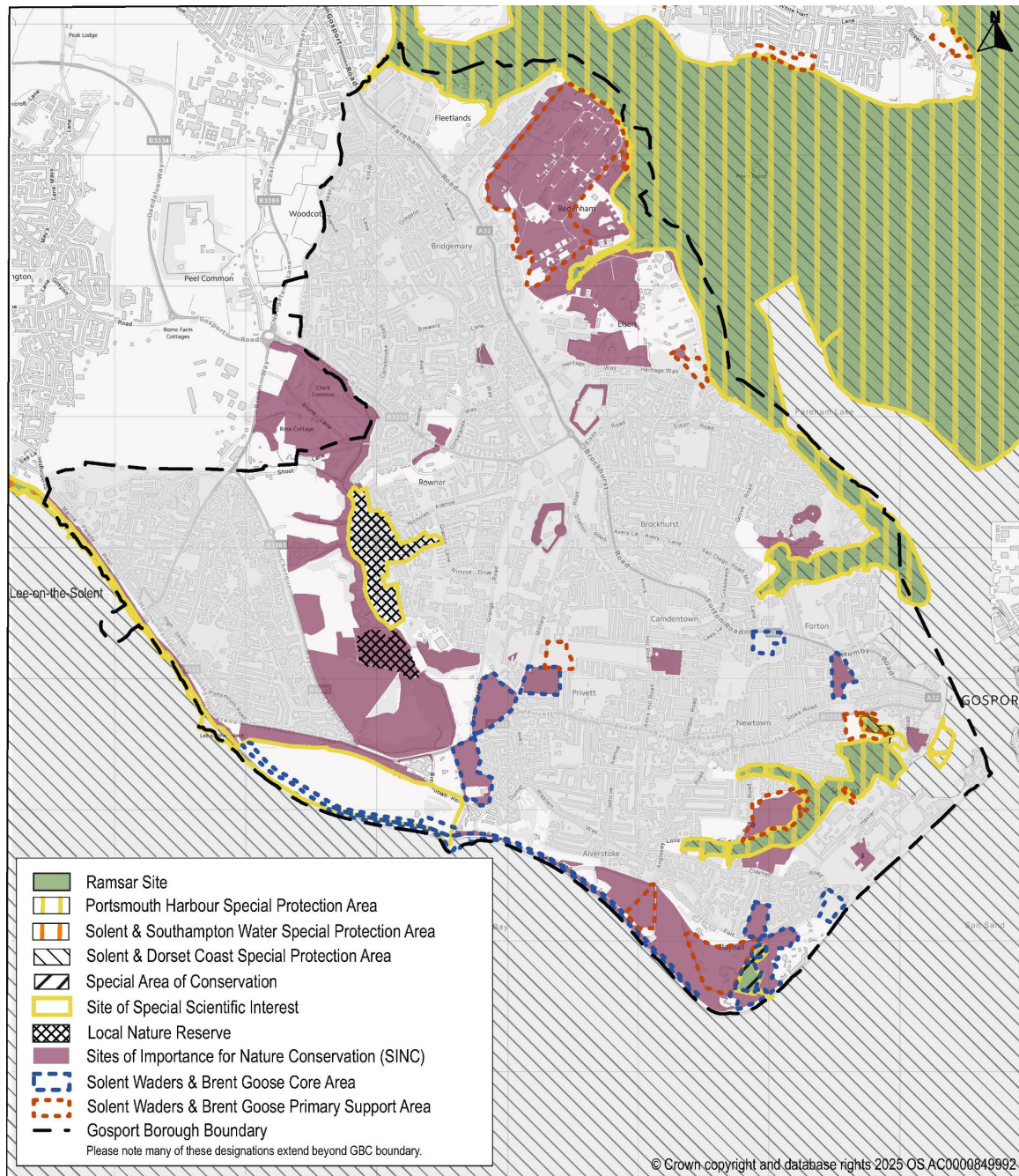
Nationally Important Sites	
Designation	Sites
Sites of Special Scientific Interest (SSSI) - Sites are designated and protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000.	There are five SSSIs in the Borough: <i>Portsmouth Harbour</i> (also Ramsar and SPA) contains a number of important habitats including inter-tidal mudflats and marshes which support internationally important wetland bird species; <i>Gilkicker Lagoon</i> (also a Ramsar and SAC site) is a saline lagoon, which is a rare habitat and supports specialised species including several national rarities; <i>Browndown Ranges</i> is an extensive shingle beach with extensive areas of rare grass heath habitat supporting specialised plants and invertebrates; <i>The Wildgrounds</i> is largely an acid oakwood, a type of habitat which was formerly widespread on coastal commons in Hampshire (site also a Local Nature Reserve); <i>Lee-on-the-Solent to Itchen Estuary</i> includes the coastline at Lee-on-the-Solent which is important for geological reasons, particularly for fossils.
National Nature Reserve	None at present in the Borough.

Locally Important Sites	
Designation	Sites
Sites of Important for Nature Conservation (SINCs) - identified by HBIC following an ecological assessment and considered by the Local Sites Panel which comprises Natural England, HCC and the Hampshire and Isle of Wight Wildlife Trust for ratification, in accordance with local sites guidance issued by DEFRA in 2006.	As at 1 st April 2024 there are 39 SINCs ranging in size from Bedenham (85ha) to a site within Fort Grange (0.17ha). They include a range of habitats from moats to wooded areas.
Local Nature Reserves - LNRs are a statutory designation made by local authorities under Section 21 of the National Parks and Countryside Act 1949 (as amended by the Local Government Act 1972).	There are two sites in the Borough, both in the Alver Valley Country Park: - the Wildgrounds (also a SSSI) - West of the River Reserves.
Undesignated sites - may include	There are found across the Borough

important nature conservation features which form part of the LEN such as those recognised in a Biodiversity Action Plan (see also Policy LE6-LE8).

(see Plan 6).

Plan 6: Nature conservation designations



- 2.132 Policy D5 sets out how development proposals will be considered in relation to the Local Ecological Network including the strategically important internationally and national significant habitats. Policies relating to other part of the LEN are included in the Local Environment Section (Policies LE5-LE8).

**POLICY D5: INTERNATIONALLY AND NATIONALLY IMPORTANT SITES
AND THE LOCAL ECOLOGICAL NETWORK**

- 1. Development which results in harm to the Local Ecological Network will not be permitted unless the need for, and benefits of the development outweighs the harm. If harm cannot be avoided measures which mitigate or compensate that harm will be required. Details are set out in the relevant policies for the following:**

- a) Internationally important habitats (see ‘Habitats Regulations’ and Part 2 of this Policy);**
- b) Nationally important habitats (see Part 3 of this Policy);**
- c) Locally designated nature conservation sites (see Policy LE5);**
- d) protecting species and other features of nature conservation importance (see Policy LE6);**
- e) protecting tree, woodland and hedge coverage (see Policy LE7).**

In addition opportunities should be taken to enhance the Local Ecological Network and deliver the Local Nature Recovery Strategy including securing measureable biodiversity net gain (see Policy LE8 and the policies cited above) and improving connections between sites.

- 2. The integrity of internationally important sites will be subject to the highest level of protection as set out in the relevant international and national regulations, and development will need to take account of the following considerations:**

- a) Development that will result in any adverse effect on the integrity of a designated international site will not be permitted unless it can be demonstrated that:**
 - i. there are no alternatives to the proposal;**
 - ii. there are reasons of overriding public benefit/interest;**
 - iii. compensatory provision is secured; and**
 - iv. the Local Planning Authority is satisfied that any necessary mitigation is secured such that in-combination with other development there will be no adverse effects on the integrity of the designated sites.**
- b) Development which has the potential to have an impact on a designated international site will be subject to a Habitats Regulations Assessment to determine the potential for likely significant effects.**

- c) All new residential development will be required to avoid or mitigate likely significant 'alone' and 'in-combination' effects on internationally important habitats caused by recreational disturbance. In addition other forms of development⁶⁵ may be required to mitigate recreational disturbance impacts. Where these measures cannot be provided development proposals will be refused, unless the applicant can demonstrate, subject to meeting the tests of the Habitats Regulations, there would not be a likely significant effect on the Solent Special Protection Areas.**
 - d) Residential development proposals that are within the New Forest 15km zone of influence and are subject to a Habitats Regulations Assessment and/or an Environmental Impact Assessment, may be required to provide on-site mitigation and/or developer contributions towards reducing recreational pressure on the internationally important habitats of the New Forest.**
 - e) Proposals that have a detrimental impact on Brent goose and/or wader feeding and roosting sites that support the functionality and integrity of the internationally important designated sites will be refused unless it can be satisfactorily avoided and/or mitigated in accordance with the Solent Waders and Brent Goose Strategy.**
 - f) Proposals will need to demonstrate nutrient neutrality to avoid having a detrimental impact on the recognised features of the internationally important habitats. It is therefore necessary for developers to submit a nutrient budget in line with the latest guidance and deliver nutrient neutral development through:**
 - i. achieving a water efficiency target of 110 litres per person per day (see Policy LE13);**
 - ii. prioritising on-site mitigation measures including the provision of green open space and Sustainable Drainage Systems where appropriate;**
 - iii. securing off-site strategic mitigation options, such as land offsetting, the creation of interceptor wetlands and enhancements to wastewater treatment works; and**
 - iv. delivering multifunctional benefits, where possible, including recreational and biodiversity enhancements and climate mitigation.**
- 3. Planning permission will not normally be granted for development if it directly or indirectly harms a Site of Special Scientific Interest and the following considerations will need to be taken into**

⁶⁵ See provisions set out explanatory text and within the Solent Recreation Mitigation Strategy.

account:

- a) Development that affects a Site of Special Scientific Interest will only be permitted where it has been demonstrated that:**
 - i. the objectives of the designated area and overall integrity would not be compromised; or**
 - ii. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.**
 - b) In the exceptional circumstances where development that affects a Site of Special Scientific Interest is permitted the Council will use conditions or planning obligations to ensure the protection of the site's nature conservation interest and that any adverse impacts are appropriately mitigated for, with compensatory measures only used as a last resort.**
- 4. Applications for development which could impact the Local Ecological Network should include adequate and proportionate information to enable an assessment of the implications taking into account the importance of the site in the designation hierarchy. They should also be supported by mitigation plans and/or compensation plans informed by the assessment of harm which would deliver a net gain for biodiversity and which set out the long-term management of any measures (see Policy LE8).**

EXPLANATION OF POLICY D5

Overview

- 2.133 The importance of local ecological networks for biodiversity is recognised in the NPPF. It states that it is necessary to protect and enhance the natural environment including helping to improve biodiversity and promoting the establishment of coherent ecological networks that are more resilient to current and future pressures. It also advises that plans should take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure and to plan across local authority boundaries. This includes the hierarchy of international, national and locally designated sites, wildlife corridors and the stepping stones that connect them.
- 2.134 Plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Priority habitats and species are those

listed under Section 41 of the Natural Environment and Rural Communities Act 2006 and the UK Biodiversity Action Plan (UK BAP)⁶⁶.

- 2.135 The LEN is based on work undertaken by the Hampshire Biodiversity Information Centre (HBIC) on behalf of the Hampshire and Isle of Wight Local Nature Partnership (LNP) which includes local authorities and agencies such as the Environment Agency and Natural England. It has been informed by the environmental records held by HBIC and the plan will be regularly updated to take into account new survey information and changes to the network such as new designations and updated habitat mapping. A simplified version⁶⁷ is available on the Council's Policies Map webpage⁶⁸.
- 2.136 The LEN should not be viewed as a constraint to development and must be considered in conjunction with the other policies in the Local Plan including the other nature conservation policies. The network can be used to inform possible on-site and off-site impacts and the potential for enhancement as part of the development process.
- 2.137 The South Marine Plan (2018) (SMP)⁶⁹ is also of relevance with Policy S-MPA-1 supporting marine protected areas (such as SPAs and SACs) and ensuring that proposals will not affect their ecological coherence and resilience to climate change. In addition, Policies S-BIO-1, S-BIO-2, S-BIO3 and S-BIO-4 of the SMP relate to biodiversity conservation and enhancement within the marine environment, and require proposals to avoid, minimise and mitigate significant adverse impacts, while supporting enhancements, including to priority habitats.

Impact on the Local Ecological Network (Point 1 of Policy D5)

- 2.138 It will be necessary to ensure that development does not have a detrimental impact on the overall network. The assessment of the impact of development will need to take account of the relationship of the proposed development to components of the LEN both in terms of its proximity, the proposed end use and the impact of that use on it. The impact of any construction activity also need to be considered. Provisions for internationally and nationally important habitats are set out later in this policy and provisions for locally designated sites and protected species are considered further in Policies LE5, LE6 and LE7.
- 2.139 All development should adhere to a core environmental planning principle called the mitigation hierarchy. Under this approach, the starting point for all development is to avoid harm, and only if not possible, to progress through

⁶⁶ <https://webarchive.nationalarchives.gov.uk/ukgwa/20140712055944/> and www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx

⁶⁷ Not all the features are shown on the plan due to issues of scale and consequently for more detailed information it will be necessary to consult HBIC directly.

⁶⁸ www.gosport.gov.uk/GBLP2042

⁶⁹ www.gov.uk/government/publications/the-south-marine-plans-documents

the options. Development which does not follow the mitigation hierarchy will be refused. It should be noted that the mitigation hierarchy is separate from any consideration under the Conservation of Habitats and Species Regulations 2017.

- Avoid: where possible habitat damage should be avoided;
- Minimise: where possible habitat damage and loss should be minimised;
- Remediate: where possible any damaged or lost habitat should be restored;
- Compensate: As a last resort, damaged or lost habitat should be compensated for.

2.140 The NPPF aims to facilitate development that makes a positive contribution in terms of reducing the fragmentation of wildlife sites and maximising the ecological linkages between them. Harm to the LEN can occur where:

- as a result of the development the quality of the existing ecological interest is diminished;
- the extent of an existing nature conservation site, wildlife corridor or stepping stone is reduced; and
- development impedes the functioning of the ecological network i.e. the potential for movement for wildlife within or through the network is impacted.

2.141 There are a number of ways in which the impact of development on the LEN can be mitigated and improvements to it achieved including:

- through the careful design of layouts to facilitate the movement of wildlife including retaining natural features on-site and areas for wildlife on-site;
- the use of new landscape planting informed by local biodiversity priorities; and
- inclusion of specific building features such as green roofs and walls, bat boxes, swift bricks and sparrow terraces.

2.142 The LEN mapping shows designated and local nature sites, as well as ecological opportunity areas derived from the LNRS ACB map (Areas that Could become of particular importance for Biodiversity (ACB))⁷⁰ (see Appendix 5) which highlights potential areas to be improved or managed in a way that can achieve biodiversity net gain.

2.143 Where new green infrastructure assets are to be provided their design should consider how biodiversity can be incorporated without compromising their primary function.

⁷⁰ www.gosport.gov.uk/GBLP2042evidence

- 2.144 The Environment Act 2021 established the Local Nature Recovery Strategies (LNRS), which is a new system of spatial strategies for nature which will cover the whole of England. Hampshire County Council has prepared an LNRS (2025) for the County⁷¹. Therefore development proposals should accord with its principles and proposals.

Internationally Important Habitats (Point 2 of Policy D5)

Overview (Point 2a-b of Policy D5)

- 2.145 The Borough has five internationally important designations which are shown on the Policies Map and summarised in Box 6.
- 2.146 In addition to the cross-boundary designations, the Council is minded that development in the Borough in-combination with other developments in the sub-region may in certain circumstances have an effect on other international designations. An example is the Solent and Southampton Water SPA which is adjacent to the Borough boundary at Hill Head within Fareham Borough. It will also be necessary to protect the integrity of these designations including the consideration of the effects of development on important sites outside the SPA and Ramsar site which support important populations of bird species such as Brent geese which may use a site for feeding and roosting.
- 2.147 In relation to internationally important sites the Government's Conservation of Habitats and Species Regulations 2017⁷² (commonly referred to as Habitats Regulations), which transposes the European Union Habitats Directive into national law, is of relevance. It is a requirement for each local planning authority to conduct a Habitats Regulations Assessment (HRA) of relevant development plan documents. Policies and proposals in the Gosport Borough Local Plan in-combination with other plans and programmes within the Borough and the sub-region (and beyond) will not be acceptable where there is the potential for an adverse impact on the features of an internationally important site. The latest HRA for the Local Plan can be viewed on the Council's website⁷³.
- 2.148 Developers should refer to the Habitat Regulations in instances where a proposal may impact upon the integrity of such sites. Policy D5 reinforces the significance of this issue and includes specific local considerations (such as recreational disturbance and nutrient neutrality) and consequently developers will need to consider these matters at the earliest possible stage when preparing their proposals and provide sufficient information for the Local Planning Authority to undertake the appropriate assessment.

⁷¹ <https://consult.defra.gov.uk/land-use/local-nature-recovery-strategies/>

⁷² The Conservation of Habitats and Species Regulations 2017 consolidates various amendments made to the Conservation of Habitats and Species Regulations 2010 and the Conservation (Natural Habitats, &c.) Regulations 1994.

⁷³ www.gosport.gov.uk/GBLP2042

- 2.149 Any proposal which may have a significant effect upon a Protected Site, either alone or in combination with other current proposals and projects, will need to be subject to an 'appropriate assessment' and is likely to require an Environmental Impact Assessment. The information provided by the developer will enable the Local Planning Authority, with guidance from Natural England, to ascertain whether the proposal will have an adverse impact on the nature conservation value of a site.
- 2.150 There is potential for development in close proximity to internationally important habitats to have site specific impacts on those habitats and their qualifying features. This could occur through, for example, construction noise and construction pollution, or as a result of shortened Brent goose and wader sight-lines. Mitigation for site specific impacts during construction and / or operation will be required in the form of a Construction Environmental Management Plan (CEMP) or sensitive design in the scale, form, massing and layout. Table 4.2 of the HRA report identifies which measures are applicable to each of the Plan's site allocations.

Recreational disturbance (Point 2c of Policy D5)

- 2.151 It is estimated that 147,500 new homes are planned around the Solent up to 2050⁷⁴. Research has shown that these will lead to more people visiting the coast for recreation which will create additional disturbance to internationally protected birds of the SPAs and have a detrimental impact on their survival and breeding rates. In order to address this issue, the Bird Aware Solent partnership was set up which includes Natural England, the local authorities around the Solent, relevant harbour groups and the RSPB. A Strategy was published in 2017 and then revised in 2024⁷⁴ which sets out key issues, the research undertaken, and how the identified disturbance can be avoided or mitigated.
- 2.152 Natural England⁷⁵ have made it clear that the work represents the best available evidence and therefore avoidance and mitigation measures are required in order to ensure a significant effect arising from new housing development around the Solent, is avoided. It therefore expects all residential development within a 5.6km 'Zone of Influence', which includes Gosport Borough in its entirety, contributes towards the avoidance and mitigation measures.
- 2.153 The Strategy aims to prevent bird disturbance from recreational activity which it seeks to do through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities

⁷⁴ Bird Aware Solent Revised Strategy (Bird Aware Solent 2024): <https://birdaware.org/solent/about-us/our-strategy/revised-strategy-2024/>

⁷⁵ NE's letter dated 31 May 2013 Planning application affecting Solent Special Protection Areas'
See Document LP/E2/2 on the Council's Local Plan evidence page: www.gosport.gov.uk/localplan2029

that take place there. It is therefore considered an effective and efficient mechanism for developers to use.

- 2.154 The Strategy deals with all new residential development and in this context includes net new dwellings created through the sub-division of existing dwellings, second homes, dwellings to be used as holiday accommodation, self-contained student accommodation⁷⁶ and new accommodation approved through the Town and Country Planning (General Permitted Development) (England) Order 2015, where provision is made to ensure that such proposals need to comply with the Habitats Regulations.
- 2.155 The need for mitigation for the recreational impact of other types of residential accommodation such as residential accommodation designed specifically for elderly people or new hotels or other tourist accommodation will be assessed on a case-by-case basis by the Local Planning Authority. The key test is based around the likelihood of the proposed development generating additional recreational visits to the SPA. Further details are set out in the Bird Aware Strategy.
- 2.156 The Council has produced the *Gosport Bird Disturbance Mitigation Protocol*⁷⁷ which is regularly updated setting out the latest agreed financial contributions of the scheme for each size of dwelling as well as arrangements for payment and other background information. The contribution is increased on 1st April each year in line with the Retail Price Index.
- 2.157 It is important to recognise that there is no obligation for a developer to make contributions towards the Bird Aware Solent scheme and it is open to them to pursue other ways to mitigate the effects of their scheme. Such schemes will be subject to assessment under the Habitats Regulations as to their suitability and effectiveness and will need to provide mitigation that is funded in-perpetuity. Such stand-alone schemes should not rely solely on measures put in place within the development.
- 2.158 In some instances an individual scheme, when accounting for their scale or particular location with the SPA, may need a site-specific package of mitigation measures in addition to the financial contribution required for the in-combination effect covered by the Bird Aware Strategy. For example, a very large scheme could have a disproportionate impact on a particular sensitive section of the coast. The Council, with advice from Natural England, will consider the mitigation requirements for such proposals on a case-by-case basis. Developers are encouraged to hold early discussions with the Council on the mitigation which will be needed for such schemes.

⁷⁶ In the case of self-contained student accommodation the Strategy does allow for a case by case approach to be taken due to particular characteristics as set out in the Strategy.

⁷⁷ www.gosport.gov.uk/internationalsites

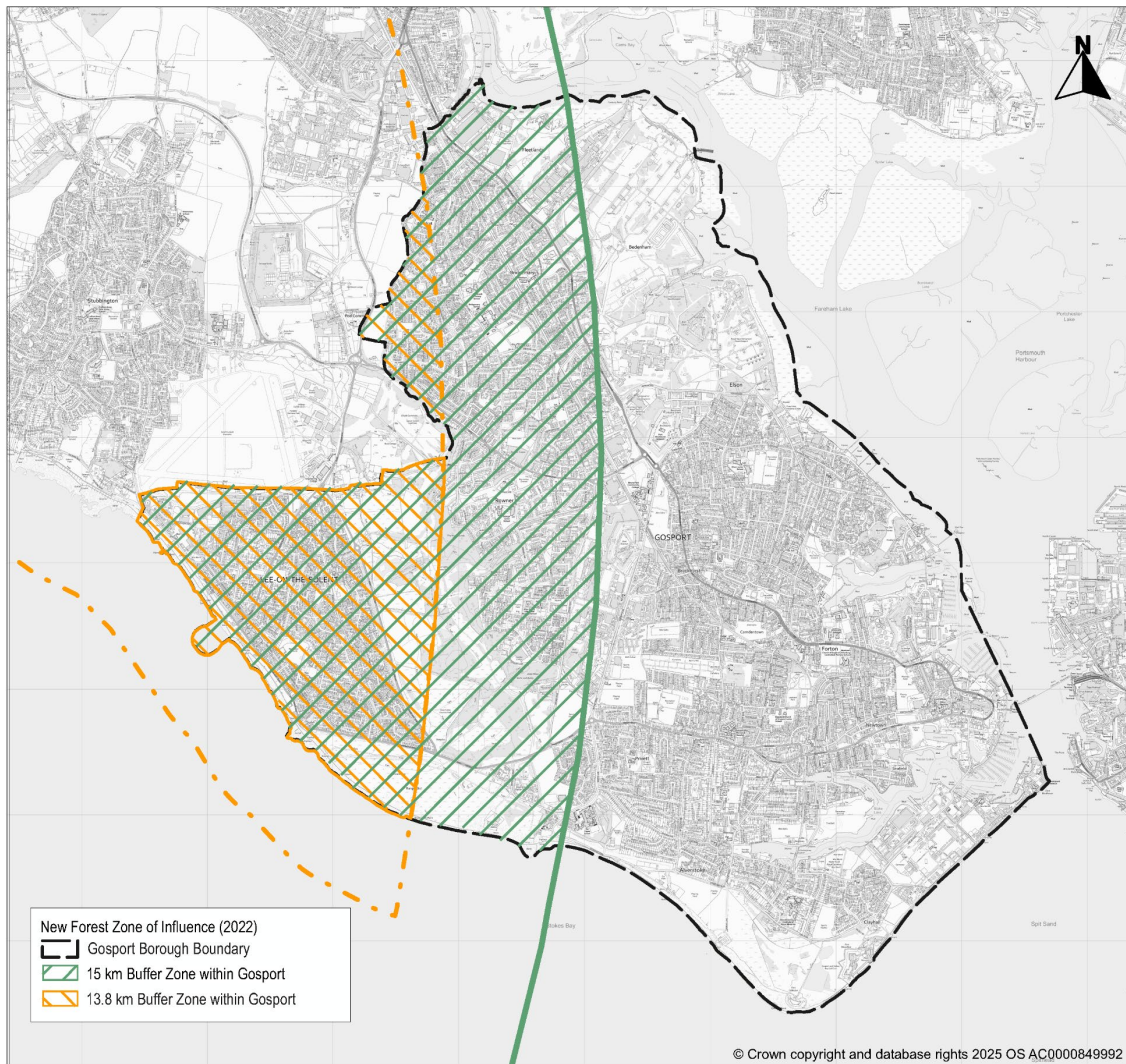
New Forest recreational impacts (Point 2d of Policy D5)

- 2.159 In 2018 a coalition of local authorities, working with Natural England and Forestry England, supported with Government funding, commissioned research into the recreational disturbance impacts of future development in the sub-region on the designated habitats within the New Forest. The report, provided by Footprint Ecology in February 2021⁷⁸, utilised visitor data to build a picture of existing travel movements to the New Forest from surrounding areas⁷⁹.
- 2.160 The report concludes that the majority of visits to the designated sites of the New Forest occurred from visitors living within a 'zone of influence' of 13.8km. Furthermore, additional housing growth within this zone would trigger likely significant effects on the designated sites from increased recreation and therefore mitigation would be required.
- 2.161 Gosport falls just outside the 13.8km zone of influence however the report also recommends that large developments of 200 or more dwellings within an enlarged 15km 'zone of influence', should be subject to project-level Habitats Regulations Assessment and may also need to provide mitigation. As shown in Plan 7 the 15km zone bisects the Borough and therefore relevant large developments within this area may need to provide mitigation on a case-by-case basis, in consultation with Natural England. Such mitigation could take the form of high quality local greenspace or contributions toward strategic mitigation schemes.

⁷⁸ www.newforestnpa.gov.uk/app/uploads/2021/08/New-Forest-zone-of-influence-report-2021.pdf

⁷⁹ www.newforestnpa.gov.uk/conservation/managing-recreation/managing-recreation/research-into-recreational-use-of-the-new-forests-protected-habitats-footprint-ecology-2020/

Plan 7: New Forest 15km zone of influence



Feeding and roosting sites that are functionally linked to the internationally important designated sites for Brent goose and waders (Point 2e of Policy D5)

- 2.162 There are a number of terrestrial sites, used by Brent geese and waders, which are located outside of the Solent SPAs but as these sites are frequently used by SPA species (including qualifying features and assemblage species) support the functionality and integrity of the designated sites. The land in many instances significantly contributes towards the SPAs conservation objectives. The use of such sites is functionally linked for feeding and roosting. Such sites in Gosport include playing fields and parks or grasslands within Ministry of Defence sites. Developments on, or adjacent to, these areas can have an impact on the SPAs which may be additional to the impacts set out above.

- 2.163 The Solent Waders and Brent Goose Strategy⁸⁰, prepared by Natural England and a range of other organisations⁸¹, includes guidance on mitigation and off-setting requirements. The guidance document for the Strategy identifies the areas of supporting habitat and grades them into five categories⁸⁰: Core Areas; Primary Support Areas; Secondary Support Areas; Low Use Sites; and Candidate Sites.
- 2.164 Proposals on or adjacent to such sites must be assessed in accordance with the Habitats Regulations in order to determine the levels of impact the development proposal will have alone and/or in-combination with other plans and projects. Suitable avoidance and mitigation measures will be required depending on the category of the Brent goose/wader site, proportionate to its use by the Solent SPA bird population. The relevant measures are set out in the guidance and must be put in place prior to development taking place and be confirmed through a legal agreement.
- 2.165 Candidate Sites contain some record of Brent geese or wader use, but further surveys will be necessary to determine the classification of these sites. To confirm the classification of a Candidate Site, the following amount of survey data will be required:
- two consecutive years survey where there has only been one survey to date.
 - one year survey where there have been two or more surveys to date.
- 2.166 Surveys should follow a suitable survey methodology (such as the one set out in the Solent Waders and Brent Geese Strategy) and suitable bodies should be consulted throughout the process.

Nutrient neutrality (Point 2f of Policy D5)

- 2.167 Since 2019, Natural England have been issuing guidance that under the Habitat Regulations all new developments in the Solent must be 'nutrient neutral' so as not to contribute towards eutrophication at protected sites.
- 2.168 As such, all residential proposals and those which include overnight accommodation⁸² will be required to submit a nutrient budget alongside their submission. There may also be some commercial or industrial projects which would cause an increase in nitrogen discharges and would be subject to a case-by-case approach.
- 2.169 A nutrient budget should be drawn up according to the latest Natural England guidance⁸³, and be accompanied by a statement on how nutrient

⁸⁰ <https://solentwbgs.wordpress.com/>

⁸¹ Including the Hampshire and Isle of Wight Trust, RSPB, Hampshire County Council ecologist and the Eastern Solent Coastal Partnership (now called Coastal Partners).

⁸² This includes hotels, tourism accommodation, student accommodation and naval accommodation.

⁸³ www.gosport.gov.uk/article/1888/Nutrient-Neutrality

mitigation (if required) will be secured and provided prior to the occupation of the development. The delivery of this mitigation will be secured through a Section 106 agreement and planning conditions, as necessary.

- 2.170 Suitable mitigation will include residential development achieving a high level of water efficiency of 110 litres per person per day as required by Policy LE13. Priority should be given to on-site mitigation measures where available, including land use change and Sustainable Drainage Systems, where appropriate and effective. Off-site measures include land offsetting schemes, the creation of interceptor wetlands and enhancements to wastewater treatment works.
- 2.171 Where wetlands are proposed within a mitigation strategy, a bespoke approach is required with specialist input, preferably from an accredited member of the Constructed Wetlands Association⁸⁴. Designs will need to take into account the hydraulic loading rates (HLR), inlet N concentrations, temperature and geomorphology to ascertain accurate N removal efficiency rates.
- 2.172 In many instances in the Borough, particularly brownfield sites, it will be necessary for developers to secure off-site measures. The Council has entered into legal agreements with landowners who have made their land available for nutrient mitigation, and who have received approval from Natural England. The Council with PfSH partners is continuing dialogue with other landowners about the prospect of bringing further mitigation proposals forward. PfSH can also provide developers with a list of third party schemes which can deliver nitrate credits as part of a land off-setting scheme within the catchment area⁸⁵.
- 2.173 Where possible, nutrient mitigation schemes, both on and off-site, should seek efficient use of land and deliver additional multifunctional benefits. This could include providing recreational space, biodiversity gain, climate mitigation, or enhancing the landscape. Schemes that maximise the use of multifunctional benefits will be considered favourably.
- 2.174 Further details can be found on the Council's webpage⁸⁶ and in the Natural England guidance.

Nationally important habitats - Sites of Special Scientific Interest (Point 3 of Policy D5)

- 2.175 The Borough's Sites of Special Scientific Interest (SSSIs) are designated and protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. The Borough contains all or

⁸⁴ www.constructedwetland.co.uk

⁸⁵ www.push.gov.uk/work/mitigation-schemes-available-to-developers

⁸⁶ www.gosport.gov.uk/article/1888/Nutrient-Neutrality

part of five SSSIs which are outlined in Box 6 and defined on the Policies Map.

- 2.176 The Council recognises the significant ecological and geological importance of SSSIs and will consult Natural England (or where appropriate use its relevant standing advice) when considering planning applications affecting these sites. The Council will aim to protect these sites from the direct and indirect impacts of development. In exceptional cases, there may be occasions when the importance of the development will justify damage to a SSSI. Such occasions may occur when there is an overriding need for the development and the reasons for the development clearly outweigh the value of the site itself. In such instances developers must prove that the need for a development clearly overrides the Government's policy to safeguard the intrinsic nature conservation value of SSSIs. Where development is permitted the Local Planning Authority will use conditions or planning obligations to ensure appropriate measures are taken to mitigate for any adverse impacts that are likely to occur with compensatory measures only used as a last resort.

Supporting information (Point 4 of Policy D5)

- 2.177 Proposals should be informed by proportionate information on the biodiversity interests of the site and adjoining area including an assessment of a site's significance towards the functioning of the Local Ecological Network (LEN). Developers are encouraged to engage with the Local Planning Authority at an early stage in the process to ensure that the potential implications of the LEN are taken into account in the preparation of proposals.