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**ECOLOGY**SOLUTIONS

Part of the ES Group

LAND SOUTH OF  
FUNTLEY ROAD  
FUNTLEY

**SHADOW  
HABITATS REGULATIONS  
ASSESSMENT**

**Pursuant to Regulation 63  
of The Conservation of  
Habitats and Species  
Regulations 2017  
(as amended)**

December 2021  
7601.sHRA.vf1

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## **CONTENTS**

1	INTRODUCTION	1
2	LOCATION OF THE APPEAL SITE IN RELATION TO RELEVANT DESIGNATED SITES	3
3	CONSERVATION STATUS OF THE RELEVANT DESIGNATED SITES	4
4	ASSESSMENT OF THE IMPLICATIONS OF THE PROPOSALS FOR THE CONSERVATION OBJECTIVES OF THE RELEVANT DESIGNATED SITES	14
5	SUMMARY AND CONCLUSIONS	24

## **PLANS**

PLAN ECO 1	RELEVANT DESIGNATED SITE LOCATIONS
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## **ANNEXES**

ANNEX 1	Legislative Background and Relevant Guidance
ANNEX 2	Key Terms and Concepts Relevant to the Tests Contained within the Habitats Regulations
ANNEX 3	Information downloaded from MAGIC
ANNEX 4	Portsmouth Harbour SPA Data Form, Ramsar Information Sheet and Conservation Objectives
ANNEX 5	Solent and Southampton Water SPA Data Form, Ramsar Information Sheet and Conservation Objectives
ANNEX 6	Solent Maritime SAC Data Form and Conservation Objectives
ANNEX 7	New Forest SPA / SAC Data Forms, Ramsar Information Sheet and Conservation Objectives
ANNEX 8	Email from Natural England dated 12 <sup>th</sup> November 2021
ANNEX 9	Copy of Fareham Borough Council Executive Briefing Paper dated 7 <sup>th</sup> December 2021, describing the Interim Mitigation Solution for the New Forest SPA / SAC / Ramsar site
ANNEX 10	Nitrate Neutrality Calculations
ANNEX 11	Copy of 'Confirmation of Exchange' in respect of Nitrate mitigation credits at Warnford Park Estate

## **1. INTRODUCTION**

### **1.1. Background**

- 1.1.1. This Shadow Habitats Regulations Assessment (sHRA) report has been prepared by Ecology Solutions, in order to assist the Competent Authority (in this case the Planning Inspector appointed on behalf of the Secretary of State) when applying the legal tests associated with The Conservation of Habitats and Species Regulations 2017 (as amended) (hereinafter, “the Habitats Regulations”). This sHRA provides sufficient information for the Competent Authority to assess the implications of the Appeal Proposals on designated sites of nature conservation importance protected under the Habitats Regulations, and sites that are given the same protection in accordance with advice in the National Planning Policy Framework (NPPF<sup>1</sup>).

### **1.2. Appeal Site Characteristics**

- 1.2.1. The Appeal Site broadly comprises semi-improved grassland, woodland and hardstanding / made ground, with small parcels of ruderal vegetation and scrub also present. Hedgerows and tree lines are present, predominantly located at the boundaries. The majority of the grassland is short grazed, forming a number of paddocks used by horses.
- 1.2.2. Funtley Road borders the Appeal Site to the north. Woodland habitat borders the Appeal Site to the east (with the Eastleigh to Fareham railway line beyond) and the south (with the M27 beyond). Woodland and open fields are located beyond the western boundary.

### **1.3. Appeal Proposals**

- 1.3.1. Outline planning permission is sought to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self/Custom build plots, Community Building or Local Shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access.

### **1.4. Purpose of this Report**

- 1.4.1. This report specifically assesses the potential significant effects of the Appeal Proposals on international / European designated sites (now commonly referred to as Habitats Sites). Within this document specific regard is had to the tests under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 63 is described and considered further at Annex 1 this document, with additional information relevant to the application of the legal tests and associated guidance included at Annex 2.
- 1.4.2. Assessment under Regulation 63 of the Habitats Regulations is required in this instance, since the Appeal Site lies in relatively close proximity to a number of European / internationally designated sites.

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<sup>1</sup> Paragraph 181 of the NPPF (2021)

The following are considered to be relevant designated sites for the purpose of this assessment:

- Portsmouth Harbour Special Protection Area (SPA);
- Portsmouth Harbour Ramsar site;
- Solent and Southampton Water SPA;
- Solent and Southampton Water Ramsar site;
- Solent Maritime Special Area of Conservation (SAC);
- New Forest SPA;
- New Forest SAC; and
- New Forest Ramsar site.

1.4.3. It should be noted that the screening for relevant designated sites has been undertaken with full regard had to the development plan and information published by Natural England. The proximity of the Appeal Site to these designated / classified sites is described in detail at Section 2 of this sHRA.

1.4.4. As part of this assessment, professional judgement has necessarily been applied in some instances in order to interpret information.

1.4.5. In line with relevant jurisprudence, this report assesses the likely significant effects of the development proposals as a whole, both alone and in combination with other plans / projects. It then goes on to consider whether the development proposals will give rise to an adverse effect on the integrity of the relevant designated sites.

1.4.6. By way of headline summary, it is the opinion of Ecology Solutions, following detailed assessment, that the development proposals would not result in an adverse effect on the integrity of any international / European designated sites, either alone or in combination with any other plans or projects, and that as such the test contained at Regulation 63 of the Habitats Regulations would be passed.

## **2. LOCATION OF THE APPEAL SITE IN RELATION TO RELEVANT DESIGNATED SITES**

2.1. All of the relevant European / International designated sites are listed below together with the distance from the Appeal Site:

- Portsmouth Harbour Special Protection Area (SPA), (approximately 2.8km km south of Appeal Site);
- Portsmouth Harbour Ramsar site (approximately 2.8km km south of Appeal Site);
- Solent and Southampton Water SPA (approximately 3.6km south of the Appeal Site);
- Solent and Southampton Water Ramsar site (approximately 3.6km south of the Appeal Site);
- Solent Maritime SAC (approximately 3.6km south of the Appeal Site);
- New Forest SPA (approximately 13.1km west of the Appeal Site);
- New Forest SAC (approximately 13.1km west of the Appeal Site); and
- New Forest Ramsar site (approximately 13.1 km west of the Appeal Site).

2.2. In part, the Solent & Southampton Water SPA overlaps with the Solent Maritime SAC. Additionally, the Solent and Southampton Water SPA / Ramsar, Portsmouth Harbour SPA / Ramsar and the Solent Maritime SAC are further classified as a European Marine Site (EMS). EMSs are defined as any part of a European site covered (either continuously or intermittently) by tidal waters or any part of the sea. They include SPAs, SACs and Ramsar sites. In many instances these designations coincide.

2.3. The relationship between the Appeal Site and relevant designated sites is shown on Plan ECO1 and at Annex 3.

### 3. CONSERVATION STATUS OF RELEVANT DESIGNATED SITES

- 3.1. This section of the sHRA describes the reasons for designation of the international / European designated sites, together with supporting information and the Conservation Objectives (noting that these are not produced for Ramsar sites).

#### **Portsmouth Harbour SPA**

##### Qualifying interest

- 3.2. Portsmouth Harbour itself is a large, industrialised estuary, considered to be one of the most important sheltered intertidal areas on the south coast of England. It has been classified as an SPA on the basis of internationally and nationally important populations of birds being present.
- 3.3. This SPA comprises extensive intertidal mudflats, sandflats with seagrass beds, coastal lagoons, saltmarsh, shallow coastal waters and coastal grazing marsh.
- 3.4. At low tide the extensive mudflats are exposed and these support rich populations of invertebrates, which are recognised as an important food source for overwintering birds.
- 3.5. The SPA qualifies under Article 4.2 of the Bird directive by supporting populations of European importance of the following migratory / wintering species:
- Black-tailed Godwit *Limosa limosa islandica*;
  - Dark-bellied Brent Goose, *Branta bernicla bernicla*;
  - Dunlin *Calidris alpina*;
  - Red-breasted Merganser *Mergus serrator*.
- 3.6. The Natura 2000 Standard Data Form and citation for the SPA are included in Annex 4.

##### Conservation Objectives

- 3.7. The formal Conservation Objectives for the SPA (21<sup>st</sup> February 2019) are defined by Natural England as follows:

*“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*

- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

*This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.*

**Qualifying Features:**

- *A046a Branta bernicla bernicla; Dark-bellied brent goose (Non-breeding)*
- *A069 Mergus serrator; Red-breasted merganser (Non-breeding)*
- *A149 Calidris alpina alpina; Dunlin (Non-breeding)*
- *A156 Limosa limosa islandica; Black-tailed godwit (Non-breeding)."*

- 3.8. A copy of the formal Conservation Objectives (along with Supplementary Advice where available) is included at Annex 4.

**Portsmouth Harbour Ramsar site**

- 3.9. Portsmouth Harbour qualifies as a Ramsar site under Criteria 3 and 6 of the Ramsar Convention as set out on the Ramsar Information Sheet.
- 3.10. The site qualifies under Criterion 3 on account of its intertidal mudflats which comprise extensive beds of eelgrass *Zostera angustifolia* and *Zostera noltei* which support the grazing Dark-bellied Brent Geese populations. A mud-snail *Hydrobia ulvae* is found in very high densities and this helps to support the wading birds at the site. Extensive areas comprise Common cord-grass *Spartina anglica*, green algae *Enteromorpha spp.* and Sea Lettuce *Ulva lactuca*. In areas, Sea Purslane *Halimione portulacoides* is frequent and this gradates to more varied communities at the upper shore levels. A number of saline lagoons are also present, hosting nationally important species.
- 3.11. It qualifies under Criterion 6 as it supports an internationally important population of Dark-bellied Brent Goose (2105 individuals, representing an average of 2.1% of the GB population - 5 year peak mean 1998/9-2002/3 as cited on the Ramsar Information Sheet).
- 3.12. A copy of the Ramsar Information Sheet is included at Annex 4.

**Solent and Southampton Water SPA**

Qualifying interest

- 3.13. The Solent and Southampton Water SPA covers an extensive area of coastal wetland sites, comprising a series of estuaries and harbours with extensive mudflats and saltmarshes together with adjacent coastal habitats



including saline lagoons, shingle beaches, reedbeds, damp woodland and grazing marsh.

3.14. The SPA qualifies under Article 4.1 of the Birds Directive by supporting populations of European importance of the following breeding species listed on Annex 1 of the Bird Directive:

- Common Tern *Sterna hirundo*;
- Little Tern *Sterna albifrons*;
- Roseate Tern *Sterna dougallii*;
- Sandwich Tern *Sterna sandvicensis*; and
- Mediterranean Gull *Larus melanocephalus*.

3.15. The SPA also qualifies under Article 4.2 of the Bird directive by supporting populations of European importance of the following migratory / wintering species:

- Black-tailed Godwit;
- Dark-bellied Brent Goose;
- Ringed Plover *Charadrius hiaticula*;
- Teal *Anas crecca*.

3.16. The site also qualifies under Article 4.2 on account of its wintering assemblage of waterfowl of European importance.

3.17. The Natura 2000 Standard Data Form and citation for the SPA are included in Annex 5.

#### Conservation Objectives

3.18. The formal Conservation Objectives for the SPA (21<sup>st</sup> February 2019) are defined by Natural England as follows:

*“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

*This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed*

*advice and information to enable the application and achievement of the Objectives set out above.*

*Qualifying Features:*

- A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
- A052 *Anas crecca*; Eurasian teal (Non-breeding)
- A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)
- A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
- A176 *Larus melanocephalus*; Mediterranean gull (Breeding)
- A191 *Sterna sandvicensis*; Sandwich tern (Breeding)
- A192 *Sterna dougallii*; Roseate tern (Breeding)
- A193 *Sterna hirundo*; Common tern (Breeding)
- A195 *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage"

- 3.19. A copy of the formal Conservation Objectives (along with Supplementary Advice where available) is included at Annex 5.

**Solent and Southampton Water Ramsar site**

- 3.20. The Solent and Southampton Water qualifies as a Ramsar site under Criteria 1, 2, 5 and 6 of the Ramsar Convention as set out on the Ramsar Information Sheet.
- 3.21. The site qualifies under Criterion 1 on account of it being one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide, and as it includes many wetland habitats characteristic of the biogeographic region.
- 3.22. It qualifies under Criterion 2 on account of it supporting an important assemblage of rare plants and invertebrates, including at least 33 Red Data Book (RDB) invertebrates and at least eight RDB plants.
- 3.23. The site qualifies under Criterion 5 as it supports a wildfowl assemblage of international importance, with peak winter counts of 5,1343 wildfowl (5 year peak mean, 1998/99-2002/3, as specified in the Ramsar Information Sheet).
- 3.24. Furthermore the site qualifies under Criterion 6 as it supports species/populations occurring at levels of international importance of Ringed Plover, Dark-bellied Brent Goose, Teal and Black-tailed Godwit.
- 3.25. A copy of the Ramsar Information Sheet is included at Annex 5.

## Solent Maritime SAC

### Qualifying interest

- 3.26. The Solent Maritime SAC is designated on account of the presence of the following habitats listed on Annex I of the Habitats Directive as primary reasons for selection:
- Estuaries;
  - Spartina swards (*Spartinion maritimae*); and
  - Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).
- 3.27. Other Annex I habitats are also present as a qualifying feature, but not as a primary reason for the selection of the site, specifically:
- Sandbanks which are slightly covered by sea water all the time;
  - Mudflats and sandflats not covered by seawater at low tide;
  - Coastal lagoons;
  - Annual vegetation of drift lines;
  - Perennial vegetation of stony banks;
  - Salicornia and other annuals colonising mud and sand; and
  - Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').
- 3.28. Whilst the Solent Maritime SAC is not designated on account of the presence of any Annex II species as a primary reason for selection of the site, the Annex II species Desmoulin's Whorl Snail *Vertigo moulinsiana* is present as a qualifying feature but is not a primary reason for site selection.
- 3.29. Where features are listed as a qualifying feature but not a primary reason for site selection, it is still necessary to consider them as interest features for the purpose of undertaking an HRA.
- 3.30. The Natura 2000 Standard Data Form and citation for the SAC are included in Annex 6.

### Conservation Objectives

- 3.31. The formal Conservation Objectives for the SAC (27<sup>st</sup> November 2018) are defined by Natural England as follows:

*"With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*

- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.*

*This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.*

**Qualifying Features:**

- *H1110. Sandbanks which are slightly covered by sea water all the time*
- *H1130. Estuaries*
- *H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats*
- *H1150. Coastal lagoons\**
- *H1210. Annual vegetation of drift lines*
- *H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves*
- *H1310. Salicornia and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand*
- *H1320. Spartina swards (Spartinion maritimae); Cord-grass swards*
- *H1330. Atlantic salt meadows (Glauco-Puccinellietalia maritimae)*
- *H2120. Shifting dunes along the shoreline with Ammophila arenaria ("white dunes"); Shifting dunes with marram*
- *S1016. Vertigo moulinsiana; Desmoulin's whorl snail.*

- 3.32. A copy of the formal Conservation Objectives (along with Supplementary Advice where available) is included at Annex 6.

**New Forest SPA**

Qualifying interest

- 3.33. The SPA qualifies under Article 4.1 of the Birds Directive by supporting populations of European importance of the following breeding species listed on Annex 1 of the Bird Directive:

- Nightjar *Caprimulgus europaeus*;
- Woodlark *Lullula arborea*;
- Honey Buzzard *Pernis apivorus*; and
- Dartford Warbler *Sylvia undata*.

- 3.34. It further qualifies under Article 4.1 on account of supporting wintering populations of European importance of Hen Harrier *Circus cyaneus*.

3.35. The SPA qualifies under Article 4.2 of the Birds Directive by supporting populations of European importance of:

- Hobby *Falco Subbuteo*; and
- Wood Warbler *Phylloscopus sibilatrix*.

3.36. The Natura 2000 Standard Data Form and citation for the SPA are included in Annex 7.

#### Conservation Objectives

3.37. The formal Conservation Objectives for the SPA (21<sup>st</sup> February 2019) are defined by Natural England as follows:

*“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

*This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.*

#### *Qualifying Features:*

- *A072 Pernis apivorus; European honey-buzzard (Breeding)*
- *A082 Circus cyaneus; Hen harrier (Non-breeding)*
- *A099 Falco subbuteo; Eurasian hobby (Breeding)*
- *A224 Caprimulgus europaeus; European nightjar (Breeding)*
- *A246 Lullula arborea; Woodlark (Breeding)*
- *A302 Sylvia undata; Dartford warbler (Breeding)*
- *A314 Phylloscopus sibilatrix; Wood warbler (Breeding).”*

3.38. A copy of the formal Conservation Objectives (along with Supplementary Advice where available) is included at Annex 7.

## New Forest SAC

### Qualifying interest

3.39. The New Forest SAC is designated on account of the presence of the following habitats listed on Annex I of the Habitats Directive as primary reasons for selection:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*);
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*;
- Northern Atlantic wet heaths with *Erica tetralix*;
- European dry heaths;
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*);
- Depressions on peat substrates of the *Rhynchosporion*;
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*);
- *Asperulo-Fagetum* beech forests;
- Old acidophilous oak woods with *Quercus robur* on sandy plains;
- Bog woodland; and
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).

3.40. Annex I habitats listed present as a qualifying feature, but not a primary reason for selection of this site are as follows:

- Transition mires and quaking bogs; and
- Alkaline fens.

3.41. Annex II species that are listed as a primary reason for selection of this site are:

- Southern damselfly *Coenagrion mercurial*; and
- Stag beetle *Lucanus cervus*.

3.42. The Annex II species Great Crested Newt *Triturus cristatus* is listed as present as a qualifying feature, but not a primary reason for site selection. The Natura 2000 Standard Data Form and citation for the SAC are included in Annex 7

### Conservation Objectives

3.43. The formal Conservation Objectives for the SAC (27<sup>th</sup> November 2018) are defined by Natural England as follows:

*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.*

*This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.*

#### *Qualifying Features:*

- *H3110. Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae); Nutrient-poor shallow waters with aquatic vegetation on sandy plains*
- *H3130. Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea; Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels*
- *H4010. Northern Atlantic wet heaths with Erica tetralix; Wet heathland with cross-leaved heath*
- *H4030. European dry heaths*
- *H6410. Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae); Purple moor-grass meadows*
- *H7140. Transition mires and quaking bogs; Very wet mires often identified by an unstable 'quaking' surface*
- *H7150. Depressions on peat substrates of the Rhynchosporion*
- *H7230. Alkaline fens; Calcium-rich springwater-fed fens*
- *H9120. Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion); Beech forests on acid soils*
- *H9130. Asperulo-Fagetum beech forests; Beech forests on neutral to rich soils*
- *H9190. Old acidophilous oak woods with Quercus robur on sandy plains*
- *H91D0. Bog woodland\**
- *H91E0. Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); Alder woodland on floodplains\**
- *S1044. Coenagrion mercuriale; Southern damselfly*
- *S1083. Lucanus cervus; Stag beetle*
- *S1166. Triturus cristatus; Great crested newt."*

- 3.44. A copy of the formal Conservation Objectives (along with Supplementary Advice where available) is included at Annex 7.

#### **New Forest Ramsar Site**

- 3.45. The New Forest qualifies as a Ramsar site under Criteria 1, 2, and 3 of the Ramsar Convention as set out on the Ramsar Information Sheet (see Annex 7).
- 3.46. The site qualifies under Ramsar criterion 1 on account of its valley mires and wet heaths which are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. It holds the largest concentration of intact valley mires of this type in Britain.
- 3.47. The site qualifies under Ramsar criterion 2 as it supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plants are found in addition to at least 65 red data book invertebrate species.
- 3.48. The site qualifies under Ramsar criterion 3 on account of the mire habitats being of high ecological quality and diversity with undisturbed transition zones. The rich invertebrate fauna includes a high concentration of rare and scarce wetland species. The overall habitat complex, is considered essential to the genetic and ecological diversity of southern England.



#### **4. ASSESSMENT OF THE IMPLICATIONS OF THE PROPOSALS FOR THE CONSERVATION OBJECTIVES OF THE RELEVANT DESIGNATED SITES**

- 4.1. Annex 1 of this document sets out the legislation, guidance and case law of relevance to an assessment of the implications of a plan / project on a European site. Annex 2 discusses key terms and themes associated with Habitats Regulations assessments. For the avoidance of doubt, the Development Proposals are not directly connected with or necessary to the management of any relevant designated site.
- 4.2. Having regard to the legislative tests and supporting guidance, this sHRA has adopted a two-stage process, the first being the 'likely significant effect' stage, and the second being the 'integrity test'.
- 4.3. It is clear from guidance that the Conservation Objectives of a European site are the most important consideration in determining whether the plan / project will have an adverse effect on the site, including any effects on its integrity.
- 4.4. It is evident that there is a clear hierarchical approach to assessing effects on European sites in line with the Habitats Regulations. The primary test is that against the Conservation Objectives with other considerations following these. Such other considerations would include:
  - Other features of interest associated with the site; and
  - Other relevant baseline information for the site.
- 4.5. In line with the above, whilst the qualifying interest features of the site and other baseline information have informed this assessment, the greatest weight has been placed upon the formal Conservation Objectives for the European sites, as set out by Natural England. Consideration has also been afforded to additional information where available, such as that produced by Natural England.
- 4.6. With reference to the relevant designated sites, this section includes a description of the potentially significant effects arising from the plan / project. The potential effects are assessed within this section in order to address the test under Regulation 63 (1) in the first instance (the 'likely significant effect' stage).
- 4.7. In undertaking this assessment, consideration has been had to the best available scientific knowledge. Further consideration under the Habitats Regulations can therefore be undertaken consistent with the HRA Guidance 2021 (and Waddenzee judgment). That requires the use of the best scientific knowledge to inform a decision, where no reasonable scientific doubt remains as to the presence and / or absence of effects that would adversely affect the integrity of the designated site (see Annex 1).
- 4.8. Furthermore, consideration is given to the People over Wind Judgement (C-323/17), which confirmed the view of the CJEU that avoidance or mitigation measures can only be taken into consideration at the Appropriate Assessment (integrity test) stage.

### **Potential significant effects in the absence of mitigation**

- 4.9. The formal Conservation Objectives and the qualifying interest features of the relevant designated sites are described in detail within Section 3 of this assessment. Section 2 describes the location of the Appeal Site in the context of the various designations.
- 4.10. Having regard to the formal Conservation Objectives and qualifying interest features for each designated site, and also the nature of the Appeal Proposals and the distances involved, specific consideration has been given to the following pathways for likely significant effects to arise on the designated sites:
1. Effects from traffic related air quality;
  2. Effects relating to nutrient nitrogen; and
  3. Effects from increased recreational pressure.
- 4.11. For clarity, the habitats present at the Appeal Site do not constitute supporting habitat for any of the qualifying species populations associated with the relevant designated sites. No functional linkage has been identified and as such no further consideration of this issue is given.
- 4.12. Regarding air quality issues, regard has been had to the "Air Quality Habitat Regulations Assessment for the Fareham Borough Local Plan 2021 - 2037", produced by Ricardo Energy and Environment. For all designated sites assessed, in relation to Nitrogen and acid deposition, airborne NOx and NH3, the assessment report for the Local Plan (2021 - 2037) concludes that adverse effects (on site integrity) can be discounted, with no mitigation required. The conclusions are reached, having had due regard to potential in combination effects.
- 4.13. In the light of those conclusions, it is considered that it can safely be concluded that the development proposals would not give rise to an adverse effect on any European designated site by way of traffic related air quality. The uplift in dwelling numbers being considered as part of this planning application, over and above the allocation figure, is small in context and it is considered that the increase would not alter the conclusions reached in the Air Quality Habitat Regulations Assessment, given it's findings.
- 4.14. It is notable that the potential for such effects to arise as a result of the Appeal Proposals have not been raised by Natural England, Fareham Borough Council or Hampshire County Council during the consultation stage of the planning application. Given the foregoing, since no mitigation is necessary, impacts from traffic related air quality have been screened out for all relevant designated sites at the first stage of assessment.

### **Nutrient nitrogen**

- 4.15. An Integrated Water Management Study (IWMS) for South Hampshire was commissioned, in 2016, by the Partnership for Urban South Hampshire (PUSH) Authorities, alongside the Environment Agency and Natural England. This study examined the projected delivery of development growth with regard to legislative and government policy requirements for

designated sites and wider biodiversity issues. This updated an earlier study undertaken in 2008. Broadly comparable studies for Chichester Harbour and Sussex were undertaken in 2018, although this work was largely on Water Framework Directive assessments.

- 4.16. The IWMS for South Hampshire, which was completed in March 2018, identified current uncertainty as to whether new housing growth can be accommodated without having a detrimental effect upon the water environment. It identified uncertainty as to the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and uncertainty as to whether upgrades to wastewater treatment works will be sufficient to accommodate the quantity of new housing proposed.
- 4.17. In order to examine the issue further, relevant local planning authorities, together with the Environment Agency, Natural England and water companies, set up a Water Quality Working Group in South Hampshire to complement that already in existence for Chichester. The objectives of these groups include identifying and analysing any existing gaps in evidence and evaluating the need for strategic level mitigation measures. The primary focus of the work is to address the aforementioned uncertainty associated with strategic local plan growth.
- 4.18. Following from the above, in 2018, Natural England specifically assessed the condition of relevant 'Solent harbours' designated sites. The aim was to evaluate the levels of nitrogen within the water environment and the associated impact on the designated sites.
- 4.19. This assessment revised and updated the condition assessment information for water quality pursuant to the qualifying interest features of the designated sites. Recorded levels of nitrogen in the harbours were analysed and then compared with evidence of phytoplankton and macroalgae (percentage cover of dense opportunistic green macroalgae).
- 4.20. It was determined that increased levels of nutrient nitrogen (in part through discharges from Waste water Treatment Works (WwTWs) was leading to degradation of the condition of qualifying interest features of those designated sites within the Solent (notably the harbours). On this basis, it was Natural England's advice that new residential developments within the Solent catchment should demonstrate nutrient neutrality in order to allow a conclusion that (in combination) the proposal would not adversely affect the integrity of the associated designated sites.
- 4.21. It is therefore considered that it cannot be concluded that no likely significant effect arises in relation to the following designated sites in respect of this pathway:
  - Portsmouth Harbour SPA and Ramsar site;
  - Solent and Southampton Water SPA and Ramsar site; and
  - Solent Maritime SAC.
- 4.22. This matter will be considered in further detail below, in relation to the Integrity test.

### Recreational Pressure

- 4.23. Recreational use of designated sites is well documented as having the potential to cause disturbance to qualifying species interest features (particularly birds).
- 4.24. In addition to disturbance, recreational pressure can lead to direct habitat degradation through trampling, where footpaths are not maintained and / or other access management measures are inadequate.
- 4.25. Given the proximity of the Appeal Site to the various designated sites, their qualifying interest features and Conservation Objectives, in undertaking a precautionary approach to assessment, it is considered that it cannot be concluded that no likely significant effect arises in relation to the following designated sites in respect of this pathway:
- Portsmouth Harbour SPA and Ramsar site;
  - Solent and Southampton Water SPA and Ramsar site;
  - Solent Maritime SAC;
  - New Forest SPA and Ramsar site; and
  - New Forest SAC.
- 4.26. It should be noted that the New Forest SPA / SAC / Ramsar site is located at a considerably greater distance from the Appeal Site than the other designated sites. However, it is understood that Natural England consider that evidence is available to suggest that even at this distance, increased recreational pressure cannot be ruled out as a pathway for potential adverse effects on Integrity (in combination). Therefore, in adopting a precautionary approach to assessment, recreational pressure on the New Forest SPA / SAC / Ramsar site has been screened into the next stage of assessment.
- 4.27. Detailed information in relation to this pathway for adverse effects to arise, is discussed below in relation to the Integrity test.

### **Consideration of the Integrity test at Regulation 63(5)**

#### Disturbance effects

- 4.28. Such effects are considered to be focussed upon visual/physical disturbance arising predominantly from walkers (including dog walking) and cyclists. Dog walking is an often cited contributing factor to disturbance effects on birds, mainly because dogs will often initiate a predator / prey flight response especially when run off the lead. When off the lead they will often stray from paths (which otherwise act to manage visitor movements especially in a coastal or wetland environment), and they may actively chase birds.
- 4.29. During winter, birds are particularly susceptible to adverse effects through disturbance due to food sources being generally scarcer and efficient use of energy being of heightened importance to survival. As such, increased disturbance could give rise to an adverse effect on the birds during these harsher periods. Such effects would be relevant to all of the relevant SPAs and Ramsar sites.

- 4.30. During the breeding season, disturbance can give rise to avoidance of otherwise suitable nesting or foraging habitat. Dogs in particular can also flush birds from nests resulting in nest / egg abandonment and chick predation. With reference to the relevant SPAs and Ramsar sites, such effects would be relevant to all but Portsmouth Harbour, which only qualifies (SPA and Ramsar) on account of wintering populations.

*Quantifying the potential effect of the proposals*

- 4.31. In terms of the number of potential additional visitors to the SPA / SAC / Ramsar site, the following information is considered relevant.
- 4.32. The Appeal Proposals will deliver up to 125 new homes. Using information available from the 2011 census, for Fareham borough the average house occupancy rate is 2.4 persons per house. On this basis the proposals could result in an additional 300 new residents. Ecology Solutions is mindful that this figure can only be used as a guide, not least because the Appeal Proposals are concerned with outline planning permission and the number of units and mix of units (differing bedroom numbers) are not fixed. Only the upper number of units would be set by any permission.
- 4.33. For the purpose of this assessment, the figure of 300 new residents is considered appropriate to take forward, but an appropriate level of caution has been applied.
- 4.34. It is to be expected that a proportion will require areas to walk dogs. Information available from the Pet Food Manufacturers Association<sup>2</sup> shows that for 2021 it is estimated that in the UK 33% of households own a dog/s.
- 4.35. In relation to dog walking therefore, it would be expected that 41 new households would own at least one dog<sup>3</sup>. On the basis that dogs are often walked twice a day, taking a precautionary approach it can be assumed that the proposals associated with the residential element of the scheme would generate up to an additional 82 dog walks a day. This can be viewed as a precautionary estimate on the basis that the detailed proposals may not deliver the full 125 units.
- 4.36. In adopting a precautionary approach, it has been assumed that, at least from time to time, new residents would access the relevant designated sites. This assumption has been made in relation to all of the relevant designated sites, notwithstanding the significant separation of the New Forest SPA / SAC / Ramsar site from the Appeal Site. The New Forest SPA / SAC / Ramsar site is located just over 13km west of the Appeal Site (straight line distance), but a journey of considerably longer would be required in real terms given that Southampton Water separates the Appeal Site from the New Forest. Indeed, it is notable that a detailed assessment of recreational pressure was undertaken by Footprint Ecology with the results and proposed mitigation strategy published in the document titled "Impacts of recreation and potential mitigation approaches" (2020). That assessment specifically stated that Fareham borough should be excluded from the zone

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<sup>2</sup> <https://www.pfma.org.uk/pet-population-2021>

<sup>3</sup>  $33/100 \times 125 = 41$

of influence attributed to recreational impacts at the New Forest because of this separation. However, it is noted that Natural England do not agree with that approach. Instead, it purports that the evidence base supports the inclusion of Fareham borough within the zone of influence, which is defined as 13.8km straight line distance, extending to 15km for developments of around 200 units or more. A copy of email correspondence confirming Natural England's position is included at Annex 8.

- 4.37. Whilst Ecology Solutions consider that the evidence base clearly demonstrates that residents of Funtley are not likely to give rise to significant additional pressures at the New Forest SPA / SAC / Ramsar site, the position of Natural England is fully acknowledged. In adopting a precautionary approach to assessment, it is considered that the package of mitigation / avoidance measures associated with the Appeal Proposals should include measures targeted at avoiding increased recreational pressure at the New Forest SPA / SAC / Ramsar site.

*Mitigation / avoidance measures*

- 4.38. The proposed mitigation / avoidance package of measures includes both open space provision and contributions towards strategic schemes which deliver initiatives at the designated sites themselves.
- 4.39. It is important to recognise the significant open space provision which will be delivered by the Appeal Proposals. This includes areas of open space delivered within the housing scheme itself and also a large community park (total area of 9.89ha). Together, these new resources will offer dog walking and other recreational opportunities on the doorstep of new residents. Also, significantly, these resources will offer recreation opportunities for existing residents of Funtley and the local area, attracting visitors who may otherwise use the designated sites for recreation purposes (e.g. walking, dog walking, cycling or running). Whilst it would be expected that new residents would also use other sites for recreation, it can be concluded that a significant proportion of walks (and dog walks in particular) would very likely be undertaken within the community park and other open space associated with the Appeal Site.
- 4.40. It is considered that the community park would in fact deliver a user experience akin to Suitable Alternative Natural Greenspace (SANG) which is an accepted European site mitigation / avoidance measure, promoted by Natural England. The key principle behind SANG is to deliver a quality recreation experience for the public, with easy access, making it more attractive than visiting the designated site/s. The SANG does not need to account for all walks / dog walks which would otherwise be undertaken at the European site/s by new residents, since existing local residents will also be attracted to the SANG. To be effective, the SANG needs to provide 'net betterment' in terms of visitor numbers to the European site.
- 4.41. The community park will include large areas of freely accessible grassland where dogs can be run off the lead. It will also have woodland, areas of scrub, trees and hedgerows. It will offer a natural and aesthetically pleasing place to walk and undertake other activities, all located in easy walking distance from the new homes and with connectivity to nearby houses /

settlements. It is also of a scale which would be acceptable for use as SANG, offering a range of different walk lengths.

- 4.42. It is widely accepted that the coast has a particular draw to people and that they will still travel to the coast for recreation at least some of the time. On this basis, the principle mitigation / avoidance mechanism used for coastal European designated sites is the provision of a package of measures targeted at managing and monitoring visitor pressures at the designated site itself. Typical initiatives include wardening (e.g. policing 'dogs on lead' policies), signage / interpretation, provision of dog bins, footpath creation / maintenance and education. Monitoring is also an integral part of any such strategy, allowing adaptations to be made to individual elements of the strategy where required.

*Solent European designated site mitigation*

- 4.43. The Solent Recreation Mitigation Strategy (2017) is the relevant published strategy relating to the avoidance of adverse effects on European designated sites associated with the Solent (including those of relevance to this sHRA). The Solent Recreation Mitigation Partnership formulates, implements and monitors the strategy. Funding is through developer contributions transferred from the relevant local planning authorities as part of a cross boundary approach to mitigation. The Partnership itself comprises Natural England, the Royal Society for the Protection of Birds (RSPB) and the fifteen Solent local authorities, including Fareham Borough Council.
- 4.44. The Solent Recreation Mitigation Strategy 2017 states that the baseline developer contribution is the equivalent of £564 per dwelling however, in practice this is charged on a sliding scale (based upon bedroom numbers per dwelling) in order to more accurately reflect the numbers of new residents likely to be generated. The costs outlined are as follows:
- "£337 for 1 bedroom dwelling;
  - £487 for 2 bedroom dwelling;
  - £637 for 3 bedroom dwelling;
  - £749 for 4 bedroom dwelling; and
  - £880 for 5 bedrooms or more."
- 4.45. The figures are increased on 1<sup>st</sup> April each year in line with the Retail Price Index (RPI), rounded to the nearest whole pound.
- 4.46. In order to address matters concerning recreational pressure on the Solent European designated sites, it is standard practice among the relevant local planning authorities to seek the appropriate level of financial contribution towards the Solent Recreation Mitigation Strategy. The contribution is secured through a legal obligation in the form of either a Unilateral Undertaking or Section 106.
- 4.47. The Appellants are committed to providing the relevant financial contribution, with this being secured through an appropriate legal mechanism. In this light it can be concluded that no adverse effect on the Integrity of the Solent European designated sites would arise, subject to the securing of the contribution and its payment ahead of first occupation.

*New Forest SPA / SAC / Ramsar site mitigation*

- 4.48. As already discussed, the Appeal Proposals include for significant provision of open space which can be viewed as providing an alternative recreational resource to the SPAs / SACs and Ramsar sites in the local area. It is considered that such a provision will reduce the potential for use of the New Forest by new (and existing) residents.
- 4.49. However, the position of Natural England is noted (see Annex 8), as is the need for precaution when addressing the tests of the Habitats Regulations. It is noted that the National Park Authority have adopted a Habitat Management Scheme (2020). This approach to mitigation / avoidance is comparable to that discussed above in relation to the Solent European sites. Financial contributions are secured through legal mechanisms and the funds are used to implement targeted visitor management and monitoring initiatives, all of which are fully costed in order to derive a 'per unit' charge. That strategic approach has been agreed with Natural England and has been running for some time.
- 4.50. As already discussed, Fareham borough is well removed from the New Forest and for Fareham this is a new issue, subject to discussions between Fareham Borough Council and Natural England. However, it is clear that a suitable mechanism exists for appropriate and proportionate mitigation to be delivered and this is discussed below.
- 4.51. Regard has been had to the approach adopted in relation to the appeal regarding Land East of Crofton Cemetery, Stubbington (also within the jurisdiction of Fareham Borough Council). In this case, the Appellants had used the data on visitor use of the New Forest contained within the Footprint Ecology assessment report<sup>4</sup>, to derive a pro-rata financial contribution. The Appellants had adopted a precautionary approach in view of the data and had proposed a figure of £351.20 per new dwelling which was 10% of the National Park Authority Habitat Management Scheme contribution. With reference to the cross-boundary approach of the Solent Disturbance and Mitigation Project (described in detail above), the National Parks Authority confirmed to the Inspector that it was content to receive transferred funds (secured through legal obligation) from Fareham Borough Council, towards its mitigation scheme. It is understood that Natural England confirmed to the planning Inspector (by email dated 24<sup>th</sup> November 2021) that it would raise no further concerns in the event the Inspector was content that the approach was suitably precautionary, and funds were appropriately secured.
- 4.52. Further to the above, on 7<sup>th</sup> December 2021, Fareham Borough Council's Executive Committee agreed with the recommendation to adopt an Interim Mitigation Solution as contained within the report "Implications of Natural England advice on New Forest Recreational Disturbance" which was considered at the meeting of the same date. The mitigation strategy sets out a calculated cost per dwelling of **£247.05** to be secured by legal obligation. The funds will deliver a range of measures aimed at delivering enhanced open spaces (e.g. Country Parks) in the Borough, which will

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<sup>4</sup> Footprint Ecology, 2020, Impacts of recreation and potential mitigation approaches.



deter people from traveling to the New Forest for recreation purposes. The measures also include monitoring and a contribution towards access management and wardening at the New Forest SPA / SAC itself. A copy of this Interim Mitigation Strategy is included at Annex 9. It is not known at the time of producing this sHRA whether Natural England has fully endorsed the Fareham Borough Council Interim Mitigation Strategy.

- 4.53. It is notable that the Interim Mitigation Strategy is to apply to developments that are “unable to provide on-site mitigation”, although no definition of what constitutes suitable on-site mitigation (e.g. scale) is provided. In the case of the Appeal Proposals, as has been discussed above, the Appeal Proposals do deliver a very significant area of open space, which could broadly be considered a SANG. However, delivering the proposed open space provision alone, would not address Natural England’s concerns regarding a need to deliver measures at the SPA / SAC itself, as referenced in Natural England’s project specific advice on the issue (see Annex 8), nor would such an approach contribute to monitoring the effectiveness of the package of measures.
- 4.54. In view of the foregoing, it is considered that an appropriate and proportionate package of mitigation / avoidance measures includes a financial contribution towards the Fareham Borough Interim Mitigation Strategy (**£247.05** per dwelling), with the additional security achieved through the delivery of the on site open space to be viewed as a net benefit of the Appeal Proposals, giving further comfort as to the efficacy of the proposed measures.
- 4.55. Following from the above, the Appellants will enter into a legal obligation (e.g. Unilateral Undertaking) with Fareham Borough Council to pay the appropriate financial contribution, which would equate to **£30,881.25** based on 125 units.
- 4.56. It can be concluded that no adverse effect on the Integrity of the New Forest SPA / SAC / Ramsar site would arise, subject to the securing of the contribution and its payment ahead of first occupation.

#### Nutrient nitrogen

- 4.57. In order to address the issue of nutrient nitrogen, the nitrogen budget for the Appeal Proposals was calculated using Natural England methodology. This confirms that the Appeal Proposals would need to mitigate against a surplus of 68.8 kg/N/year. A copy of the calculations and summary discussion regarding the results and correspondence with Fareham Borough Council, is included at Annex 10.
- 4.58. For clarity, the nitrogen budget calculation identifies that the proposed new community park is 9.88ha in size<sup>5</sup>, of which 6.78ha is in use for lowland grazing. Part of that grazing land (3.06ha) is already set aside to mitigate the near complete housing development on the north side of Funtley Road and this area of land is secured through the Section 106 accompanying that development. Since 3.06ha is needed to mitigate the development at Funtley North, 3.72ha of mitigation land would be available at the

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<sup>5</sup> Subsequently revised area is greater, at 9.89ha.

community park site to assist in mitigating the nitrates generated by the Appeal Proposals. 3.72ha would only mitigate 29.76 kg/N/yr leaving 39.04 kg/N/yr of nitrate mitigation still needed.

- 4.59. The balance of nitrate (39.04 kg/N/yr) to be mitigated through the purchasing of credits from the Warnham Estate nitrate mitigation scheme and a contract is in place. A copy of the agreement relating to this matter is included at Annex 11. It is understood that Fareham Borough Council are content that matters relating to nutrient nitrogen are resolved.
- 4.60. In view of the above, subject to the securing of the measures (payment being made for the nitrogen credits) it can be concluded that the Appeal Proposals will not give rise to an adverse effect on the Integrity of the Solent European / Ramsar sites through increases in nutrient nitrogen.

### **Summary Assessment Conclusion**

- 4.61. This sHRA has taken a precautionary approach to assessment and regard has been had to a proportionate response to any potential adverse effects on the Integrity of relevant European / Ramsar sites. In view of the proposed mitigation / avoidance strategies, no adverse effect on the Integrity of any relevant designated site has been identified when the plan project is considered both alone and in combination with other plans or projects.

## 5. SUMMARY AND CONCLUSIONS

- 5.1. This sHRA report has been prepared by Ecology Solutions, in order to assist the Competent Authority (in this case the Planning Inspector appointed on behalf of the Secretary of State) when applying the legal tests associated with the Habitats Regulations. This sHRA provides sufficient information for the Competent Authority to assess the implications of the Appeal Proposals on designated sites of nature conservation importance protected under the Habitats Regulations, and sites that are given the same protection in accordance with advice in the NPPF (2021).
- 5.2. Outline planning permission is sought (by way of Appeal) to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self/Custom build plots, Community Building or Local Shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access.
- 5.3. The relevant European / Ramsar sites are as follows:
- Portsmouth Harbour Special Protection Area (SPA), (approximately 2.8km km south of Appeal Site);
  - Portsmouth Harbour Ramsar site (approximately 2.8km km south of Appeal Site);
  - Solent and Southampton Water SPA (approximately 3.6km south of the Appeal Site);
  - Solent and Southampton Water Ramsar site (approximately 3.6km south of the Appeal Site);
  - Solent Maritime SAC (approximately 3.6km south of the Appeal Site);
  - New Forest SPA (approximately 13.1km west of the Appeal Site);
  - New Forest SAC (approximately 13.1km west of the Appeal Site); and
  - New Forest Ramsar site (approximately 13.1 km west of the Appeal Site).
- 5.4. Having regard to the formal Conservation Objectives and qualifying interest features for each designated site, and also the nature of the Appeal Proposals and the distances involved, specific consideration has been given to the following pathways for likely significant effects to arise on the designated sites:
- 4. Effects from traffic related air quality;
  - 5. Effects relating to nutrient nitrogen; and
  - 6. Effects from increased recreational pressure.
- 5.5. Other possible pathways for likely significant effects have been discounted.
- 5.6. The approach to assessment has been precautionary and is in line with relevant jurisprudence and guidance pertaining to assessment under the Habitats Regulations 2017 (as amended).
- 5.7. Potential significant effects from traffic related air quality have been screened out for all of the relevant designated sites, with no specific mitigation required.

- 5.8. Potential significant effects from increased recreational pressure have been screened in for all of the relevant designated sites, with Appropriate Assessment therefore required.
- 5.9. Potential significant effects relating to nutrient nitrogen have been screened in for the Solent European sites (only), with Appropriate Assessment therefore required.
- 5.10. Insofar as matters concern nutrient nitrogen, the nitrogen budget for the Appeal Proposals was calculated using Natural England methodology (v5, June 2020). This confirms that the Appeal Proposals would need to mitigate against a surplus of 68.8 kg/N/year. 3.72ha of mitigation land within the proposed community park will be used to assist in mitigating nitrates generated by the Appeal Proposals. The balance of the nitrates (39.04 kg/N/yr) is to be mitigated through the purchasing of credits from the Warnham Estate nitrate mitigation scheme. Thus, the initial credits will be secured with the Council (in the s.106) as part of the open space / community park and the Warnham Estate agreement covers the 39.04 remaining credits. A contract is already in place the Warnham Estate and it is understood that Fareham Borough Council are content that matters relating to nutrient nitrogen are resolved.
- 5.11. Regarding increased recreation pressure at the Solent European designated sites, it is standard practice among the relevant local planning authorities to seek the appropriate level of financial contribution towards the Solent Recreation Mitigation Strategy (secured by Unilateral Undertaking or Section 106). The Appellants are committed to providing the relevant financial contribution, with this being secured through an appropriate legal mechanism.
- 5.12. Regarding increased recreation pressure at the New Forest SPA / SAC / Ramsar site, full regard has been had to the position of Natural England and its view that mitigation is required, despite the separation of this designated site/s from the Appeal Site. On 7<sup>th</sup> December 2021, Fareham Borough Council's Executive Committee agreed with the recommendation to adopt an Interim Mitigation Solution. The mitigation strategy sets out a calculated cost per dwelling of **£247.05** to be secured by legal obligation. The funds will deliver a range of measures aimed at delivering enhanced open spaces (e.g. Country Parks) in the Borough. The measures also include monitoring and a contribution towards access management and wardening at the New Forest SPA / SAC itself. The Appellants will enter into a legal obligation (e.g. Unilateral Undertaking) with Fareham Borough Council to pay the appropriate financial contribution, which would equate to **£30,881.25** based on 125 units.
- 5.13. Furthermore, additional security in relation to matters concerning recreational effects is achieved through the delivery of the on-site open space (including community park). This is to be viewed as a net benefit of the Appeal Proposals, giving further comfort as to the efficacy of the proposed measures.
- 5.14. By way of overall conclusion, it can be concluded beyond reasonable scientific doubt that the Appeal Proposals deliver appropriate and

proportionate mitigation / avoidance measures where required, and that subject to the securing of these measures, no adverse effect on the Integrity of any European / Ramsar site (Habitats site) will occur.