

Please provide two original and signed copies of this agreement.
You should refer to the guidance note on the website for more detail on how to complete the agreement. Failure to do this will delay the determination of your planning application.

**Agreement under S111 Local Government 1972
made between
The Applicant and Portsmouth City Council ("PCC")
for
Solent Recreation Mitigation Contribution
and
Nutrient Neutrality Mitigation¹**

To: The City Development Manager,
Portsmouth City Council,
Civic Offices,
Guildhall Square,
PORTSMOUTH
PO1 2AU

Applicant
Officer

Planning application reference number:	XXXXXXXXXXXX
the Applicant (full name):	XXXXXXXXXXXX
The Site (Address of property (Including postcode))	XXXXXXXXXXXX
Development² :	XXXXXXXXXXXX

Under the Conservation of Habitats and Species Regulations 2017 Portsmouth City Council ("PCC") is under a duty not to grant a planning permission, reserved matters or prior approval for development that is likely to have significant effects on special protection areas.

The Applicant agrees to mitigate the likely significant effects of the Development of the Site on the Special Protection Areas by making payments of the Solent Recreation Mitigation Contribution and the Nutrient Neutrality Mitigation Contribution to PCC in accordance with the Bird Aware Solent Revised Strategy September 2024 ("the Recreation Strategy") and the Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings for the 2021- 2023/24 period ("the Nitrate Strategy").

Solent Recreation Mitigation Contribution Calculation:

1. The calculation of the Solent Recreational Mitigation Contribution for the Development of the Site is:
(delete the irrelevant table):

¹ Two original and signed copies of this form and a direct payment must accompany the relevant application as a contribution towards mitigation of the effect of proposed development on the Solent SPAs, One copy will be signed by the authorised officer of the Council and returned to the applicant to signify the Council's agreement to receipt of the Solent Recreational Mitigation Contribution and the Nutrient Neutrality Contribution.

² This should be the description of development from the planning application form.

(For dwellings):

No. of Bedrooms in each Dwelling	No of Dwellings:	Multiplied by	Cost per dwelling (£)	Total:
1 bedroom	X	x	501	X
2 bedroom	X	x	723	X
3 bedroom	X	x	942	X
4 bedroom	X	x	1108	X
5 bedroom+	X	x	1299	X
Flat rate	X	x	836	X
MINUS EXISTING USE				X
Total Solent Recreational Mitigation Contribution:				X

(For HMOs)

No. Additional Bedrooms	Cost per Additional bedroom (£)	Total:
1	501	X
2	723	X
3	942	X
4	1108	X
5 +	1299	X
Any additional bedrooms (per each HMO) after the first 5 are charged at £348 per bedroom		
No. Additional Bedrooms (above 5)	Multiplied by Cost per bedroom (£)	
X	348	X
Total Solent Recreational Mitigation Contribution:		X

The Nutrient Neutrality Calculation

2. The nutrient budget for this Development, being the increase in annual nitrogen and phosphorous input in the Solent Marine Habitat Sites³, using Solent Nutrient Neutrality Calculator⁴ is: [insert] kg/TN/yr.

I am the Applicant and I hereby acknowledge and agree that:

Solent Recreational Mitigation Contribution

3. On [insert date] I paid PCC, [online / by telephone / in person] with transaction number [insert], the total sum of £ [insert] ("the Solent Recreational Mitigation Contribution"), equivalent to [the above number of Dwellings]/[Additional bedrooms in the HMO] towards the cost of measures to mitigate the recreational impact arising from the occupation of the Development on the Solent Special Protection Areas⁵, as referred to Recreation Strategy.

³ "Solent Marine Habitat Sites" means the Solent European Designated Sites of (a) The Portsmouth Harbour Special Protection Area/RAMSAR Site;(b) The Chichester and Langstone Harbours Special Protection Area/RAMSAR Site; (c) the Solent and Isle of Wight Lagoons Special Area of Conservation; and (d) the Solent Maritime Special Area of Conservation;

⁴ "Solent Nutrient Neutrality Calculator" means the calculator published by Natural England on 28 February 2024 as a tool for calculating the nutrient budget for new residential development in the Solent Marine Habitats Sites

⁵ The Solent Special Protection Areas are (a) Chichester and Langston Harbours, (b) Portsmouth Harbour and (c) the Solent and Southampton Water

4. I have read the Recreation Strategy and I have paid the Solent Recreation Mitigation Contribution to mitigate the likely significant effect of the Development of the Site on the Solent Special Protection Areas referred to by the Recreation Strategy.

Nutrient Neutrality Mitigation Contribution

5. On [insert date] I paid PCC [online / by telephone / in person] with transaction number [insert], the total sum of £ [insert] ("the Nutrient Neutrality Mitigation Contribution") for mitigation in perpetuity for [insert the development's nutrient budget] kg/TN/yr to mitigate the impact of the adverse effects arising from the occupation of the Development at the Site in respect of nitrogen and phosphorous input into the Solent Marine Habitat Sites.
6. I have read the Nitrate Strategy⁶ and I have paid the Nutrient Neutrality Mitigation Contribution to mitigate the likely significant effect of the Development at the Site on the Solent Marine Habitat Sites.
7. I have chosen to make direct payment prior to the grant of planning permission/reserved matter/prior approval as an expeditious alternative to relying on such a unilateral planning obligation in accordance with Section 106 Town and Country Planning Act 1990 to make the habitats mitigation contribution when development commences.
8. The Solent Recreational Mitigation Contribution or the Nutrient Neutrality Mitigation Contribution cannot be transferred as mitigation for the development of another site.
9. No refund of this Solent Recreational Mitigation Contribution or the Nutrient Neutrality Mitigation Contribution will be made unless the application does not receive approval or is withdrawn.
10. In respect of any refund (including where an application is withdrawn) I further acknowledge that:
- a) The total amount refunded will be the sum of original Solent Recreational Mitigation Contribution and the Nutrient Neutrality Mitigation Contribution paid, less an administration fee of £50
 - b) No interest will accrue to be refunded
 - c) No refund will be made until the period for appeal has passed or an appeal has been dismissed or six months has elapsed since the date of withdrawal
 - d) If an appeal against refusal is made and is allowed by the Planning Inspectorate no refund will be made.

Signature of applicant:

Date:

Application reference number

Received on behalf of City Development Manager, Portsmouth City Council

By (authorised officer)

⁶ Nitrate Strategy means the Portsmouth City Council's Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings for the 2021- 2023/24 period

on (date)

This receipt signifies the agreement on behalf of the Portsmouth City Council to the terms in which payment is made by the Applicant as set out in this form and in accordance with Section 111 Local Government Act 1972.