

**Minutes of the  
Planning and Development Scrutiny Panel  
(to be confirmed at the next meeting)**

**Date:** Thursday, 25 November 2021

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** M R Daniells (Chairman)

**Councillor** P J Davies (Vice-Chairman)

**Councillors:** N R Gregory, L Keeble, N J Walker and G Kelly (deputising for J S Forrest)

**Also Present:** S D Martin (Item 6)



**1. APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors J S Forrest and T Davies

**2. MINUTES**

Councillor L Keeble asked officers to confirm if they had been able to investigate the use of satellite technology to assist in the Tree Teams inspections of the Council's tree stock. The Head of Development Management addressed the Panel to advise that this technology had been discussed with the Principal Tree officer following the comments made at the previous Panel meeting. On reflection it was decided that this was not something that the Council would pursue any further for inspections. It is felt by officers that hands on, close contact with the trees is vital in carrying out a thorough inspection to ensure that disease and damage is discovered at the earliest possible opportunity.

It was AGREED that the Minutes of the Planning and Development Scrutiny Panel held on the 14 September 2021 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements made by the Chairman.

**4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS**

There were no declarations received from Members of the Panel.

**5. DEPUTATIONS**

There were deputations received at this meeting.

**6. IMPLICATIONS OF NATURAL ENGLAND ADVICE ON NEW FOREST RECREATIONAL DISTURBANCE**

The Panel received a report by the Director of Planning and Regeneration on the Implications of Natural England advice on the New Forest Recreational Disturbance. The report outlined the issues surrounding the impact of increased recreational pressure on the New Forest National Park designated sites following advice from Natural England.

Members discussed the report at length and expressed their concerns over Natural England's interpretation of the research commissioned by a group of local planning authorities to assess the impact of new development on protected sites in the New Forest. The data has subsequently led to the new advice from Natural England and Members asked if this data had been challenged. The Head of Planning Strategy and Economic Development explained that the Council must have regard to the Natural England advice as a statutory consultee. The pragmatic solution that has been developed by

officers to mitigate the impact on the protected sites is an interim solution agreed by Natural England. Officers intend to carry out their own research during the interim period to ensure that the Council's approach continues to offer proportionate mitigation effectively.

Members commented that, although paragraph 17 of the report states that letters have already been sent to both the Department for Levelling Up Housing and Communities (DLUHC) and the Department for the Environment, Food and Rural Affairs (DEFRA), more must be done to lobby Central Government to address the implications the advice from Natural England has on local Planning Authorities such as Fareham. The Panel agreed that this be put forward as a recommendation to the Executive.

RESOLVED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1 to the reports; and
- b) request that the Executive consider an additional recommendation (d) in their report at the meeting on the 07 December 2021, being that this Council continues to lobby Government for responses to the letter sent to them by the Leader, relating to the advice provided by Natural England on this issue.

## **7. FAREHAM BOROUGH SOLENT WADERS AND BRENT GEESE MITIGATION SOLUTION**

The Panel received a report by the Director of Planning and Regeneration on the Fareham Borough Solent Waders and Brent Geese Mitigation Solution. Mitigation measures are required to avoid adverse effects on the Solent Waders and Brent Geese populations at sites which have been allocated for housing and employment in the Fareham Local Plan 2037. The report, which will be considered by the Executive on the 07 December 2021, seeks to brief the Executive on the mitigation solutions for these sites.

RESOLVED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1 to the report; and
- b) support the recommendation as set out in the Executive report at appendix 1.

## **8. PLANNING STRATEGY UPDATE**

There were no Planning Strategy Updates provided at the meeting.

## **9. EXECUTIVE BUSINESS**

The Chairman asked Members of the Panel to consider the items of Executive Business which included a tabled item which has been appended to these Minutes.

### **(1) Council Tree Service Review**

No comments were received.

## **10. PLANNING AND DEVELOPMENT SCRUTINY PANEL PRIORITIES**

Members of the Panel were invited to consider the Scrutiny Priorities for the Planning and Development Scrutiny Panel.

Members asked that an item on increasing sea levels be brought to a future meeting of the Panel. The data that is gathered by the Environment Agency and the Coastal Partners on the rising tides could provide a topic of interest due to this data's influence on local development and the coastal management work.

At the invitation of the Chairman, Councillor M J Ford addressed the Panel to suggest that Members consider an item on Bird Aware Solent. The Council funds a proportion of the work that Bird Aware Solent undertakes in light of the Mitigation Strategy, so a greater understanding of this work and how the funds are used could form an interesting topic for the Panel.

RESOLVED that the Panel considered the Scrutiny Priorities for the Planning and Development Scrutiny Panel.

(The meeting started at 5.38 pm  
and ended at 6.59 pm).

# FAREHAM

## BOROUGH COUNCIL

2021/22  
Decision No.  
2311

### Record of Officer Delegated Decision

Friday, 22 October 2021

<b>Portfolio:</b>	Planning and Development
<b>Subject:</b>	<b>Nitrate Mitigation at Whitewool Farm, East Meon, Petersfield - Legal Agreement with William and James Butler and Butler Farms Ltd</b>
<b>Report of:</b>	Head of Development Management
<b>Corporate Priority:</b>	Protect and Enhance the Environment

#### **Purpose:**

This report seeks authority from the Director of Planning and Regeneration for the Council to enter into a legal agreement with William Butler, James Butler and Butler Farms Ltd in respect of land owned by William and James Butler at Whitewool Farm, Whitewool Lane, East Meon, Hampshire GU32 1HW. The agreement will allow the Council to accept nitrates mitigation for proposed residential developments in the Borough from the mitigation scheme at Whitewool Farm.

In February 2019, Natural England updated its advice to local councils to reflect recent European case law and now recommends an Appropriate Assessment is undertaken within the Borough of Fareham for every application for new dwellings.

Natural England has highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon protected sites.

Where developers are not able to demonstrate that their proposals maintain or reduce the levels of nitrates leaving their site, mitigation measures need to be identified. The majority of residential planning applications will need to mitigate for increased levels of nitrates entering The Solent; in most instances developers are unable to provide this mitigation on their development site.

William and James Butler and Butler Farms propose bringing forward agricultural land and a wetland scheme at Whitewool Farm, Hampshire to be used as mitigation for nitrates arising from new residential development within the catchment area. The wetland scheme has obtained planning permission from South Downs National Park Authority.

Authority is sought from the Director of Planning and Regeneration for the Council to enter into a legal agreement with William and James Butler and Butler Farms to secure nitrate mitigation at Whitewool Farm in connection with residential planning permissions granted within the Borough of Fareham.

**Options Considered:**

That the Director of Planning and Regeneration considered the contents of the report.

**Decision:**

RESOLVED That authority be given by the Director of Planning and Regeneration for the Council to enter into a legal agreement with William and James Butler and Butler Farms to secure nitrate mitigation at Whitewool Farm in connection with residential planning permissions granted within the Borough of Fareham.

**Reason:**

Securing nitrate mitigation at Whitewool Farm will enable Fareham Borough Council to grant planning permission for a number of residential schemes within the Borough, many of which have been stalled for a considerable period of time following the European Court rulings and Natural England's advice. This in turn will ensure that residential planning permissions are granted and housing can be built which will contribute towards meeting the Council's housing need.

**Confirmed as a true record:**

Richard Jolley (Director of Planning and Regeneration)  
Friday, 22 October 2021



