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## **7601: FUNTLEY SOUTH**

PI Refs: APP/A1720/W/21/3283643  
APP/A1720/W/21/3284532  
APP Refs: P/20/1168/OA  
P/20/1166/CU

## **STATEMENT REGARDING THE POSITION OF NATURAL ENGLAND**

Karl Goodbun BSc (Hons), MCIEEM  
(On Behalf of the Appellants)

1<sup>st</sup> February 2022

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### **Introduction**

1. The purpose of this briefing note is to summarise the position of Natural England in relation to matters concerning Habitats Sites. It is intended to assist the Inspector by drawing together relevant information, including the most recent correspondence from Natural England, as submitted to Fareham Borough Council (FBC), a copy of which was also sent to myself. The Inspector will be aware that, as stated within my proof of evidence, a copy of the sHRA and a summary note were submitted to Natural England in December 2021.
2. Included at Appendix 1 of this note, is the email received from Natural England dated 13th January 2022.
3. At Appendix 2, I have included the consultation response received from Natural England dated 17<sup>th</sup> November 2020, referred to in the email of 13th January 2022 and attached to it.
4. Also attached to Natural England's email of 13<sup>th</sup> January 2022 was a further email (from Natural England) dated 20<sup>th</sup> April 2020. That email relates to matters concerning implications for Ancient Woodland and is also addressed within this note for completeness.
5. I deal with pertinent points under appropriate headings below.

### Recreational impacts on the New Forest SAC, SPA and Ramsar

6. In Natural England's email of 13<sup>th</sup> January 2022 (see Appendix 1 of this note) Natural England state:

*"It is noted that the applicant proposes to make financial contributions to address this issue in line with your authority's adopted interim strategy to mitigate against adverse effects from recreational disturbance on European sites. Provided that the applicant is complying with your adopted interim strategy Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application."*

[emphasis added]

7. Natural England has therefore confirmed that it has no objection and is content that the proposed mitigation is appropriate and proportionate.

### Nutrient Nitrogen

8. In its email of 13<sup>th</sup> January 2022 (see Appendix 1 of this note) Natural England refers to its advice provided in the consultation response of 17<sup>th</sup> November 2020 (see Appendix 2 of this note). It also, helpfully cites the revision to the 'balance' of mitigation with reference to on-site measures and those secured at the Warnford Estate site, confirming that it is aware of the changes. The Inspector will note that Natural England do not raise any concerns with the proposals.
9. Turning to Natural England's response of 17<sup>th</sup> November 2020 (see Appendix 2 of this note) I draw the Inspectors attention to the following points.
10. In relation to the off-site element of the mitigation (at the Warnford Estate site), Natural England state:

*"Provided you as competent authority are confident this aspect can be appropriately legally secured, Natural England would have no concerns over this aspect of the proposed nutrient mitigation approach."*

11. With reference to the Ecology (Habitats Sites) Statement of Case, FBC has confirmed that it is confident this aspect can be appropriately legally secured.
12. Regarding the on-site element of the mitigation package, Natural England's response of 17<sup>th</sup> November 2020 (see Appendix 2) refers to several key points which it considers are necessary to determine the proposals as appropriate. These include *inter alia*, transfer of the control of the land to FBC and measures required in the event that the land remains in the Applicant's control or is transferred to a third party.
13. The Inspector will note from the sHRA (CDAA.1) the Applicant's intention to transfer the land to FBC. All of the relevant points raised by Natural England in this regard have been addressed or can be through the s106 Unilateral Undertaking.

### Recreational Disturbance – Solent Special Protection Areas (SPAs)

14. In its email of 13<sup>th</sup> January 2022 (see Appendix 1 of this note) Natural England states:

*“Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.”*

### Ancient Woodland

15. With reference to the email dated 20<sup>th</sup> April 2021(see Appendix 3), I comment as follows.
16. Full regard has been had to the advice of Natural England. Appropriate buffers will be delivered and a Woodland Management and Monitoring Plan (**CDA.36**) has been agreed with FBC and Hampshire County Council (FBC’s advisors in relation to ecology and nature conservation matters).

Karl Goodbun  
February 2022

## **APPENDICES**

## **APPENDIX 1**

**From:** Karl Goodbun  
**Subject:** FW: Land south of Funtley Road - appeal references 3283643/3284532

**From:** Andrew, Mary  
**Sent:** 13 January 2022 17:52  
**To:** Wright, Richard <RWright@Fareham.Gov.UK>  
**Subject:** RE: Land south of Funtley Road - appeal references 3283643/3284532

Dear Richard,

**Planning References:** APP/A1720/W/21/3283643 & APP/A1720/W/21/3284532 Appeal - P/20/1168/OA & P/20/1166/CU - Residential led mixed use developments form 125 dwellings, Community Building or Local Shop (Use Class E & F.2) and residential development for 55 dwellings etc. Land To The South Of Funtley Road, Funtley, Fareham  
**Our Ref:** 379759

Thank you for your email regarding above appeals. Please refer to our previous responses dated 17<sup>th</sup> November 2020 and 20<sup>th</sup> April 2021 (attached for reference) for our advice regarding issues including nutrient neutrality. Please find additional comments in relation to the New Forest designated sites below.

**Recreational impacts on the New Forest SAC, SPA and Ramsar**

This application is within the impact risk zone of the New Forest European designated sites. The proposed increase in dwellings as a result of this application could, in combination with other applications, have an adverse impact on the New Forest sites through increase in recreation.

It is noted that the applicant proposes to make financial contributions to address this issue in line with your authority’s adopted interim strategy to mitigate against adverse effects from recreational disturbance on European sites. Provided that the applicant is complying with your adopted interim strategy Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.

**Statement of Common Ground**

The applicant has prepared a statement of common ground dated 7th January 2022 in support of the appeals case. This document includes consideration of both statutory and non-statutory sites, the latter are not within our remit and as previously advised, monitoring and management plans relevant to non-statutory sites (such as the Great Beamond Coppice SINC) should be agreed by the LPA ecologist and appropriately secured by planning condition. The LPA should be satisfied that it will have the appropriate funds and capacity to carry out the long term management of this woodland.

For our comments relating to the nitrogen mitigation for this site, please see our correspondence dated 17<sup>th</sup> November 2020. It is noted that the area of land to be converted from lowland paddocks to open space (as part of the community park) to contribute towards nitrogen offsetting has been reduced from 7.43ha to 6.78ha, which in turn reduces the amount of nitrogen offset from 41.12kg/TN/yr to 35.92kg/TN/yr. The remaining nitrogen offsetting will be achieved through the purchase of nitrogen credits at the Warnford Estate site.

I hope that these comments are of help to the appeals process.

Best wishes,

Mary Andrew  
Sustainable Development Lead Adviser  
Thames Solent Team  
Natural England  
4<sup>th</sup> Floor, Eastleigh House, Upper Market St, Eastleigh, SO50 9YN  
Mobile: 07552 268094

**From:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Sent:** 11 January 2022 17:57

**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>; Andrew, Mary <[Mary.Andrew@naturalengland.org.uk](mailto:Mary.Andrew@naturalengland.org.uk)>

**Cc:** Dyson, Alison <[ALISON.DYSON@planninginspectorate.gov.uk](mailto:ALISON.DYSON@planninginspectorate.gov.uk)>; Aaron Wright <[aaron.wright@turley.co.uk](mailto:aaron.wright@turley.co.uk)>

**Subject:** Land south of Funtley Road - appeal references 3283643/3284532

Good afternoon Mary,

I am writing in connection with the above appeal.

The appeal will be determined by a public inquiry which is due to be held over six days starting on 8<sup>th</sup> February.

The Appellant Reside Developments Limited has submitted the following details as part of their appeal. Both the Council and the Planning Inspector would be grateful for your advice on this please in particular in respect of the likely significant effects to Solent and New Forest Habitats Sites and the proposed mitigation. Please find attached:

- Shadow Habitat Regulations Assessment (Ecology Solutions December 2021)
- Shadow Habitat Regulations Assessment Summary (Ecology Solutions December 2021)

To assist matters at the inquiry the Appellant and the Council have also produced a habitat Statement of Common Ground (HSoCG). Please find this attached for your information.

It would be extremely helpful to the smooth running of the inquiry if Natural England was also able to be a signatory to the HSoCG. With that in mind I have attached an identical version in a Word file with Natural England added as a party. If you are able to and if Natural England are content to be a party, I would appreciate you countersigning the document and returning it to me please.

If you would like to discuss this with me I would be happy to do so over the phone or via MS Teams. Similarly, if you would like more information or require any of the background documents referred to I would be more than happy to provide these.

I have copied in the case officer from the Planning Inspectorate Alison Dyson and the Appellant's agent into this email for their information.

I look forward to hearing from you.

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758  
07554 415619

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## **APPENDIX 2**

## Cumming, Claire

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**Subject:** FW: 331229 & 331220 NE response - P/20/1168/OA & P/20/1166/CU - Land To The South Of Funtley Road, Funtley, Fareham

**From:** Aziz, Rebecca <[Rebecca.Aziz@naturalengland.org.uk](mailto:Rebecca.Aziz@naturalengland.org.uk)>

**Sent:** 17 November 2020 09:32

**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Subject:** 331229 & 331220 NE response - P/20/1168/OA & P/20/1166/CU - Land To The South Of Funtley Road, Funtley, Fareham

Dear Richard

### **RE: Fareham Borough Council - Consultation: Land to the south of Funtley Road, Funtley**

Thank you for consulting Natural England. This email forms Natural England's response to the following two separate but related consultations:

- **P/20/1168/OA** - Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self or Custom build plots, Community Building or Local Shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings.- Land To The South Of Funtley Road, Funtley, Fareham
- **P/20/1166/CU** - Change of use of land from equestrian/paddock to community park following demolition of existing buildings - Land South Of Funtley Road, Fareham

Natural England note the development site for the housing is already subject to an existing recent approval for scheme for 55 dwellings (application reference P/18/0067/OA). The land currently subject to the change of use application is also already subject to existing approvals for a separate development for 27 dwellings north of Funtley road (related applications P/19/0864/RM and P/18/0066/CU).

### ADDITIONAL INFORMATION REQUIRED

#### **Deterioration of the water environment – Solent nutrients**

The proposals will involve an increase in residential accommodation in the Solent catchment served by a wastewater system, and therefore it is our advice that the development will need to achieve nutrient neutrality to address uncertainty with regards to nutrient overloading within the Solent European designated sites. The application is supported by a nutrient budget calculation within Appendix 4 of the supporting Planning Statement (Turley, October 2020) that outlines the development will

result in a nutrient burden of 67.3 kg TN/yr. It is intended to mitigate this burden via a change in land use to derive a net reduction in nitrogen reaching the Solent designated sites.

### *Mitigation*

- Community Park

It is important to note that the currently approved community park provides 3.06ha of nutrient mitigation for P/19/0864/RM for 27 dwellings (north of Funtley Road) to address a nutrient budget of 24.46 kgTN/yr, as set out in the appropriate assessment and signed Section 106 associated with the development.

The Planning Statement discusses this aspect and outlines the N benefit capacity of the community park in line with the latest Natural England nutrients guidance, which takes into account an acceptable background level of 2mg/l of nitrogen in the existing water environment. It calculates an updated area of mitigation land required for development P/19/0864/RM. It then calculates the remaining capacity with the park is 5.14ha, equating to 41.12 kgTN/yr. It outlines the remainder of the budget for the current housing application will require further offsite mitigation.

It is for you as local planning authority to determine how the issue of altering the nutrient mitigation requirements associated with development P/19/0864/RM can be addressed appropriately in planning terms. A key principle of the mitigation is that it should be delivered prior to first occupation of the development, to ensure impacts from increased nutrient release into the Solent catchment are avoided.

It will be important to ensure the delivery of mitigation for application P/19/0864/RM prior to first occupation is not compromised.

- Management of on-site mitigation

To ensure it is effective mitigation, any scheme for neutralising nitrogen must be certain at the time of appropriate assessment so that no reasonable scientific doubt remains as to the effects of the development on the international sites. This will need consideration of the delivery of mitigation, its enforceability and the need for securing the adopted measures for the duration of the development's effects, generally 80-125 years.

The supporting Planning Statement (Turley, October 2020) for the current Change of Use application with regards to the Community Park outlines: *"Following implementation of the planning permission, the land can either be transferred to the Council at an appropriate sum to cover the maintenance and management of the park for a specified period of time can be provided by the applicant, or the park can be privately managed."*

It is Natural England's advice that control and management of the land is transferred to the local authority to ensure the long-term management of this land as public open space (with no fertiliser inputs, collection of dog waste etc.) and to ensure the principle of such mitigation will be upheld following the 80-125 year period, i.e. over the lifetime of the development. Ideally the favourable management of Great Beamond Coppice Site of Importance for Nature Conservation (SINC) should also be included as

part of a wider ecological enhancement strategy (see more on this below). Alternatively the land could be transferred to another suitable third party (such as the local Wildlife Trust, Hampshire County Council, The Land Trust etc.).

Where the mitigation land is to remain within private control, or be transferred to a third party other than the local authority, the application will need to be supported by a detailed long-term management and monitoring plan, to be agreed with the local authority, that sets out how the land will be managed and monitored, in perpetuity, to keep at the 5kgTN rate. Details of how it will be funded should also be provided. Legal step-in powers are likely to be needed for the local authority, again details of appropriate funding for this are likely to be required. Where a resident charge is proposed to fund a private management company, legally robust financial arrangements will be required to ensure payments are ring fenced for the purpose of delivering the agreed management and monitoring plans; robust financial arrangements are likely to be needed to avoid any problems with claiming monies or shortfalls in payments etc.

- **Remaining budget**

The Planning Statement outlines the intention for the development's remaining budget to be offset via the purchase of 'nitrogen credits' for the Warnford planting scheme, and that the details with regards to the 'precise location of the parcel of land that will be allocated to this scheme ...will be detailed within the s106'. Provided you as competent authority are confident this aspect can be appropriately legally secured, Natural England would have no concerns over this aspect of the proposed nutrient mitigation approach.

#### **Recreational Disturbance – Solent Special Protection Areas (SPAs)**

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

#### **Ancient woodland and Site of Importance for Nature Conservation (SINC)**

The area identified for conversion to Community Park includes the Great Beamond Coppice SINC, which also shows as ancient replanted woodland on the Natural England Ancient Woodland Inventory. Natural England supports the concept of a Community Park to the south of the developable area.

The supporting Ecological Assessment (Ecology Solutions, Sept 2020) outlines measures including a natural buffer planted up with thorny and dense species, and the potential to erect fencing to deter recreational users of the woodland from the development. However due to the scale of the housing, it is considered this SINC ancient woodland is likely to suffer detrimental impacts without further measures. Recreational impacts on woodland can include loss of ground flora, soil compaction, enrichment from dog waste, disturbance to species, cat predation etc. Natural England have concerns that this may lead to long term adverse impacts.

It is our view that the applicant seeks to incorporate Great Beamond Coppice into the Community Park to be managed for nature conservation by an appropriate management body, preferably the local authority (see above advice), to ensure its favourable long-term management to ensure no adverse impacts to the ancient woodland, and that the nature conservation interests of Great Beamond Coppice are managed and enhanced for biodiversity net gain.

It is advised a long-term management and monitoring plan for the Park is developed that outlines how the SINC itself will be positively managed along with the incorporation of further avoidance/mitigation measures designed in line with Natural England standing advice on [ancient woodland](#), [ancient trees and veteran trees](#) and [protected species](#). It is recommended such measures include larger buffers above the 15m minimum (which is advised with specific regards to the root protection zone) and further woodland and scrub planting that improves ecological connectivity between the SINC and its environs and to mitigate some of the recreational pressures. Details should be provided with regards to which management body will deliver such a plan, a long-term monitoring strategy and appropriate level of funding to ensure the effective long-term delivery of such measures.

We advise that these issues are considered further. Natural England will be happy to provide further advice on this aspect through our [Discretionary Advice Service](#).

If you have any queries please let me know.

Many thanks,  
Becky

Becky Aziz  
Sustainable Development Lead Advisor  
Thames Solent Area Team  
Natural England

Tel: 020 8026 0064

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)



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## **APPENDIX 3**

**From:** Forster, Joseph <[Joseph.Forster@naturalengland.org.uk](mailto:Joseph.Forster@naturalengland.org.uk)>

**Sent:** 20 April 2021 16:50

**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Subject:** RE: P/20/1168/OA & P/20/1166/CU - Land to the south of Funtley Road, Funtley

Hello Richard,

Natural England welcome the proposed measures to protect and enhance the woodland. We advise the wider planting strategy for the community park ensures buffer zones (recommended larger than 15m at all points) are applied across all boundaries of ancient woodland on site (i.e. not just north) to reduce risk of recreational impacts from residents and dogs using the community park (trampling of edge habitat and root damage, eutrophication, predation by cats etc.). Extra scrub and woodland habitat will help mitigate these effects and improve ecological connectivity across the site.

All woodland management and monitoring measures should be agreed by the LPA ecologist and appropriately secured by planning condition. We would also advise the LPA satisfies itself it will have the appropriate funds and capacity to carry out the long term management of the woodland once the land is transferred over.

Many thanks,

Joe

**Joseph Forster**

Sustainable Development Advisor

Thames Solent Team | Natural England

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