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## **Statement of Common Ground between Fareham Borough Council and the Appellants**

### **Ecology and Nature Conservation**

#### **Land South of Funtley Road, Funtley**

PI Refs: APP/A1720/W/21/3283643  
APP/A1720/W/21/3284532

App Refs: P/20/1168/OA  
P/20/1166/CU

7<sup>th</sup> January 2022

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#### **Habitats Sites (European Protected sites)**

1. It is agreed that the Appeal Sites are not located within or adjacent to any Habitats Site and also that the proposals are not directly connected with, or necessary to the management of any such designated site.
2. It is agreed that it is necessary for the Competent Authority (in this instance the Inspector acting on behalf of the Secretary of State) to carry out an Appropriate Assessment of the Appeal Proposals in view of the proximity of the Appeal Sites to the relevant designated sites and the likely significant effects which have been identified.
3. It is agreed that the Appeal Sites are located at the following approximate distances from the relevant Habitats Sites:
  - Portsmouth Harbour Special Protection Area (SPA), (approximately 2.8km south of Appeal Sites);
  - Portsmouth Harbour Ramsar site (approximately 2.8km km south of Appeal Sites);
  - Solent and Southampton Water SPA (approximately 3.6km south of the Appeal Sites);
  - Solent and Southampton Water Ramsar site (approximately 3.6km south of the Appeal Sites);

- Solent Maritime SAC (approximately 3.6km south of the Appeal Sites);
  - New Forest SPA (approximately 13.1km west of the Appeal Sites);
  - New Forest SAC (approximately 13.1km west of the Appeal Sites); and
  - New Forest Ramsar site (approximately 13.1 km west of the Appeal Sites).
4. In view of the qualifying interest features and Conservation Objectives associated with the relevant designated sites, it is agreed that the Appeal Sites are not 'functionally linked' to any Habitats Site.
  5. It is agreed that in order to demonstrate, beyond reasonable scientific doubt, that no adverse effect on the Integrity of any relevant Habitats Site occurs, mitigation / avoidance measures are required in relation to Appeal 1 (reference 3283643 - the residential development) in respect of:
    - Increases in nutrient nitrogen within the Solent Habitats Sites;
    - Increases in recreational pressure at the Solent Habitats Sites;
    - Increases in recreational pressure at the New Forest Habitats Sites;
  6. It is agreed that for each of the above, appropriate and proportionate mitigation can be secured in principle, for example through a s106 Unilateral Undertaking.
  7. It is agreed that, with these measures being secured, it would be possible for an appropriate assessment to be carried out which concluded that the appeal proposals would not adversely affect the Integrity of the Habitats Sites identified above. As such the policy test at paragraph 182 of the NPPF would be satisfied and the presumption in favour of sustainable development re-engaged.
  8. It is furthermore agreed that the development proposed by Appeal 2 (reference 3284532 - the community park) would have no likely significant effects on the above mentioned Habitats Sites.

#### *Nutrient Nitrogen*

9. It is agreed that the appropriate methodology has been followed to determine the nitrogen budget, namely Natural England's published Advice on Achieving Nutrient Neutrality for New Development in the Solent Region (Version 5 – June 2020) [CDH.6].
10. It is agreed that the Appeal Proposals would need to mitigate against a surplus of 68.8 kg/N/year and that 3.72ha of mitigation land within the proposed community park will be used to assist in mitigating the effect of the Appeal Proposals.
11. It is further agreed that the 3.72ha of mitigation land within the proposed community park is capable of being secured through the s106 Unilateral Undertaking and that the community park could be transferred to the Council.
12. It is agreed that the balance of the nitrate budget (39.04 kg/N/yr) could be satisfactorily mitigated through the purchasing of credits from the Warnford Estate nitrate mitigation scheme and that an appropriate contract is already in place [CDAA.4].

13. It is agreed that matters relating to nutrient nitrogen are capable of being fully resolved subject to:
  - a) the s106 Unilateral Undertaking securing 3.72ha of mitigation land within the community park, and;
  - b) a planning condition being imposed to require the purchase of credits from the Warnford Estate in the amount of 39.04 kg/N/yr.

*Recreational pressure at the Solent Habitats Sites*

14. It is agreed that reliance can be placed upon compliance with the Solent Recreation Mitigation Strategy which is an approach to mitigating such effects, agreed by Natural England [CDH.8].
15. It is agreed that the Appellants' commitment to paying the relevant tariff ahead of first occupation, as secured through the s106 Unilateral Undertaking, is appropriate and proportionate.
16. It is agreed that subject to the financial commitments being made through the s106 Unilateral Undertaking, matters relating to recreational pressure at the Solent Habitats Sites are fully resolved.

*Recreational pressure at the New Forest Habitats Sites*

17. It is agreed that, in the light of Natural England's view on the zone of influence relating to such perceived effects, mitigation is required in this instance.
18. The Council has adopted an Interim strategic approach to mitigation in respect of recreational pressure at the New Forest Habitats Sites and this approach has been developed with, and agreed by, Natural England [CDH.19].
19. It is agreed that securing the required financial contribution (currently £247.05 per dwelling) through the s106 Unilateral Undertaking, is an appropriate and proportionate approach to mitigation. It is also agreed that, in the event for whatever reason the Inspector is not satisfied that by itself the financial contribution set out above would provide adequate mitigation of the increased recreational pressure, the Inspector can take further comfort from the fact that the Appeal Proposals deliver a large area of publicly accessible open space (e.g. the community park) which will offer alternative recreation opportunities for new (and existing) residents.
20. It is agreed that subject to the financial commitments being made through the s106 Unilateral Undertaking, matters relating to recreational pressure at the New Forest Habitats Sites are fully resolved.

**Other matters**


21. It is agreed that all relevant statutory and non-statutory designated sites of nature conservation interest have been identified and appropriate mitigation has been put forward where necessary.
22. Specifically, it is agreed that appropriate and proportionate mitigation and enhancement measures have been put forward and agreed in respect of Great Beamond Coppice Site of Importance for Nature Conservation / Ancient Woodland which is located within the Appeal Sites.

23. It is agreed that appropriate and proportionate mitigation and enhancement measures have been put forward and are agreed in respect of habitats and protected species.
24. It is agreed that in relation to securing the necessary mitigation and enhancement measures for habitats (including ancient woodland) and protected species, planning conditions are appropriate.

Signed:   
Karl Goodbun (Director)

Of: Ecology Solutions Ltd

On: 7<sup>th</sup> January 2022

Signed:   
Of: Fareham Borough Council  
On: 7<sup>th</sup> January 2022