

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING AND DEVELOPMENT SCRUTINY PANEL

Date: Thursday, 25 November 2021

Time: 5.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor M R Daniells (Chairman)

Councillor P J Davies (Vice-Chairman)

Councillors T Davies

J S Forrest

N R Gregory

L Keeble

N J Walker

Deputies: Mrs T L Ellis

G Fazackarley

G Kelly



1. Apologies for Absence

2. Minutes (Pages 5 - 8)

To confirm as a correct record the Minutes of the Planning and Development Scrutiny Panel meeting held on the 14 September 2021.

3. Chairman's Announcements

4. Declarations of Interest and Disclosures of Advice or Directions

To receive any declarations of interest from Members in accordance with the Standing Orders and the Council's Code of Conduct and disclosures of advice or directions received from Group Leaders or Political Groups, in accordance with the Council's Constitution.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Implications of Natural England advice on New Forest Recreational Disturbance (Pages 9 - 20)

To consider a report by the Director of Planning and Regeneration on the Implications of Natural England advice on New Forest Recreational Disturbance, which is to be considered by the Executive on the 07 December 2021.

7. Fareham Borough Solent Waders and Brent Geese Mitigation Solution (Pages 21 - 30)

To consider a report by the Director of Planning and Regeneration on the Fareham Borough Solent Waders and Brent Geese Mitigation Solution, which is to be considered by the Executive on the 07 December 2021.

8. Planning Strategy Update (Pages 31 - 32)

To consider an update from the Head of Planning Strategy and Economic Development to on prevailing planning strategy matters.

9. Executive Business

To consider any items of business dealt with by the Executive since the last meeting of the Panel, that falls under the remit of Planning and Development Portfolio. This will include any decisions taken by individual Members during the same time period.

(1) Council Tree Service Review (Pages 33 - 34)

10. Planning and Development Scrutiny Panel Priorities

To provide an opportunity for Members to consider the scrutiny priorities for the Planning and Development Panel.



P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
26 November 2021

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FAREHAM

BOROUGH COUNCIL

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

Date: Tuesday, 14 September 2021

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor M R Daniells (Chairman)

Councillor P J Davies (Vice-Chairman)

Councillors: T Davies, J S Forrest, N R Gregory, L Keeble and N J Walker

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence received at this meeting.

2. MINUTES

It was AGREED that the Minutes of the Planning and Development Scrutiny Panel held on the 25 May 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 of interest received from Members of the Panel.

5. DEPUTATIONS

There were no deputations received at this meeting.

6. PLANNING STRATEGY UPDATE

The Panel considered a presentation from the Head of Planning Strategy and Economic Development on prevailing Planning Strategy Matters. The presentation included a summary of the responses received on the Revised Publication Local Plan Consultation, which ran from June-July 2021.

The Head of Planning Strategy and Economic Development ran through each site in turn, for which comments had been received and concluded with information on the next steps for the Council's Local Plan. Members asked questions and commented as appropriate throughout the presentation. A copy of the presentation is appended to these Minutes.

The Head of Planning Strategy and Economic Development concluded by providing Members with a brief overview of a new Government scheme for affordable housing, First Homes. Although this is a housing initiative it will have an impact on the Council's Planning process, therefore Members were reminded that an item will be presented at the Housing Scrutiny Panel on the 16 September 2021 which will provide more details on the scheme.

RESOLVED that the Planning and Development Scrutiny Panel note the contents of the presentation.

7. COUNCIL TREES SERVICE REVIEW

The Panel considered a report by the Director of Planning and Regeneration on the Council's Tree Service Review. The report provided an opportunity for the Planning and Development Scrutiny Panel to scrutinise the report prior to the Executive meeting on the 21 September 2021.

The Head of Development Management presented the report highlighting the key areas of the review and how these in turn have influenced the recommendations put to the Executive for decision. The Panel expressed their support for the proposals and asked questions for clarification throughout the discussions.

Members of the Panel provided details of possible funding opportunities for tree planting and discussed the importance of tapping into as much available funding as possible. Officers explained that a lot of work has already been carried out to investigate funding opportunities for tree. It is expected that this work will increase once the proposals from the review have been agreed.

Members also enquired about the link to the proposed revisions to Council's Tree Planting programme and the Council's Climate Change Action Plan, asking for reassurance that these changes wouldn't have a detrimental impact on the number of trees planted each year. Officers explained that with a re-organisation of the proactive tree planting towards strategic sites it was not anticipated that there would be an overall reduction in the number of trees planted and that this will be monitored by officers.

Members enquired as to which trees types capture the most carbon and if consideration could be given to this as part of the Council's Tree Planting programme. Officers agreed to investigate this matter and notify Members of the Panel accordingly.

RESOLVED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at Appendix 1; and
- b) recommends to the Executive at its meeting on 21 September 2021, that it endorses the recommendations as set out in Appendix 1.

8. EXECUTIVE BUSINESS

(1) Approval of Revised Charging Schedule for CIL

No comments received.

(2) Coastal Partnership - Chichester District Council request to join Coastal Partners

No comments received.

(3) Housing Delivery Test Action Plan

No comments received.

(4) Local Development Scheme

No comments received.

(5) Revised Publication Local Plan Consultation

Members asked if the Revised Publication Local Plan will be used to determine planning applications. Officers explained that it will certainly be a material consideration in determining planning applications.

9. PLANNING AND DEVELOPMENT SCRUTINY PANEL PRIORITIES

The Chairman asked Members of the Panel to consider the priorities for the Panel.

RESOLVED that the Planning and Development Scrutiny panel considered the priorities for the Panel.

(The meeting started at 6.00 pm
and ended at 8.17 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning and Development Scrutiny Panel

Date: 25 November 2021

Report of: Director of Planning and Regeneration

Subject: IMPLICATIONS OF NATURAL ENGLAND ADVICE ON NEW FOREST RECREATIONAL DISTURBANCE

SUMMARY

This report outlines the issue surrounding the impacts of increased recreational pressure on the New Forest designated sites, the advice from Natural England as statutory advisors on protected sites, and the interim mitigation solution. Executive approval is sought for the mitigation solution set out in the report, which will be a material consideration in the determination of planning applications.

RECOMMENDATION

It is RECOMMENDED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1; and
- b) pass any comments relating to appendix 1 to the 07 December 2021 Executive meeting for consideration.

Enquiries: For further information on this report please contact Gayle Wootton (Ext 4328)

Appendices: **Appendix 1:** Implications of Natural England Advice on New Forest Recreational Disturbance Report to Executive meeting on 07/12/2021.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 07 December 2021

Portfolio:	Planning and Development
Subject:	Implications of Natural England advice on New Forest Recreational Disturbance
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Protect and enhance the environment Leisure opportunities for health and fun Dynamic, prudent and progressive Council

Purpose:

To provide Members with information on a new position from Natural England in relation to recreational disturbance impacts from new occupiers of development in Fareham on protected sites in the New Forest, and the implications thereof, and to agree an interim mitigation solution.

Executive summary:

This report outlines the issue surrounding the impacts of increased recreational pressure on the New Forest designated sites, the advice from Natural England as statutory advisors on protected sites, and the interim mitigation solution. This report seeks Executive approval for the interim mitigation solution set out in the report, which will be a material consideration in the determination of planning applications.

Recommendation:

It is recommended that the Executive:

- (a) approves the approach to interim mitigation solution as set out in paragraphs 18-30 of the report; and
- (b) agrees to the carrying out of works identified in the proposed solution on receipt of appropriate funds received through planning obligations; and
- (c) notes that, where appropriate, the Planning Committee will be advised that the Executive has agreed to the carrying out of works identified in the proposed solution upon receipt of financial contributions.

Reason:

To ensure sufficient options for mitigation to address any adverse effect of recreational impacts upon protected sites in the New Forest from new residential and overnight accommodation in the Borough.

Cost of proposals:

The estimated project costs of £378,000 will be funded from legal agreements or section 111 agreements. These projects will be phased in line with the collection of the income due on the building of 1,530 new homes in the next 3 years. The projects will be cost neutral to the General Fund.

Background papers: None

Reference papers: All Footprint Ecology reports can be accessed here: [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/research-into-recreational-use-of-the-new-forest-protected-habitats)

Detailed description of impacts can be found within the Footprint Ecology Report, Recreation use of the New Forest: Impacts of Recreation and Potential Mitigation Approaches. [New-Forest-Recreation-Impact-Mitigation-report.pdf \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/new-forest-recreation-impact-mitigation-report.pdf)

Zone of influence report [New-Forest-zone-of-influence-report-2021.pdf \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/new-forest-zone-of-influence-report-2021.pdf)

Telephone survey report [New-Forest-Telephone-Survey-report.pdf \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/new-forest-telephone-survey-report.pdf)

[Local Plan Viability Assessment Addendum \(May 2021\)](#)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	07 December 2021
Subject:	Implications of Natural England advice on New Forest Recreational Disturbance
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. This report outlines the issue surrounding the impacts of increased recreational pressure on the New Forest designated sites, the advice from Natural England as statutory advisors on protected sites, and the interim mitigation solution. This report seeks Executive approval for the interim mitigation solution set out in the report, which will be a material consideration in the determination of planning applications.

BACKGROUND

Legal framework

2. The Conservation of Habitats and Species Regulations (2017 as amended), hereafter referred to as the 'Habitats Regulations', place significant responsibilities on the Council as competent authority for the protection of ecology. Regulation 63 requires competent authorities to undertake an 'Appropriate Assessment' of the implications of the permission, if it is likely to have a significant effect on a site protected under the Habitats Regulations, hereafter termed a 'protected site'.
3. The Appropriate Assessment process considers potential impacts against the conservation objectives of any protected sites designated for their nature conservation importance. If a likely significant effect is predicted, it is only if the competent authority can determine no adverse effect on the integrity of the site having regard to any proposed mitigation measures that permission may be granted. Therefore, if mitigation measures are not available or sufficient to avoid the adverse effect, then the competent authority would not be able to conclude that the plan or project would not have an adverse effect and should not grant planning permission.
4. Such protected sites include Special Protection Areas (SPA) designated to conserve important or threatened bird species and Special Areas of Conservation (SAC) designated to conserve important and rare habitats. Significant effects on these protected sites can be caused through a number of impact pathways such as direct or indirect habitat loss, increase of recreational disturbance, construction activities, air and water pollution.

5. It is also necessary for the competent authority to consider not only the impact of a single plan or project in isolation but the likelihood of a significant effect occurring in combination with other plans and projects.

Relevant case law

6. An established approach is that the Appropriate Assessment must use the 'precautionary principle' when determining likely significant effects. If it is not possible to rule out a likely significant effect, the competent authority must work on the basis that one exists and undertake an Appropriate Assessment. The precautionary principle also dictates that there must be certainty over the effectiveness of the mitigation measures in order to rule out any adverse effect.
7. This precautionary principle has been reinforced by a case determination from the European Court of Justice in 2018 commonly referred to as the 'Dutch Case'. The Dutch Case also clarified the requirement that mitigation is to be secured at the point of carrying out an Appropriate Assessment in order for the competent authority to conclude with certainty that any mitigation proposed would sufficiently mitigate any adverse effects arising from the plan or project in question. This 'high bar' means that, in exercising its planning functions, the Council has to carefully consider the advice of Natural England, as statutory advisor on these matters.
8. Members will be aware of the issue of nitrate neutrality which the Council has been working through in recent years, and indeed Bird Aware, the Solent Recreation Mitigation Strategy before it¹. It is the same legislation and procedural approach, involving consultation with Natural England, that needs to be followed in the case of New Forest Recreational Disturbance. By not adhering to Natural England's advice on this matter, the Council, as Local Planning Authority, runs the risk of legal challenge to its planning decisions.

Recreational Impacts on the New Forest and Natural England's subsequent advice

9. Research commissioned by six local planning authorities (Test Valley Borough Council, Eastleigh Borough Council, New Forest District Council, New Forest National Park Authority, Southampton City Council and Wiltshire Council), together with Natural England, Forestry England and with funding from central government focused on understanding the impacts of recreation arising from new development on the protected sites in the New Forest, given the location's long history as a visitor destination. The work was carried out by the specialist consultants Footprint Ecology, who have undertaken similar research in protected habitats across the UK and involved a comprehensive survey of recreational use of the New Forest using techniques such as onsite interviews, telephone surveys and vehicle counts.
10. The Footprint Ecology work identified a range of potential impacts from the projected increase in visitors to the New Forest arising from the planned new development. These impacts caused by increased recreation are listed below under broad headings. There can also be interactions between the different impacts.

- Disturbance;

¹ Recreational impacts on the Solent Coastal protected sites are addressed through the Solent Recreational Mitigation Strategy (commonly known as Bird Aware) and the requirements it sets out for new homes built within 5.6 kilometres of those protected sites.

- Fire;
- Contamination;
- Trampling/wear;
- Harvesting;
- Grazing issues
- Visitor expectation.

11. The telephone survey is significant in understanding how frequently local residents visit the woodland and heathland protected sites of the New Forest. The survey engaged with 2,000 randomly selected residents from areas surrounding the New Forest. Interviewees lived within 25km of the New Forest designated sites and sampling was undertaken within 5km bands. Sampling was weighted to the nearer 5km bands to ensure more interviews were conducted with those living relatively close to the New Forest. The questionnaire identified households who had visited the New Forest and asked particular questions relating to the reasons for visiting, activities undertaken and their visit patterns. From this, Footprint Ecology calculated the average number of visits to the New Forest protected sites for each neighbouring district or borough, which for Fareham Borough was around 15.3 visits per year per household (By way of comparison the figure for the National Park itself is 211.3 visits per year and Test Valley is 33.07 visits per year).

12. Most of the evidence from the visitor and telephone surveys was published in May 2020 but in May 2021, the steering group published a 'Zone of Influence' (ZOI) report detailing how far from the New Forest the majority of the impacts were felt. This report recommended that a 13.8km straight-line ZOI from the protected sites in the New Forest be created whereby new residential development (including tourist accommodation) within this zone would need to provide mitigation for recreational impacts. The Footprint Ecology report however, also recommended that the zone of influence should be modified to exclude the following local authorities: Fareham, Gosport, Winchester and the Isle of Wight, recognising the geography of the coastline in this area. This recommendation was based on the fact that *"the visit rates are lower in these areas and the administrative boundaries provide the most straightforward boundary to use. The Fareham boundary is around 13.9km from the bridge at Totton on the A33 (sic) (i.e. the main crossing point) so truncating the zone of influence in this way makes sense given the travel constraints posed by Southampton Water"*.

13. Despite the recommendations of the most recent Footprint Ecology report, it is Natural England's view that data resulting from the telephone survey carried out by Footprint Ecology show visit frequencies in the western parts of Fareham are similar to those in the neighbouring borough of Eastleigh (which is included in the 13.8km ZOI). This suggests the visit rate from these areas are higher than the average visit rate applied to the whole borough. It is Natural England's view that visitors originating from these parts of Fareham are likely to contribute to an in-combination effect on the protected sites. Therefore, and following a request for further clarification of their position, it is Natural England's advice that the ZOI of 13.8km be applied across the whole borough of Fareham to ensure all new development provides appropriate mitigation to ensure the necessary certainty required under the Habitats Regulations. In addition, Natural England advise that for sites up to 15km from the edge of the New Forest that require Environmental Impact Assessment (EIA) should consider whether that development will have an impact of the New Forest protected sites. The Council as competent authority under the Habitats Regulations, must have regard to Natural England's advice as a statutory consultee, and national body responsible for the natural environment. The

Council should only depart from the advice of Natural England for justified reasons: such a reason might be further alternative evidence that Fareham developments should be excluded from requiring any mitigation, or mitigation to a lesser degree.

14. Natural England advise that the Council work in close collaboration with other affected local authorities within and surrounding the New Forest designated sites to develop a strategic, cross-boundary approach to habitat mitigation for the New Forest SPA/SAC/Ramsar. Natural England has recommended that a strategic mitigation strategy is developed incorporating a package of measures including provision of suitable alternative green spaces and networks, and direct measures on the sites such as access management, education and communication, wardening, and monitoring. In advance of such a strategy being agreed and adopted, Natural England advise the Council to implement a suitable interim mitigation solution.
15. Until such an interim solution is prepared and implemented, the Council is unlikely to be able to conclude no adverse effects on the New Forest protected sites in any Appropriate Assessment carried out on residential applications that the Council decide to permit. As a result, there is the potential for a backlog to be created of undetermined planning applications for new residential development similar to that caused by the recent nutrient issue. It is therefore considered expedient to develop an interim mitigation solution in the short-term in order to avoid a growing backlog of planning permissions which will have consequences for the Council's ability to demonstrate a five-year housing land supply, which is used in planning decisions to give confidence that there is sufficient land to build the number of homes as per the housing requirement in the forthcoming five years. If this backlog were to grow, in time, there may also be an impact on the number of homes that are built in the borough and the results of the Housing Delivery Test which judges the Council on the past three years' housing delivery against the housing requirement, and applies penalties if the result is 95% or less.
16. From a Local Plan perspective, Natural England raised the issue of recreational impacts on the New Forest protected sites as part of their consultation response to the Revised Publication Plan. The Council has since submitted the Local Plan for examination with a Statement of Common Ground with Natural England agreeing that further work is required to agree the scope and nature of an interim mitigation solution which may be appropriate in advance of a more definitive solution. Whilst the Local Plan 2037 policy NE1 guards against the granting of any permission that would have an adverse impact on protected sites, whether inside or outside of the borough, the ability of developments coming forward within the plan period to mitigate recreational impacts on the New Forest protected sites will need to be considered through the Local Plan examination process. Without certainty on the ability of sites allocated in the plan to come forward with appropriate mitigation in order to meet the Borough's housing requirement, the Plan could be found unsound by an examining inspector. It is therefore imperative to progress an interim solution to sure up the Local Plan as it moves through the examination process.
17. The Council have written to Government, both the Department for Levelling Up, Housing and Communities (DLUHC), and the Department for the Environment, Food and Rural Affairs (DEFRA) raising the advice from Natural England and the implications on our ability to grant planning permissions and deliver homes as a key part of the Government's agenda and seeking a supportive collaborative approach from themselves and Natural England. At the time of writing, responses are awaited but officers will continue to raise this issue with Government both individually and as a member of the Partnership for South Hampshire, as several of the PFSH members are

affected by this same issue. Natural England accept that their advice is based on a precautionary approach and would welcome further work to understand the level of impact on the New Forest protected sites. This point is picked up in relation to monitoring in later paragraphs.

The Interim Mitigation Solution

18. This solution sets out:
 - The area in which the solution applies
 - The scope of the interim solution
 - The lifetime of the interim solution
 - The suite of measures to be provided by or funded by residential development to provide the required mitigation of recreational impacts
 - The rationale behind the interim approach and the steps required to develop a definitive solution.
19. This interim mitigation solution covers the borough of Fareham as per Natural England's advice. It deals specifically with recreational impact on the New Forest protected sites (SAC/SPA and Ramsar).
20. Mitigation measures set out in this interim solution are directed towards:
 - providing alternative recreational opportunities (to deflect potential visits away from the New Forest protected sites),
 - access management and wardening in the New Forest protected sites themselves,
 - accompanied by monitoring of the impacts and effectiveness of mitigation measures (to provide a better understanding of the impacts of recreation on the New Forest protected sites and enabling future refinements of mitigation policies and measures).
21. Whether new green spaces are created, or existing open spaces are improved in terms of accessibility and recreational function, open spaces that provide mitigation will be designed to maximise their chances of diverting Fareham Borough residents who might otherwise visit the New Forest protected sites for outdoor recreation. Evidence suggests that such alternative natural recreational greenspace should target the needs of residents who wish to go for recreational walks, with or without a dog.
22. The mitigation requirements for recreational disturbance impacts apply to all forms of new residential development resulting in a net gain of a self-contained dwellings. This includes new builds, redevelopment, changes of use, those permitted via prior approval and permitted development, affordable housing, visitor accommodation and gypsy pitches, for example.
23. A time period of up to March 2025, in line with growth assumptions in the Fareham Local Plan 2037, is proposed for this interim solution recognising the ongoing work required to understand the nature of the potential impact of the New Forest sites and the ongoing work of the steering group, of which this Council is now part. It is possible that the steering group will develop a strategic solution for mitigation of which developers in Fareham may be able to take part. It is also possible that the monitoring work undertaken during the lifespan of the interim solution will help determine the scale of the definitive strategy, for example, refine the geographic scope within the borough and/or a refinement of the average visit rate from ongoing survey work. It will be for the definitive strategy that will follow to take advantage of further refinements in the evidence of the visitor impact on the New Forest protected sites.

24. Additional pressures will be put on the New Forest protected sites from the growth planned in neighbouring planning authority areas. Addressing and mitigating these additional impacts arising from outside the Borough of Fareham is a matter for the relevant planning authorities. Similar mitigation schemes are in place for new development in New Forest District Council and National Park Authority areas, and are in development in Test Valley, Eastleigh and Southampton along similar lines. The wider management of all visitors (including car parking arrangements, cycling, horse riding and issues with littering) in the New Forest protected sites is an issue address through the work of the New Forest National Park Authority.

Calculating the recreational mitigation required

25. In order to calculate the number of visits that are required to be mitigated, the Council used the latest report from Footprint Ecology which demonstrated that the estimated average visits per household per year to the New Forest protected sites is 15.3.
26. The Local Plan 2037 estimates that, by the end of March 2025, 1,530 net new homes will be built in the 13.8km zone of influence, creating a total additional 23,454.9 visits to the New Forest protected sites. This is the level of additional recreational pressure that needs to be mitigated.
27. Where on-site recreation mitigation is not provided, a financial contribution will be sought towards the provision of new green spaces or the enhancement of existing green spaces including provision for their long-term maintenance and management costs. These enhancements are designed to deter people from visiting the New Forest and any adverse effect on integrity of the protected sites in that location. To ensure that the programme of projects is responsive to changing circumstances and opportunities, the programme of specific projects will be maintained separately and reviewed on a regular basis to ensure that they are deliverable in the agreed timeframe.
28. It is important to monitor both the implementation of the proposed mitigation measures of the interim mitigation solution and the effectiveness of those measures in mitigating the recreational impacts of new residential development within the Borough on the condition of the protected sites in the New Forest. Information from the monitoring process will inform future reviews of the interim mitigation solution and could be used to test the appropriateness of Natural England's interpretation of the available evidence. Monitoring costs are included in the programme costs set out below and monitoring efforts are likely to include supporting monitoring in New Forest itself.
29. Natural England have advised that alongside improvements to country parks within the Borough which will reduce the impact on the New Forest protected sites, as there will still be visits that take place from residents of Fareham, a proportionate contribution is required to fund access management or wardening on those sites. Therefore, it is proposed that £6,000 per year be provided to such projects within the New Forest itself. Discussions are ongoing with the New Forest National Park Authority as to how this is best achieved, and the intention is to review this contribution annually on the back of monitoring information.
30. The Council's Streetscene team have provided a costed list of projects totalling £300,000 over three years and including new features at flagship country parks, such as Holly Hill Woodland Park, Abbey Meadows, implementing a masterplanned set of improvements at Park Lane recreation ground, tree planting, wildflower meadow

creation and interpretation panels at sites throughout the Borough. With the addition of £20,000 a year for monitoring, and £6,000 for access management/wardening in the New Forest, the total annual cost of the mitigation scheme is £126,000. Expressed as a cost per household that equates to £247.05 per net new house (£126,000 each year for three years, divided by 1,530 dwellings). This money would be collected on developments that were unable to provide on-site mitigation, via legal agreements or section 111 agreements. This figure is subject to indexation and will be revised on the 6 April each year in line with the Retail Price Index (RPI), with April 2021 being the base year.

30. In relation to the Council's viability assessment, this level of additional cost is considered appropriate and within the assumptions of £10,000 environmental mitigation payments per dwelling allowance included in the viability testing for the Local Plan 2037 (see reference paper Local Plan Viability Addendum May 2021). By way of comparison, the Bird Aware contributions are £595 per house.

Implementation and monitoring

31. Through an annual review of projects and implementation priorities a programme of mitigation projects will be agreed. Ensuring the delivery of mitigation projects is sufficient to meet the additional visits identified to meet the predicted housing delivery and remains in line with the implementation of new residential development will be a high priority in the overall programme for infrastructure delivery.
32. An initial tranche of projects for implementation will be programmed to cover up to March 2025 and will be delivered by the Council's Streetscene team. The projects will be prioritised based on their ability to be delivered, the likely level of visits mitigated against and the location in relation to residential development that has come forward.
33. Monitoring will involve both on-site monitoring of the use of the new or improved greenspaces as well as further work to understand the impact, and any residual impact, of Fareham residents on the New Forest protected sites, with the latter used to inform any revisions to the interim solution or the definitive strategy.

Wider benefits of the interim mitigation solution

34. Whilst this solution is fundamentally about delivering mitigation for the likely significant effect of new development in this borough on the New Forest, the provision of improvements to the network of natural greenspaces located close to people's doorsteps will bring about 'quality of life' opportunities, such as healthier lifestyles, becoming more in touch with nature, space for wildlife and natural habitat, and improved attractiveness. This in turn also enables the Council to deliver on its Corporate Strategy priorities of protecting and enhancing the environment, and leisure opportunities for health and fun.

Conclusion

35. Without an interim solution to address the potential for adverse effects on the New Forest protected sites, it is likely that the Council's ability to grant planning permission and defend its Local Plan at examination will be drawn into question. A pragmatic interim solution is proposed for the near term to provide mitigation solutions in the form

of improved open spaces within the Borough of Fareham to deflect residents from visiting the New Forest protected sites. The need for monitoring of the effectiveness of the solutions is built into a costed programme of improvements that will be funded via developer contributions on all new residential development in the Borough, where on-site mitigation is not possible. Work will continue with government departments and Natural England to further understand the impacts demonstrated in the Footprint Ecology reports and with the New Forest Steering Group to consider the potential to develop a definitive mitigation strategy.

36. The proposed solution identifies works not previously budgeted for nor proposed within the council's corporate objectives. However, the carrying out of those works and the decision to carry them out are matters outside of planning and of an executive nature and as such, the Executive are invited to approve the carrying out of such works in order for the proposed solution to be implemented.

Enquiries:

For further information on this report please contact Gayle Wootton (Ext 4328)

FAREHAM

BOROUGH COUNCIL

Report to Planning and Development Scrutiny Panel

Date: 25 November 2021

Report of: Director of Planning and Regeneration

Subject: FAREHAM BOROUGH SOLENT WADERS AND BRENT GEESE
MITIGATION SOLUTION

SUMMARY

The Solent supports a significant overwintering population of Solent Waders and Brent Geese (SWBG) and there are several Special Protection Areas (SPAs) designated throughout the region due to their legal protection. The populations of SWBG rely on the availability of a network of terrestrial feeding and roosting sites which are designated as part of the Solent Wader and Brent Goose Network. Development can result in negative impacts to the SWBG Network and as such this is a matter for consideration when preparing a Local Plan. The emerging Local Plan 2037 has been subject to the Habitat Regulations Assessment (HRA) process which identified 5 particular site allocations that would require mitigation in relation to potential adverse impacts on such designated sites. As Local Planning Authority, the Council is required to demonstrate the deliverability of the Local Plan including the site allocations. Not doing so presents a risk to the soundness of the Local Plan through the Examination process. The Local Mitigation Solutions (LMS) have been produced to demonstrate the deliverability of the Local Plan allocations through identification of the individual mitigation for those sites.

RECOMMENDATION

It is RECOMMENDED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1; and
- b) pass any comments relating to appendix 1 to the 07 December 2021 Executive meeting for consideration.

Enquiries: For further information on this report please contact Gayle Wootton (Ext 4328)

Appendices: Appendix 1: Fareham Borough Solent Waders and Brent Geese Mitigation Solution Report to Executive meeting on 07/12/2021.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 07 December 2021

Portfolio:	Planning and Development
Subject:	Fareham Borough Solent Waders and Brent Geese Mitigation Solution
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Dynamic, Prudent and Progressive Council

Purpose:

The Fareham Local Plan 2037, which is now at examination, allocates sites for housing and employment on land which is designated as important for Solent Wader and Brent Geese (SWBG) populations. Mitigation measures are therefore required to avoid adverse effects on those populations and this report seeks to brief the Executive on the mitigation solutions for those Local Plan allocations.

Executive summary:

The Solent supports a significant overwintering population of Solent Waders and Brent Geese (SWBG) and there are several Special Protection Areas (SPAs) designated throughout the region due to their legal protection. The populations of SWBG rely on the availability of a network of terrestrial feeding and roosting sites which are designated as part of the Solent Wader and Brent Goose Network. Development can result in negative impacts to the SWBG Network and as such this is a matter for consideration when preparing a Local Plan. The emerging Local Plan 2037 has been subject to the Habitat Regulations Assessment (HRA) process which identified 5 particular site allocations that would require mitigation in relation to potential adverse impacts on such designated sites. As Local Planning Authority, the Council is required to demonstrate the deliverability of the Local Plan including the site allocations. Not doing so presents a risk to the soundness of the Local Plan through the Examination process. The Local Mitigation Solutions (LMS) have been produced to demonstrate the deliverability of the Local Plan allocations through identification of the individual mitigation for those sites.

Recommendation

It is recommended that the Executive note the availability of mitigation schemes in support of allocations in the submitted Fareham Local Plan 2037, which is now at examination.

Reason:

To provide further evidence to demonstrate the deliverability of those Local Plan allocations which result in negative impacts to the Solent Wader and Brent Goose Network.

Cost of proposals:

No financial implications.

Background papers: Review of the Fareham Local Solent Waders & Brent Goose Mitigation Solutions, HCCET 2021

Reference papers: Solent Wader and Brent Goose Strategy (Solent Waders and Brent Goose Steering Group, 2020)
[solent-waders-brent-goose-strategy-2020.pdf \(wordpress.com\)](#)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	07 December 2021
Subject:	Fareham Borough Solent Waders and Brent Geese Mitigation Solutions
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. The diversity of habitats and species in and around the Solent makes it one of the most important coastal zones in the UK and an internationally important wildlife resource. Brent geese and wading birds are protected under UK legislation and specially protected within designated sites, called Special Protection Areas (SPAs). The Solent supports a significant Solent Wader and Brent Goose (SWBG) population and has several SPAs designated throughout the region. However, as birds are mobile species, they are also dependent on sites outside of formal designations and rely on the availability of a network of feeding and roosting resources over the winter period. This network of feeding and roosting sites is known as the SWBG Network.
2. These sites are often located near to or adjacent to existing settlements and as a result can come under pressure. Development in such locations can result in negative impacts to the SWBG Network. As a result, at a plan and project level, the Habitats Regulations require an assessment of the impacts of development and a proposed solution to mitigating those impacts.
3. From a Fareham perspective, there are 80 designated SWBG Network sites in the Borough. These sites have varying level of importance (focused on their level of use by the bird species); Core being the most important, then Primary, then Secondary Support Areas and finally Low Use and Candidate Sites. Together they all form part of the wider network across the Solent.
4. The classifications for these sites are designated through 'The Solent Wader and Brent Goose Strategy'. This document was produced by the Solent Wader and Brent Goose Steering Group (comprised of Hampshire & Isle of Wight Wildlife Trust, Natural England, RSPB, Hampshire County Council and Coastal Partners) to provide a basis and rationale for the identification, protection and mitigation of the SWBG Network. The Local Mitigation Solutions (LMS) have been produced to provide further evidence to the Local Plan approach taken

towards protecting and enhancing the SWBG Network within the Borough, ensuring the approach taken towards Local Plan sites is consistent with the wider SWBGS.

5. As Local Planning Authority, the Council must be able to demonstrate the deliverability of the Local Plan including all site allocations. This includes how any mitigation required will be delivered. The availability of mitigation is likely to be considered as part of the examination process for the Fareham Local Plan 2037, which has now technically begun, and any inability to show deliverability could risk the Plan being found unsound.
6. For clarity, members will be aware of the Bird Aware scheme which collects financial contributions from developments in the Borough as mitigation for recreational disturbance on sites protected for Solent Waders and Brent Geese along the coastline, i.e. from people and dogs walking and disturbing over-wintering birds. The money pays for wardening, awareness raising and specific projects to ensure that the bird populations are not adversely affected. While the SWBG Network is a linked issue, as the network of sites protects additional areas of land that the same species of birds use, the potential impact is not recreational disturbance it is permanent loss of the land.

EMERGING LOCAL PLAN

7. The Local Plan proposes a significant level of development in the Borough, some of which is likely to result in impacts to the SWBG Network and as a consequence, may result in likely significant impacts on the Solent SPAs. The Local Plan Habitat Regulations Assessment (HRA) process identified 5 site allocations that would require mitigation to ensure that there would be no adverse effect on the integrity of the SWBG network. Those sites are:
 - HA44 Assheton Court.
 - HA54 Land East of Crofton Cemetery and West of Peak Lane.
 - HA55 Land South of Longfield Avenue.
 - E2 Faraday Business Park.
 - E3 Swordfish Business Park.
8. As a result of the HRA process carried out on the Plan, the Council has incorporated an overarching policy for the protection of the SWBG network (Policy NE5: Solent Wader and Brent Goose Sites). Policy NE5 sets out a hierarchical approach to protecting the SWBG network. As a matter of course, applicants for sites with the potential to affect the integrity of the SWBG network sites must consider avoidance as the first approach, with on-site mitigation to be provided if that is not possible. An off-site solution should be considered if there is clear justification that onsite mitigation cannot be achieved. The mitigation hierarchy in NE5 broadly is as follows:

Avoidance	Any identified impacts to sites within the SWBGS network shall be avoided in the first instance where possible. Clear justification is needed if impacts cannot be avoided and onsite and/or offsite mitigation is required.
On-site	On-site mitigation should be explored if avoidance measures cannot be achieved. On-site mitigation shall be proportionate to the level of impact and be entirely consistent with the approach described within the Solent Wader and Brent Goose Guidance on Mitigation.
Off-site	<p>If there is clear justification that on-site mitigation cannot be achieved, off-site enhancement measures to an existing site or group of sites within the SWBG network shall be provided. Existing network sites should be selected first before consideration is given to the creation of brand-new sites because existing sites are already proven to be used in some capacity by the relevant species giving greater certainty that mitigation and enhancement measures will be successful. Despite this, it is accepted that with sufficient evidence gathering, planning and implementation, new network sites can be created and act as successful off-site mitigation.</p> <p>Any offsite enhancements shall also be consistent with the approach set out in the 'Guidance on Mitigation and Off-setting Requirements' (SWBG Steering Group, October 2018) and Policy NE5 of the Fareham Local Plan.</p>

LOCAL PLAN DELIVERY

9. In applying Policy NE5 to the allocated sites with a likely significant effect, the Local Plan allocations for the following sites require the following:
- HA44 Assheton Court – **AVOIDANCE**.
The allocation policy in the Local Plan requires the provision of a Construction Environmental Management Plan which will avoid and mitigate onsite any indirect impacts.
 - HA54 Land East of Crofton Cemetery and West of Peak Lane - **ON-SITE**.
The allocation policy in the Plan requires the land north of Oakcroft Lane (F17C within the allocation boundary) to be retained free from development and enhanced to provide suitable onsite Solent Wader & Brent Goose habitat.
 - HA55 Land South of Longfield Avenue – **ON-SITE**.
The allocation policy in the Plan requires the land to the west of Peak Lane (as highlighted on the Land Use Framework Plan within the Local

Plan) to be retained free from development and enhanced to provide suitable onsite Solent Wader & Brent Goose habitat.

- E2 Faraday Business Park – **OFF-SITE** (Secondary Support Area).

Officers commissioned an independent review of the suitability of Faraday Business Park being included within the SWBG Network, given the level of hardstanding and development on the site. This review was undertaken by Hampshire County Council Ecology Team and concluded that no onsite mitigation solutions are suitable given the existing use and the risk to airfauna posed by any ecological enhancements. A recommendation of an offsite solution '*broadly close*' was concluded in line with policy NE5 of the Local Plan. A separate report is going to Executive to consider land acquisition as a bird mitigation solution to enable further development across the Daedalus employment sites and Solent Airport (elsewhere on the agenda).

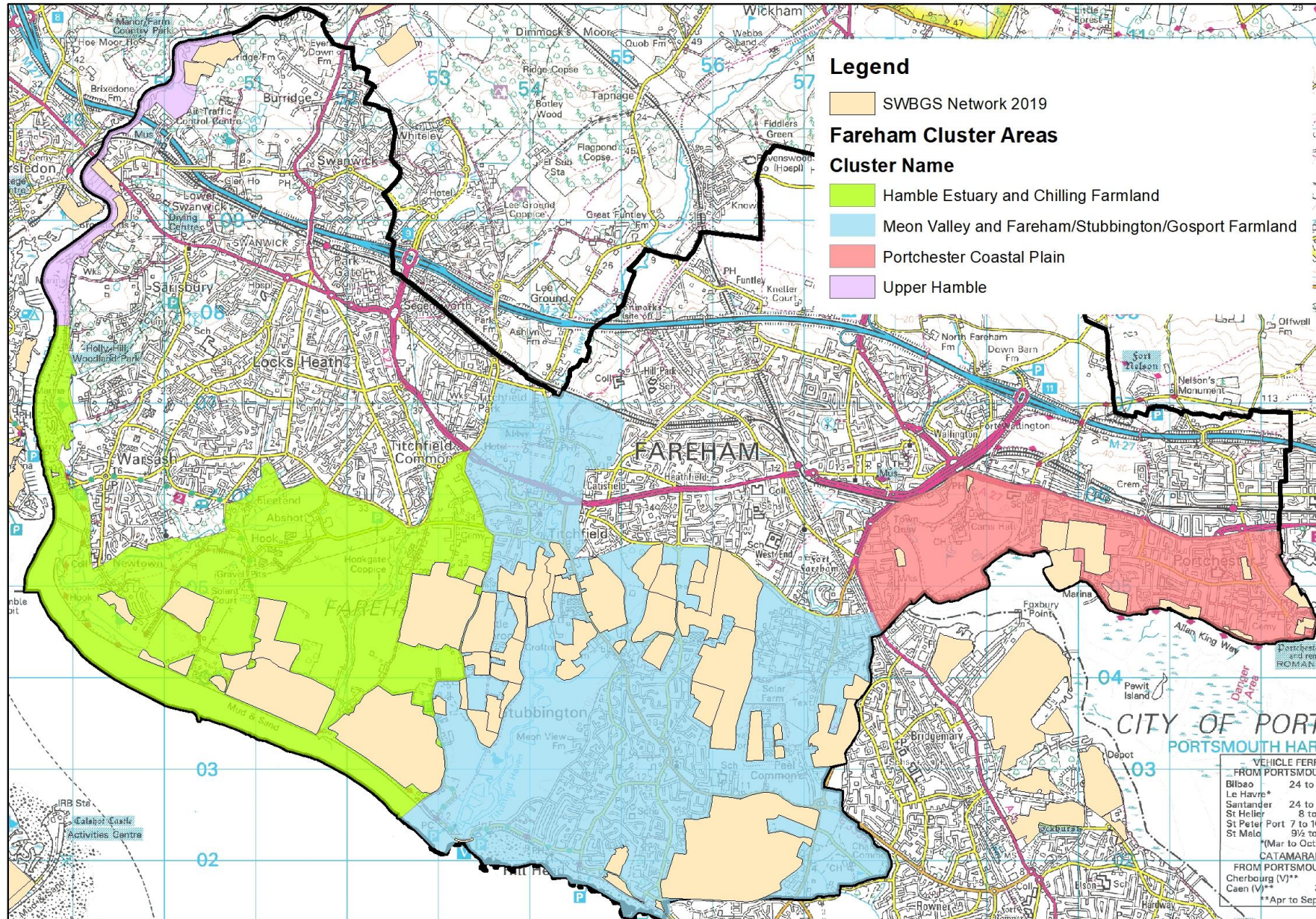
- E3 Swordfish Business Park – **OFF-SITE** (Secondary Support Area).

As with Faraday, the review of Swordfish Business Park also concluded that that no onsite mitigation solutions are suitable given the existing use and the risk to airfauna posed by any ecological enhancements. A recommendation of an offsite solution '*broadly close*' was also concluded in line with policy NE5 of the Local Plan. A paper is going to Executive to consider land acquisition as a bird mitigation solution to enable further development across the Daedalus employment sites and Solent Airport (elsewhere on the agenda).

Off-site Mitigation – the Network Cluster Approach

10. For sites where it can be shown that onsite avoidance or mitigation measures are not appropriate or adequate, there is a need to provide offsite mitigation for any identified impacts to the SWBG network. Policy NE5 of the Local Plan requires that to ensure that the integrity and functionality of the whole network is maintained across the Borough, offsite mitigation should be provided '*broadly close*' to the occurring impact where possible.
11. To provide further clarity to the meaning '*broadly close*' in relation to Secondary Support Areas, the SWBG network within the Borough has been divided into four 'cluster' areas as shown in figure 1. The 'cluster' approach helps to define '*broadly close*' by recognising the local context of SWBG Network sites and will serve to maintain the geographic spread of distinct habitat types across the Borough. Therefore, impacts on SWBG sites within a specific cluster area are expected to be mitigated within that particular cluster area. A pragmatic and flexible approach will be taken to those impacted sites that are on the edge of, or close to, an adjacent cluster area where off-site enhancement could be provided in either of the neighbouring cluster areas.

Figure 1: Fareham Local Mitigation Solution Cluster Areas



12. In relation to Local Plan sites E2 Faraday Business Park and E3 Swordfish Business Park the requirement of Local Plan Policy NE5 will require an offsite solution to be provided somewhere within the Meon Valley and Fareham/Stubbington/Gosport Farmland Cluster Area.

Suitability of the Cluster Approach

13. The principle of a cluster area approach was proposed to Natural England (NE) and gained their support. The Council committed in the Statement of Common Ground signed with NE earlier this year that it will continue to work with, and update NE on the development of the cluster approach. In all cases, the Council will consult NE, when determining any applications for development that could result in adverse impacts to the Solent Wader and Brent Goose network.
14. Officers also commissioned an independent review of LMS and in particular the cluster approach to test its suitability and likely effectiveness. This review was undertaken by Hampshire County Council Ecology Team. The review concluded that the cluster methodology and the general approach to mitigation specified through Policy NE5 is both a logical and commendable approach to the strategic protection of SWBG sites. The implementation of the cluster approach will allow resources to be directed at the areas most suitable to provide effective mitigation for certain assemblages of bird species.

CONCLUSION

15. The Local Mitigation Solutions provide a logical approach to the strategic protection of SWBG sites through the Local Plan. By focussing mitigation measures towards specific areas, known as 'clusters', the approach provides for the retention of key habitat types across Fareham Borough. The solutions, taken as a whole with Local Plan policies, identifies and demonstrates deliverable solutions for the five site allocations contained within the Local Plan, where impacts on the SWBGS network have been identified.

Enquiries:

For further information on this report please contact Gayle Wootton. (Ext 4328)

FAREHAM

BOROUGH COUNCIL

Presentation to Planning and Development Scrutiny Panel

Date: 25 November 2021
Report of: Director of Planning and Regeneration
Subject: PLANNING STRATEGY UPDATES

SUMMARY

The agenda item will provide an opportunity to communicate to members of the Panel any relevant updates not covered by other agenda items.

RECOMMENDATION

It is RECOMMENDED that Members note the contents of the presentation.

FAREHAM

BOROUGH COUNCIL

2021/22
Decision No.
2297

Record of Decision by Executive

Tuesday, 21 September 2021

Portfolio	Planning and Development
Subject:	Council Tree Service Review
Report of:	Director of Planning and Regeneration
Corporate Priority:	Dynamic, prudent and progressive Council; Protect and enhance the environment

Purpose:

This report sets out the results of the detailed review of the Council Trees Service and provides options for the future delivery of the service.

The Council is facing considerable financial pressures, worsened by the impact of COVID-19. Alongside this, our Trees Service had experienced a number of budget overspends.

Therefore, a review of the Council Trees Service was recently conducted, with the aim of identifying what options could be available to reduce the cost of the service whilst continuing to offer a good quality tree management function.

A Systems Thinking (Vanguard) approach was applied to the service, alongside legal and financial analysis and comparisons with the approaches adopted by other local Councils.

The results of the review and proposals for the future provision of the service are outlined in this report, alongside a proposed level of expenditure which reflects the increasing stock of trees that the Council now actively manages as well as incorporating options identified to reduce areas of spend.

To mitigate any future overspends it is also proposed that a full review of the Council's Planning Obligations Supplementary Planning Document for the Borough of Fareham, excluding Welborne (SPD), takes place to allow the Council to recover the cost of tree maintenance when adopting land. The Executive is invited to note that an increased maintenance contribution for adopting land containing trees which will require active management by the Council upon adoption will be introduced with immediate effect.

Options Considered:

The comments of the Planning and Development Scrutiny Panel were taken into account by the Executive in considering this item.

As recommendation.

Decision:

RESOLVED that the Executive approves:

(a) the new approach to Council-owned trees, which includes:

- Stopping good neighbour works.
- Changes to Tree Planting.
- Changes to the Inspection frequency of Council managed trees.
- Responsibility for low height tree works being brought in house.
- Reduction of other planned tree works.
- Individual proposals for funding of Strategic Planning Sites being brought to future Executive meetings for consideration.
- Engagement with local communities and the building up of a volunteer resource.

(b) a full review of the Planning Obligations Supplementary Planning Document for the Borough of Fareham, excluding Welborne (SPD) be conducted; and

That the Executive notes:

(c) that an increased maintenance charge will be sought where land is being adopted which contains trees which the Council will need to actively manage upon adoption, of £500 per tree.

Reason:

The number of trees owned and/or maintained by the Council has risen significantly during the last ten years which has been creating a financial pressure. The proposals will help ensure a well-managed and safe tree stock that is financially sustainable.

Confirmed as a true record:

Councillor SDT Woodward (Executive Leader)

Tuesday, 21 September 2021