

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 22/05/2024**

**P/23/0944/FP  
MR MARK HARRIS**

**TITCHFIELD  
AGENT: IRUK WASTE  
PLANNING & CONSULTANCY**

**LAND RE-PROFILING WORKS AND ASSOCIATED LANDSCAPING TO DELIVER  
DRAINAGE IMPROVEMENTS**

**MEON BYE FARM, TRIANGLE LANE, FAREHAM, PO14 4HB**

### ***Report By***

Jenna Flanagan – direct dial 01329 824 815

### **1.0 *Introduction***

1.1 This major planning application was previously brought before the Planning Committee in December 2023 for determination. The matter was deferred to provide an opportunity for final comments to be received from the Council's Contaminated Land Officer, Natural England and Hampshire County Council's Ecologist. The applicant was also given the opportunity to provide additional information and make amendments to the application.

### **2.0 *Site Description***

2.1 The application site is established agricultural land which sits within the countryside. The land is in a Strategic Gap, an Area of Special Landscape Quality and a Low Use site for Brent Geese and Waders as designated in the adopted local plan.

2.2 The application site is located to the south of Triangle Lane, with the northern boundary abutting the highway. The majority of the land surrounding the site is established agricultural land, with a small woodland located along the southern boundary and wetland further south of the site. Three residential properties are sited to the west of the site, one of the three residential properties shares a small section of the western boundary of the site at the northern end, with the other two residential properties fronting Triangle Lane to the west of the site.

2.3 The application site is a roughly rectangular piece of land which measures approximately 320 metres in length and covers an area of 2.57 hectares. Prior to any development at the site, the site was grassland, with a stream running through the site from north to south lined with reeds and scrub. The stream joins the River Meon which meanders in a southerly direction to the east of the site.

- 2.4 In September 2019, there was a significant Southern Water sewage leak which impacted upon the application site. Emergency excavation works took place at the site to prevent the Southern Water Sewage leak pollution reaching Titchfield Haven Nature Reserve. The applicant seeks approval to remedy the emergency excavation works which will enable the site to be brought back into agricultural use.
- 2.5 In June 2021, the applicant received permission from Hampshire County Council under the Ordinary Watercourse Consent (OWC) OWC/2021/0296, which granted permission for the installation of a culvert to convey surface water from Triangle Lane and land north of the site, through the culvert to a pond at the southern end of the application site. The OWC application addressed the reprofiling of the land to retain a depression running from the north of the site to the southern end of the site, through the centre, in a similar route as the stream to direct run off water from the application site to the pond.
- 2.6 At this time, the applicant overlooked the requirement for planning permission for the engineering operations undertaken to reprofile the land. As the culvert was installed, and the reprofiling of the land commenced, amendments were made to improve drainage at the site and the future use of the land. The profile of the land was further changed so that, instead of a depression running through the middle of the site being retained, the centre of the site would be raised to encourage the surface run off water to travel to the eastern and western boundaries before being directed to the pond at the south of the site.
- 2.7. The pond at the south of the site was excavated to receive the inflow from the culvert and run off water from the site.

### **3.0 Description of Proposal**

- 3.1 The applicant seeks to retain and complete the land reprofiling, which includes the retention of the culvert, and pond to the south of the site, and the completion of the reprofiling of the land to improve the drainage characteristics of the site.
- 3.2 The proposed reprofiling has included the infilling of the previous existing stream running through the centre of the land from north to south. The ground level of the land previously occupied by the stream has been increased. Pre-commencement the land ranged from 9.00mAOD (above ordnance datum) high in the north-eastern corner to 5.00mAOD in the south-east of the site. Following the restoration of the land the levels now range from 9.5mAOD to 7.00mAOD. The changes to the levels have been made to allow the runoff water to flow from the highest land which now runs through the centre of the site, north to south, into two conveyancing channels created along the east and west boundaries, which remain at the same levels of the original land, to carry runoff surface water to the pond at the south of the site. Therefore, the application site

will no longer have a stream and depression running through the centre of the site from north to south and the proposed levels will have an elevation running through the centre of the site from north to south, with the land gently sloping towards to the eastern and western boundaries. These levels are required to ensure the surface water travels over the land into the conveyancing channels and into the pond at the southern end of the site.

- 3.3 Further proposals to create scrapes at the southern end around the pond are proposed, along with seeding the land with a neutral grassland mix which will be left in place for a minimum of two years. The site will be enhanced with the installation of two bat boxes and two hibernacula. The long-term proposal for the site is to effectively manage the restored land for wildlife rather than an arable crop.
- 3.4 Since the Planning Committee meeting in December 2023, the applicant has provided amended drainage details, further information relating to material brought on to the site and a revised Construction Environmental Management Plan (CEMP).

#### **4.0 Policies**

4.1 The following policies apply to this application:

#### **4.2 National Legislation/Policy/Guidance**

- Town and Country Planning Act 1990
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

#### **4.3 Fareham Local Plan 2037**

- DS1 - Development in the Countryside
- DS2 - Development in the Strategic Gaps
- DS3 – Landscape
- CC2 – Managing Flood Risk and Sustainable Drainage Systems
- NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE5 – Solent Wader and Brent Goose Sites
- NE6 – Trees, Woodland and Hedgerows

#### **5.0 Relevant Planning History**

5.1 There is no planning history recorded for the site.

## **6.0 Representations**

6.1 Ten objections to the application were received during the first notification period. Following the submission of new information by the applicant after the Planning Committee meeting in December 2023, a further notification period was undertaken in January this year during which five of those parties commented further.

The following points were raised:

### Character and appearance

- Site has been fundamentally changed from a field with a gully that ran down the middle
- Land raised in height by at least 8-10 feet in middle
- Landscape and views have been materially transformed
- No fill zone has been reprofiled
- Development does not comply with FBC Policy DS1, DS2, NE2 and NE6 relating to visual amenity, countryside setting and appearance

### Ecology

- Ecology report is meaningless as the comparison is not against the original field
- Protected species were impacted (killed) during the construction works
- The mitigation/compensation proposed does not address the impacts that have already happened – clearly a net loss
- There is no compensation proposed that would provide the 10% biodiversity net gain required by the FBC policy
- No ecological/biodiversity assessment undertaken before the works commenced
- Ecologist completing Ecological Impact Assessment did not visit the site until April 2023 – infilling of the valley had already been completed
- Ecology Impact Assessment confirms wildlife, including protected reptiles were almost certainly harmed during vegetation clearance
- Ecology Impact Assessment does not recognise stream and valley were present at the site
- Water voles at the site is not adequately assessed
- Not recognised that otters could have made use of the stream
- No recognition that the low use site for Brent Goose and Waders habitat has diminished
- Development results in a net loss in biodiversity in relation to habitat value and species
- Grassland only restored for two years
- Complete disregard for local environment
- Proposal does not sufficiently deal with protecting and enhancing the site

- Application should be refused, if permitted, as a minimum appropriate mitigation and compensation must be provided for the habitats and lost species
- An EMCP must be conditioned and fully implemented if application approved
- Area should be reprofiled under ecological supervision to restore natural swale that was previously present

#### Flood risk

- Not a drainage improvement for the environment or biodiversity
- There may be a risk of flooding on dangerous bend of Triangle Lane
- Development does not comply with Ordinary Watercourse Consent
- Destroying a natural valley and infilling the floodplain is not a drainage improvement
- Pre-existing northern pond is no longer present
- Conveyance channel along western edge has not been provided
- No recognition that water ponding to the north of the site in storm events
- Land raising activities with no consideration as to where flood water will go

#### Land Contamination

- Soil imported contained building and construction waste
- More than 13,000 cubic metres of intern soil have been imported
- If land use changes to cropping, there will be a change in water quality risks due to use of herbicides, pesticides and fertilisers

#### Trees

- Trees and hedges were removed
- Mature Oak trees along roadside are important part of local landscape and have been buried
- Oak trees along the roadside are being suffocated
- Piling of soil is detrimental to trees
- Loss of mature oak that had its crown removed
- No fill zone has been ignored

#### Other

- Information justifying the works are misleading
- Applicant should be required to commission an independent and expert remediation assessment
- Creation of the lake at the southern end and additional tree at northern end are a positive contribution

## 7.0 Consultations

EXTERNAL

### **Hampshire County Council – Ecology (updated consultation response received 31 January 2024)**

- 7.1 Further information has been submitted by the applicant's ecologist in relation to the proposed location of the scrapes and their ability to temporarily hold water due to the existing gradients of the land. If you are satisfied that their justification is acceptable, no further concerns are raised [subject to recommended conditions being imposed in relation to avoidance, mitigation and compensation measures].

### **Hampshire County Council - Lead Local Flood Authority (third consultation response received 27 February 2024)**

- 7.2 Thank you for providing the peak flow rate for the 1 in 1, 1 in 30 and 1 in 100 plus climate change flood events for the watercourse/ overland route upstream of the site. We are pleased to see that 2080s central peak river flow allowance have been used to determine the climate change allowance. The calculations provided have shown the peak flow rates entering the site from the watercourse/ overland flow route is 0.452 m<sup>3</sup>/s. The peak flow that can be conveyed by the culvert is 0.673m<sup>3</sup>/s i.e., is greater than this. In addition to this the combined capacity of the northern interception channels is 0.938 m<sup>3</sup>/s.

Given this we are happy that there is sufficient capacity to convey the flows arriving on the site from upstream safely through the site via the culvert and interception channels.

We consider that the information provided is sufficient to address our comments and as such we have no objection to this application.

### **Natural England (second consultation response received 19 February 2024)**

- 7.3 The site affected, 'Site F81', is classed as a 'Low Use site' in the Solent Wader and Brent Goose Strategy (SWBGS) which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These SPA 'functionally linked land' sites support the functionality of the designated sites and are therefore protected in this context.

Under the Habitats Regulations, mitigation should always be provided prior to impact occurring. However, in this instance we recognise that the impact has already taken place in the form of temporary loss, during the construction phase. To mitigate for this loss, the site will be enhanced to provide higher

quality habitat for SPA bird species. We note that detailed advice has been provided from Hampshire County Council Ecology team for this application and support the measures outlined.

In order to compensate for the loss of SPA functionally linked land and to make the proposals acceptable, the following measures are required:

- The document 'Landscape Restoration Plan - Rev C' to be secured.
- A long-term management and monitoring strategy over the lifetime of the development, i.e. in perpetuity (usually 80-125 years). Details of how this will be appropriately funded will also be required to inform your authority's appropriate assessment. It should be ensured proposals can be monitored to provide certainty of its effectiveness and continued ecological function of SPA functionally linked land.
- A Construction Environmental Management Plan (CEMP) to be approved by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate further constructional impacts on species and habitats.
- Percussive piling or works with heavy machinery i.e. plant resulting in a noise level in excess of 69dbAmax (measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat.

INTERNAL

#### **Trees (third consultation response received 31 January 2024)**

- 7.4 Provided the tree protection measures, recommendations and specification within the amended arboricultural method statement (CEMP - January 2024) are followed when carrying out the remedial works within the RPA of the retained trees, then no objections raised.

#### **Contaminated Land Officer (second consultation response received 10 May 2024)**

- 7.5 There is not enough evidence provided to remove the doubt surrounding some of the material imported onto the site. As there has been no further progression on providing validation for the material of concern, I would recommend that restrictions be put upon the land to prevent certain uses and therefore severing the conceptual site model. I would recommend that the site should not be used to grow any food for human consumption nor for any activity that may bring members of the public into close proximity with the soil. Should the landowner wish to use the site for either of these purposes then they would need to demonstrate that the land is suitable for use prior to gaining permission.

As such I recommend a planning condition be attached to the application that takes account of the above.

## **8.0 Planning Considerations**

8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Impact on Area of Special Landscape Quality and Strategic Gap;
- b) Flood Risk and Drainage;
- c) Ecological Impact;
- d) Other matters

### **a) Impact on the Area of Special Landscape Quality and Strategic Gap**

8.2 The application seeks retrospective permission to complete the reprofiling of the site, following the installation of the culvert. Prior to the development commencing, and before the contamination of the site by the sewage leak, water travelled along a watercourse running from the northern boundary through the centre of the site, to the southern end. The land on either side of the stream was agricultural fields.

8.3 Policy DS1 of the adopted Fareham Local Plan 2037 seeks to control proposals for development in the countryside. It states:

*“Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:*

- a) ...*
- b) ...*
- c) ...*
- d) ...*
- e) ...*
- f) ...*
- g) ...*
- h) Provides infrastructure that meets an overriding public need.  
or...*
- i) Can demonstrate a requirement for a location outside of the urban area.*

*In addition, proposals will need to demonstrate that they;*



- j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*
- k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*
- l) Maintain the character of the undeveloped coast, and*
- m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.”*

8.4 The applicant has provided a Planning Statement with the application to demonstrate the proposal is essential for restoration of the site, which was previously in a long established agricultural use, to improve drainage following the Southern Water sewage leak. The culvert has been installed, and as part of these works, the profile of the land has evolved during the development, under the instruction of an engineer, to create an elevation in the ground level where previously there was a depression following the course of the stream.

8.5 The site restoration and improved drainage is required in this location to provide improved land drainage and conveyancing of water, and to improve the land quality. The development therefore complies with part i) of Policy DS1 in that this location, outside of the urban area, is inevitably required. Turning to the criteria j) – m), Officers consider these to be satisfied. The impact of the development on the landscape, character and beauty of the countryside is considered further below.

8.6 Policy DS3 states:

*“Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.*

*Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:*

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape’s role as part of the existing Local Ecological network;*
- e) The local character and setting of buildings and settlements, including their historic significance;*

- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough's rivers and coastline, which should be safeguarded..."*

8.7 The effect of the development in visual terms has been the alteration to the levels of the land so that the centre of the site is, in places, approximately 3 metres higher than before infilling the stream. A series of site sections have been provided showing the profile of the land pre and post the works taking place. The site sections also show a 'no fill zone' at the north of the site, where the land levels will remain the same and the mature oak trees are to be retained. The eastern and western hedgerows will be reinforced and infilled with native tree and hedge planting. Conveyancing channels are proposed at the northern boundary of the site to allow water to run off of the highway. Two further conveyancing channels run parallel to the eastern and western boundaries to convey run off water from the north of the site to the pond at the southern end of the site. Scrapes and swales are proposed to the southern end of the site which surround the existing pond and the southern area of the site will be maintained as neutral grassland.

8.8 The development has resulted in the level of the land being raised though the centre of the site, however the site remains an open field, retaining views across the land, and in turn the contribution the site makes to the landscape character of the area is not materially affected. The landscape is considered to have been protected and, through the proposed landscaping, enhanced in accordance with the expectations of Policy DS3.

8.9 There are no proposals to erect any structures or buildings at the site. The development does not significantly affect the integrity of the Strategic Gap nor the physical and visual separation of settlements in accordance with Policy DS2.

**b) Flood Risk and Drainage**

8.10 Policy CC2 of the adopted local plan states:

*"Planning permission will be granted where:*

- a) ...*
- b) The proposal does not prejudice land required for current or future flood management, including natural floodplains; and*
- c) ...*
- d) ...*

- e) *Run-off rates from proposed development do not exceed existing run-off rates; and*
- f) *Onsite surface water run-off is managed as close to the source as possible...*

8.11 The site sits within Flood Zone 1, and the applicant has obtained Ordinary Watercourse Land Drainage Consent (OWC) for the installation of a culvert to divert the watercourse through the culvert away from the natural course of the stream. The reprofiling works have created elevated land levels in the centre of the field, which reduce towards the eastern and western boundaries. Conveyancing channels are proposed from the highway onto the north of the site, and two conveyancing channels have been created along the eastern and western boundaries of the site to allow surface water to run off of the land into the channels to be carried to the pond at the southern end of the site. The development does not propose an increase in impermeable areas.

8.12 The submitted details have been carefully considered and the culvert and alterations to the drainage of the run-off water is considered acceptable by the Lead Flood Authority Hampshire County Council who have also granted the OWC and raise no objection to the reprofiling of the land. Officers consider the development complies with Policy CC2.

**c) Ecological Impact**

8.13 An Ecological Impact Assessment has been submitted with the planning application. It recognises the site is within one kilometre of five statutory designated sites and six non statutory designated sites and the site itself is classified as a low use site for Brent Geese and Waders. In addition, there is offsite habitat of principal importance in the form of lowland mixed deciduous woodland located on the southern boundary. The site is also considered suitable for foraging and commuting bats, tree roosting bats, badgers, hazel dormouse, breeding birds, reptiles, hedgehog and common toad.

8.14 Local plan Policy NE1 states:

*“Development will be permitted where:*

- a) *Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
- b) *Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
- c) *Proposals do not prejudice the Ecological Network or result in its fragmentation.*

d)

*Development within the Borough whose primary objective is to conserve and enhance biodiversity (including the Local Ecological Network), geodiversity and natural resources through restoration, re-creation or management will be supported.”*

- 8.15 Local plan Policy NE5 relates to the Solent Wader and Brent Goose sites within the Borough. In relation to low use sites, the policy states:

*“Development on Low Use Sites (as shown on the Policies map) will only be permitted where:*

- f) On site mitigation is provided which is agreed by the Council; or*
- g) Where it can be demonstrated that criteria f is not appropriate, off-site enhancement and/or a financial contribution (consistent with the approach taken to mitigating and off-setting adverse effects on the Solent Wader and Brent Geese Network) is provided towards a suitable identified site for Solent Waders and Brent Geese.”*

- 8.16 Officers recognise that the emergency works carried on the site as a result of the Southern Water sewage leak have had a detrimental ecological impact as a result of the loss of habitat. However, the applicant has responded positively to concerns raised by Officers in this regard and has provided a range of mitigation, compensation and enhancement measures accordingly. The compensation measures include, for example, the proposed area of neutral grassland in the south of the site, accommodating shallow scrapes and swales. The enhancements meanwhile include, for example, the installation of two bat boxes and hibernacula. It is also recognised that, had no such emergency works been carried out, the harm caused by sewage on the land and furthermore its unmitigated release into the wider water environment further downstream, would have had significant ecological consequences of its own.
- 8.17 The Habitat Regulation Assessment recognises the proposed reprofiling works, construction of the pond and culverting works has resulted in the temporary loss of available habitat for overwintering birds. The works are mostly completed and a mitigation package has been agreed to maintain a suitable area of grassland suitable for waders.
- 8.18 The revised Landscape Restoration Plan submitted by the applicant addresses the County Ecologists’ recommendation for the inclusion of a neutral grassed area, and creation of scrapes and swales at the southern end of the site. Furthermore, the County ecologist has recommended planning conditions to ensure the retention and maintenance of the scrapes and swales, a detailed

Habitat Enhancement and Management Strategy for 30 years and to ensure the installation of bat boxes, hibernacula and planting of the pond on site.

- 8.19 Subject to these measures, along with the submitted CEMP, being secured by planning condition, Officer consider the proposed on-site avoidance, mitigation and compensation measures to be appropriate and the development therefore complies with Policies NE1 and NE5.
- 8.20 A Habitat Regulations Assessment has been carried out which concludes that the development has a likely significant effect in the absence of avoidance and mitigation measures on a number of Habitat Sites – the Solent and Southampton Water SPA and Ramsar, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar. However, there will be no adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar and the Portsmouth Water SPA and Ramsar sites as the temporary loss of a low use Solent Wader and Brent Geese site will be mitigated through the restoration and management of the site to suitable grassland for waders and Brent Geese and its enhancement through inclusion of scrapes and swales. Furthermore, any disturbance of birds utilising the SPA supportive habitat during the remaining construction activity will be mitigated through the use of correct machinery and minimising the duration of the works. There will be no adverse effects on the integrity of the Habitat Sites as a result of any hydrological changes provided the measures in the Flood Risk Assessment and Sustainable Drainage Strategy are adhered to.
- 8.21 Natural England have been consulted on the Habitat Regulations Assessment and offer recommended measures in order to compensate for the loss of SPA functionally linked land to make the proposal acceptable as set out in full earlier in this report. Whilst the County ecologist and Natural England raise no objection, Natural England recommend long-term management and monitoring strategy for 80-125 years, including the details of funding, whilst the County Ecologist recommends Habitat Enhancement and Management Strategy for 30 years. Officers consider that the enhancements go beyond the suitability of the land prior to the development meaning a longer-term management and monitoring strategy would be unnecessary and disproportionate. Whilst a planning condition simply requiring the details of the Habitat Enhancement and Management Strategy is recommended, the maintenance of the scrapes and swales is a straightforward and inexpensive matter for the landowner which does not require further details in relation to how such measures would be funded on an ongoing basis. In this particular instance therefore, there are good and cogent reasons to depart from the advice of Natural England.

**d) Other matters**

## *Trees*

8.22 Local plan Policy NE6 states:

*“All trees, woodlands and hedgerows within the Borough provide benefits in terms of habitats, biodiversity, climate change mitigation and adaptation as well as being important to the character and amenity value of the Borough’s urban and rural landscapes. There is a presumption against the loss and damage to trees, woodland and hedgerows.”*

8.23 No trees or hedgerows have been removed, nor is there a proposal to remove any. The trees and hedgerow around the perimeter of the site provide benefits in terms of habitats, biodiversity and amenity value, therefore, their retention complies with Policy NE6.

8.24 In the northern end of the site are a group of mature trees, which sit within the ‘no fill zone’ of the “Landscape Restoration Plan”. This area was not protected during the development and due to the spreading of materials in the ‘no fill zone’, unfortunately the works are likely to have had a detrimental impact on the trees along the northern boundary. When the application was submitted, the trees were not protected by a tree preservation order (TPO), however, due to their prominence and on amenity grounds eight Oak trees and one Sycamore tree along the northern boundary of the application site are now protected by a new TPO 787. The revised Construction Environmental Management Plan (CEMP) now provides details of how the elevated ground levels around the trees would be reduced, with tree protection measures in place, to create the levels shown on the proposed plans. The Council’s tree officer has considered these measures and is now satisfied that they are acceptable in arboricultural terms.

## *Land contamination*

8.25 The Council’s Contaminated land Officer has confirmed that the applicant has produced sufficient evidence in relation to the importation of materials up until December 2022. The source of the materials brought on to site is verified within the submitted Materials Management Verification Report. However, concerns were raised that additional materials were imported onto the site after this time which contained inert waste. These concerns were shared with the applicant who has provided reassurances that all material imported onto the site was in accordance with the Definition of Waste Code of Practice (DoWCoP) outlined in the Materials Management Verification Report and U1 exemption licence, which included an additional 15 lorry loads of top soil imported onto the site on 10<sup>th</sup> July 2023.

8.26 Officers have subsequently queried the importation of further additional material onto the site after 10<sup>th</sup> July 2023 but the applicant has been unable to

provide evidence of the source of this particular material. After taking advice from the Council's Contaminated Land Officer, in the absence of sufficient evidence to demonstrate the source of the materials imported post-July 2023, it is recommended that a planning condition be imposed to limit the use of the site to prevent the use of the land for any arable or pastoral farming or for any temporary events where members of the public may enter the land. This would be in line with the applicant's stated aim to use the site in the future for wildlife restoration rather than agricultural purposes.

#### *Traffic*

- 8.26 During the initial stages of construction and in the aftermath of the sewage leak, the reprofiling of the site required a large number of heavy vehicles to enter the site with inert material, which Officers consider may have had a significant impact on the highways network. However, the importation of the vast majority of materials on to the site is believed to be largely complete, therefore it is no longer anticipated that further traffic movements will have any material impact on the highway network.

#### **Conclusion**

- 8.27 The development is not harmful to the appearance or character of the countryside, including taking account of the local plan designation of the site as part of an Area of Special Landscape Quality which would be protected and enhanced. There would be no adverse impact on the integrity of the Strategic Gap. The lead local flood authority Hampshire County Council have raised no objection to the development after considering flood risk and surface water drainage. Similarly, Officers consider the proposals to comply with Policies NE1 & NE5 and there would be no adverse effects on the integrity of Habitat Sites as a result of the development.

### **9.0 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Land Restoration Application Plan (Site Plan) – Drawing No. APP-01
  - b) Land Restoration Location Plan – Drawing No. LOC-01
  - c) Landscape Restoration Plan – Drawing No. J01208-MP-01 – Revision C\_ 2023-11-02
  - d) Triangle Lane, Sholing - Ecological Impact Assessment FINAL (Rev. 3) 021123
  - e) Restoration Levels Plan - Drawing no. SUR-01
  - f) Construction Environment Management Plan – January 2024

- g) Flood Risk Assessment and Sustainable Drainage Strategy – April 2023
- h) Drainage Strategy
- i) Drainage Maintenance Details – 3 January 2024
- j) Habitat Regulation Assessment – 27 November 2023

REASON: To avoid any doubt over what has been permitted.

2. The development hereby approved shall be carried out in full accordance with the mitigation, compensation and enhancement measures set out at Section 5.0 of the recommendations and enhancements set out in the approved Ecological Impact Assessment – Final Document (Rev. 3) 02/11/23. The approved measures shall be fully implemented within six months from the date of this decision and shall be subsequently retained at all times thereafter.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

3. The planting shown on the approved drawing Landscape Restoration Plan – Drawing No. J01208-MP-01 – Revision C\_ 2023-11-02 shall be implemented and completed within six months of the date of this decision or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

4. Within three months of the date of this decision notice, a detailed Habitat Enhancement and Management Strategy for a period of no less than 30 years, supported by drawings, and stating management aims, objectives, and prescriptions as well as a monitoring process, shall be submitted for the written approval of the Local Planning Authority. The measures shall be in line with the habitat requirements for waders and Brent geese and to compensate for loss of the stream on site. The land shall be managed and maintained in accordance with the approved strategy thereafter.

REASON: To conserve and enhance SPA (Special Protection Area) supportive habitat.

5. The land shall not be used for agricultural purposes (including being used for the growing and harvesting of crops and/or the grazing of livestock).



REASON: To ensure that any unknown contamination of the land does not present risks to human health.

6. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking and re-enacting that Order) at no time shall the application site be used for a temporary use without prior written approval from the Local Planning Authority following the submission of an appropriate planning application

REASON: To ensure that any unknown contamination of the land does not present risks to human health.

7. Within one month from the date of this decision notice, a timetable for completion of the works hereby permitted shall be submitted for the written approval of the Local Planning Authority. The works shall be carried out and completed in accordance with the approved timetable. Within one month of the completion of the development in accordance with the approved timetable a topographic survey showing the finished levels of the land shall be submitted to the Local Planning Authority in writing.

REASON: In order to ensure that the development currently partially carried out is completed in a satisfactory timescale in accordance with the approved details.

THEN

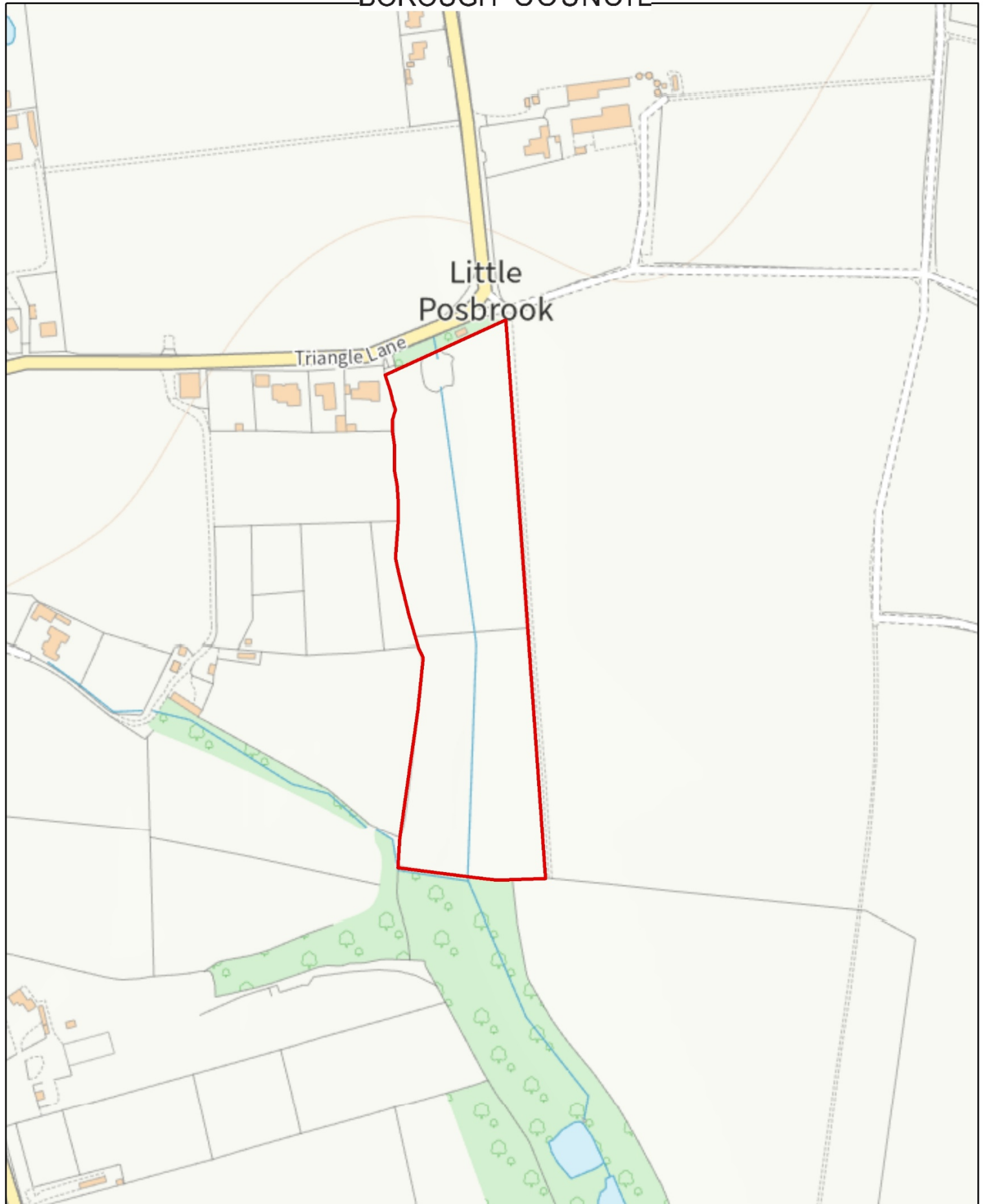
- 9.2 DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

## **10.0 Background Papers**

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Meon Bye Farm  
Triangle Lane, Fareham  
Scale 1:3,000



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