

Solent Special Protection Areas

**Gosport Bird Disturbance Mitigation
Protocol**

April 2025

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1. INTRODUCTION

- 1.1 The Solent coastline is internationally important for its rare wildlife and habitats. This importance has been recognised by international protective designations including four Special Protection Areas (SPAs): Portsmouth Harbour SPA, Solent and Southampton Water SPA, Chichester and Langstone Harbours SPA, and the Dorset and Solent Coast SPA.
- 1.2 It is estimated that almost 150,000 new homes are planned around the Solent up to 2050 and this new housing would have potential adverse impacts on the SPAs. One of these potential impacts is increased recreational activity at the coast resulting from population rises associated with the new homes.
- 1.3 Under the Habitats Regulations¹ any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.
- 1.4 Research has shown that the proposed level of new development in the Solent will lead to more people visiting the coast for recreation. This will potentially create additional disturbance to nearby birds and have a detrimental impact upon the SPA designations. In order to understand the issue of recreational disturbance and its potential impact on internationally important habitats extensive detailed research was undertaken by the Solent Disturbance and Mitigation Project (SDMP). This work was coordinated by the Solent Forum and involved a number of organisations including Natural England, Environment Agency, all the local authorities around the Solent, relevant harbour groups and the RSPB. The work concluded that existing and new residential development is likely to have an adverse impact on protected bird species that use the internationally important sites as a result of recreational disturbance generated by local residents.
- 1.5 In 2013 Natural England² made it clear that the SDMP work represents the best available evidence and therefore avoidance and mitigation measures are required in order to ensure that a significant adverse effect, arising from new housing development around the Solent, is avoided. It therefore recommended that all residential development within a 5.6km zone of the SPAs³ contributes towards avoidance and mitigation measures.
- 1.6 As a result of this requirement the relevant authorities including GBC formed the Solent Recreation Mitigation Partnership (SRMP). The SRMP now adopts a public-friendly brand name called 'Bird Aware' which it will use for its day to day work and public engagement.
- 1.7 Due to the complexity of understanding what mitigation measures would be effective, an Interim Strategy was put in place until 31st March 2018, after which it was replaced by the Solent Recreation Mitigation Strategy (SRMS). Following a 5 yearly review, PfSH approved a Revised Bird Aware Strategy on 30th September 2024⁴. Consequently it has now been necessary to update the Council's Gosport Bird Disturbance Protocol to take this into account.
- 1.8 One of the most significant changes in the revised strategy is the introduction of mitigation for summer breeding birds, in addition to overwintering birds. As breeding birds are only listed in the citation of two of the four 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. This includes a small area on the eastern side of Gosport Borough. Dwellings proposed within the

¹ The Conservation of Habitats and Species Regulations 2017 (and subsequent amendments)

² See Document LP/E2/2 on the Council's Local Plan evidence page

<https://www.gosport.gov.uk/localplan2029-evidencestudies>

³ This zone has been determined from the evidence studies which demonstrated that this is where the majority (75%) of coastal visitors live.

⁴ <https://birdaware.org/solent/about-us/our-strategy/revised-strategy-2024/>



2.1 The Solent is internationally important for its wildlife interest and there are various protective designations. The Solent shoreline stretches from Hurst Castle (near Lymington) in the west to West Wittering in the east and includes the northern shore of the Isle of Wight from Warden Point (near Colwell) to Whitecliffe Bay (near Bembridge). This 250 kilometres shoreline includes the tidal sections of the rivers which flow into the Solent as well as Chichester, Langstone and Portsmouth Harbours.

- 2.2 The four Special Protection Areas on the Solent are: Chichester & Langstone Harbours SPA; Portsmouth Harbour SPA; Solent & Southampton Water SPA; and the Dorset and Solent Coast SPA. The SPAs were designated principally for the protection of internationally significant numbers of over-wintering waterfowl (different at each) that include geese, ducks and wading birds, as well as summer breeding birds. The Dorset and Solent Coast SPA (adopted 2020) protect important foraging areas at sea used by three species of tern⁵. The Solent supports over 90,000 waders and over 10 per cent of the global population of Brent Geese. Many of these birds travel thousands of miles to over-winter on the Solent. The intertidal habitats, particularly the mudflats, shingle and saltmarshes, provide essential winter feeding and roosting grounds for these species.
- 2.3 The Solent coast, including the coastline within the SPAs, is popular with local people and enjoyed for a wide range of recreational activities. The wildlife interest is part of the specific draw for many people, and some travel quite long distances to access the coast. However, recreation and the presence of people in and around the SPAs can result in disturbance to the birds, albeit often unintentional.
- 2.4 Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may fly away from the disturbance. A bird which flies away forgoes valuable feeding time whilst in the air and also uses energy in flying - a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

3. RESEARCH

- 3.1 Housebuilding around the SPAs will result in an increase in the number of local residents and thus the number of people visiting the coast for recreation, with a consequential risk of increased disturbance to the birds. Extensive research into this matter was undertaken during 2009-2013 through the Solent Disturbance & Mitigation Project⁶ which preceded the SRMP. It included:
- a desktop review of existing national and local research;
 - a survey of visitors at the Solent SPAs asking them about their visit;
 - a survey of households living close to the Solent SPAs about their use of the coast;
 - bird disturbance fieldwork at the SPAs to assess how birds respond to potential disturbance events;
 - computer modelling to establish whether the patterns of activity which were observed at the Solent SPAs could lead to increased bird disturbance;
 - recommendations on the mitigation measures that could be used to prevent housing development affecting the integrity of the SPAs.

⁵ <https://publications.naturalengland.org.uk/publication/5294923917033472>

⁶ The research can be seen at: https://www.solentems.org.uk/natural_environment_group/SRMP/SDMP/

- 3.2 Based on the research, it is estimated that around 52 million visits are made by households to the Solent coast each year, of which just over half are made by car. The majority of visitors make trips to the coast specifically to see the sea and enjoy the coastal scenery.
- 3.3 Dog walking was the most frequently observed activity, with walking, cycling and jogging being other common recreational activities. Most activities involved people staying on the shore/sea wall rather than being on the intertidal areas or in the water. Human activity that took place on the intertidal areas was more likely to result in bird disturbance; on those areas dog walking was particularly common and resulted in a disproportionate amount of the observed bird disturbance. The research found that disturbance tended to occur when the human activity was relatively close to the birds i.e. within 50 metres, and that birds tended to respond less the further the human activity was from them.
- 3.4 The Solent area is heavily populated and it is estimated that over 1.4 million people live within a ten minute drive of a car park on the Solent shoreline. Substantial additional housing is planned and much of this will be within a short distance of the coast. Based on studies elsewhere in the country, it considered new development would have an impact if it was built within a zone of 5.6km from the SPAs. This zone covers the whole of Gosport Borough.
- 3.5 The research predicted that while some birds will be able to compensate for increased disturbance by altering their feeding habits, a number of species will suffer increased mortality as a consequence of the additional recreational visits generated by housing development. The number of current visitors to each section of coast varies widely, as does the predicted future increase. These variations reflect differences in the attractiveness and accessibility of different parts of the coast; the variations in the predicted increase also reflect the geographical pattern of housing development foreseen by the planning authorities.
- 3.6 A key finding of the research is that the level of disturbance is determined more by how people behave and where they go, rather than purely by the number of people. Consequently, mitigation measures should focus on visitor management rather than simply curtailing access to the coast.
- 3.7 The research undertaken for the Solent considered a range of potential mitigation measures, from initiatives which will influence visitor behaviour (publicity, signage, rangers etc.) to access management and enforcement measures. The creation of new greenspace - Suitable Alternative Natural Greenspace (SANGs) - in less environmentally-sensitive locations was also seen as having the potential to deflect recreational pressure away from the SPAs. Although most people visit the coast specifically to see the sea and enjoy the coastal scenery, having a short travel time from home is also important to them and for dog walkers it is of equal importance. So the research concluded that some people may be persuaded to visit a SANG instead of going to a section of coast within the SPAs, provided that the SANG is attractive and close to their homes. Evidence has shown that the Council's Alver Valley Country Park performs well as a SANG, deflecting over 1,300 coastal trips a week in the winter.⁷
- 3.8 Overall, the research concluded that there is likely to be a significant effect on the Solent SPAs from the additional recreation which will result from new housing development. Natural England has advised that the research "*represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided*".
- 3.9 The Council first produced this protocol in 2018 to reflect the findings and mitigation measures outlined in the initial full Bird Aware Strategy. It has been updated on an annual basis to reflect

⁷ <https://www.footprint-ecology.co.uk/reports/Saunders,%20P.%20et%20al.%20-%202022%20-%20Solent%20SANGs%20Visitor%20Survey.pdf>

the revised developer contributions. This latest version has now been refreshed to take account of the revised 2024 Bird Aware Strategy⁸ with the details set out below. It will also be updated on an annual basis to reflect the latest contribution figures.

4. REVISED MITIGATION MEASURES

4.1 The new strategy includes the following key changes:

- 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 which have dates beyond 2034.
- 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.
- The strategy has been extended to provide a proportional response to meet the needs of 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.
- The core team of dedicated staff will be increased from 10 to 19. This is in response to the warnings related to low staffing numbers in the independent review, and allows for the additional workload associated with breeding bird mitigation to be adequately accommodated.
- Increased resources has been allocated to Bird Aware's dog initiative 'Coast and Country Canines', based on the success of this initiative so far and an ongoing awareness that this user group remains a key target audience for the Partnership to work with.
- Increased resources allocated to communications and engagement workstreams in recognition of the role this work plays in reaching audiences and amplifying their message in all interactions.
- Increased resources allocated to monitoring 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.

4.2 The additional coastal recreational activity generated from new housing development will be a permanent feature, so the measures to prevent that increased activity having an impact on the birds must also be in place for the lifetime of the new homes. The funding contributions as set out below must therefore provide for the mitigation measures to be continued in perpetuity which has been calculated on an 80 years basis after 2050.

5. IMPLEMENTATION

5.1 The Bird Aware Strategy calculates that the annual costs of the mitigation measures, calculated according to the number of bedrooms of each property as set out below.

⁸ <https://birdaware.org/solent/about-us/our-strategy/revised-strategy-2024/>

Bedroom size	All year (see Figure 1)	Winter birds only* (see Figure 1)	Summer birds only**
1	£482	£434	£193
2	£696	£627	£279
3	£907	£817	£363
4	£1,067	£961	£427
5+	£1,251	£1,126	£501
Flat fee***	£805	£725	£322

* Homes within 'winter only' zone of SPA with winter only obligations.

** Applies to the likes of caravans and camp sites which seek only operate between 1st April and 30th September.

*** Usually only used in cases of caravans, tents or gypsy and traveller sites.

- 5.2 Further information on developer contributions, including from more bespoke forms of development including Houses in Multiple Occupation (HMOs), care homes and holiday accommodation, can be found in Appendix B of the strategy⁹.
- 5.2 The authorities will pool these contributions and implement the mitigation measures through Bird Aware Strategy. At regular intervals Gosport Borough Council (GBC) will transfer monies collected from developments that have commenced to Bird Aware so that the mitigation measures can be implemented.
- 5.3 The cost of implementing the mitigation measures will rise in line with inflation on 1st April each year in line with the Retail Price Index.

Planning Applications

- 5.4 GBC will require a contribution for every net additional dwelling unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that it will provide alternative measures which fully mitigate the impact of the development on the SPAs.
- 5.5 Evidence for the Local Plan indicates that Bird Aware payments are required in accordance with the Habitats Regulations and to meet the requirements of Policy LP42 in the Gosport Borough Local Plan 2011-2029. The payments must demonstrate appropriate mitigation and that a proposal will not cause significant 'in combination effects' on internationally important habitats in terms of recreational disturbance. The developer will pay the contribution directly to GBC in its role as the 'competent authority' as defined by the Habitats Regulations. Without this contribution, the planning application would be unacceptable unless the developer has clearly demonstrated with the necessary evidence that an alternative form of mitigation is appropriate and deliverable to the satisfaction of the Council and Natural England. It should be noted that some residential developments may have to mitigate significant 'alone' effects on internationally important habitats in terms of recreational disturbance. In addition to these

⁹ <https://birdaware.org/solent/about-us/our-strategy/revised-strategy-2024/>

'in combination' impacts, certain developments may be required to mitigate impacts directly associated with the development.

Permitted Changes to Class 3 Dwellinghouses

- 5.6 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permit certain changes to Class C3 Dwellinghouses, subject to the submission of a Prior Notification to the Local Planning Authority.
- 5.7 The GPDO requires compliance with the Habitats Regulations in addition to the other specific provisions. The Habitats Regulations state that, where a development which is likely to have a significant effect on a relevant site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77 (approval of local planning authority) of the Habitats Regulations.
- 5.8 It has been confirmed that the 'in combination' impact of additional residential development is likely to have a significant effect on the protected sites. There will, therefore be a significant effect unless evidence can be provided to demonstrate otherwise. A Bird Aware payment is appropriate mitigation for the significant effect on the protected sites and the relevant contribution set out in the Bird Aware Strategy and this Protocol similarly applies.
- 5.9 In the event that a payment is not made through the consideration of the Notification, applicants will be reminded that, in accordance with the Habitats Regulations it is a condition of a permission granted by GPDO that development must not be begun until approval under the Regulations has been granted by the Competent Authority.
- 5.10 Once the harm has been mitigated by the payment of the Bird Aware contribution, GBC as the Competent Authority will confirm in writing on receipt of the application under Habitats Regulations, and payment of an administrative fee, that the development may begin.

6. HOW DO I MAKE A HABITATS REGULATIONS CONTRIBUTION

- 6.1 The developer will make a payment directly to Gosport Borough Council. This should be paid at the same time as a planning application/notification is submitted. The form set out below should be completed indicating how many dwellings are proposed to be created and the total contribution towards mitigation measures. It should be noted that:

1. The funds will be cashed immediately on receipt by Gosport Borough Council.
2. A refund will only be made if the application does not result in positive outcome:
 - a. The total amount refunded will be the same as that paid to Gosport Borough Council.
 - b. No interest accrual will be refunded
 - c. for planning applications, the money will only be refunded on withdrawal/refusal and not until the time period for appeal has passed or an appeal has been dismissed
 - d. If an appeal is made and the appeal is allowed the money will not be refunded.
 - e. For notifications, the money will only be refunded if the development has not been begun within the timescales set out within the legislation.

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HABITATS REGULATIONS MITIGATION CONTRIBUTION FORM

Application Reference Number (office use) _____

Form to accompany payment at the time a planning application /notification is submitted.
This form is only appropriate for residential dwelling developments.

Development consists of _____ (Number of) Dwellings

A: Number of bedrooms	B: Number of properties proposed	C: All year*	D: Winter birds only*	E: Summer birds only*	Total (column B x (C, D or E))
One-Bed		£482	£434	£193	
Two-Bed		£696	£627	£279	
Three-Bed		£907	£817	£363	
Four-Bed		£1,067	£961	£427	
Five-Bed or more		£1,251	£1,126	£501	
Flat rate		£805	£725	£322	

* Please see Figure 1 and paragraphs 5.1 and 5.2 for guidance on which column is most appropriate.
If unsure, please check with Gosport Borough Council.

Address of Development _____

The applicant undertakes to make the necessary payment within one month of the application being registered. The contribution will go towards measures to mitigate the impacts of the development on the Solent Special Protection Areas. Online payment options are preferred however cheques can be processed too.

I understand that:-

1. A refund will only be made if the application/notification does not result in a positive outcome:

- The total amount refunded will be the same as that paid to Gosport Borough Council;
- No interest accrual will be refunded;
- For planning applications, the money will only be refunded on withdrawal/refusal and not until the time period for appeal has passed or an appeal has been dismissed;
- If an appeal is made and the appeal is allowed the money will not be refunded;
- For notifications, the money will only be refunded if the development has not been begun within the timescales set out within the legislation.

Full Name of Applicant _____

Signature of Applicant _____

Date _____

Appendix 1 showing the how contributions are spent

The table below sets out the estimated annual costs of each expenditure item within the Five Year Plan, as per the baseline year of 2024/25 for the period up to 2050 and during the in-perpetuity period thereafter.

Item	Expenditure (000s)
Staff provided under Service Level Agreement	869
Campaigns and Engagement Officer	64
Partnership Manager	54
Campaigns operational budget	30
Dog initiatives operational budget	30
Monitoring (including consultancy support):	37
Materials (signage)	15
Collaboration	15
Operating budget	10
Stakeholder workshops	5
Operating expenditure	1,128
Site Specific Project Monitoring Officer	40
Site specific projects	400
Capital commitment	440
Sub-total	1,568
Contribution to in-perpetuity fund	2,130
Total budget	3,698

* Please note: staff costs do not represent salary levels as it also includes other employment costs such as transport, uniform, office space, IT costs, national insurance and pension contributions.