

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING AND DEVELOPMENT SCRUTINY PANEL

Date: Thursday, 30 March 2023

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor M R Daniells (Chairman)

Councillor Ms S Pankhurst (Vice-Chairman)

Councillors Ms F Burgess

Mrs T L Ellis

Mrs J Needham

P Nother

N J Walker

Deputies: Ms C Bainbridge

Mrs P Hayre



1. Apologies for Absence

2. Minutes (Pages 5 - 10)

To confirm as a correct record the Minutes of the Planning and Development Scrutiny Panel meeting held on the 22 February 2023.

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. Biodiversity Net Gain Supplementary Planning Document - For Consultation
(Pages 11 - 58)

To receive a report from the Director of Planning and Regeneration on the Biodiversity Net Gain Supplementary Planning Document, seeking approval from the Executive to consult on how Biodiversity Net Gain will apply to planning applications in Fareham.

7. Executive Business (Pages 59 - 60)

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) Provision of Tree Maintenance Services within the Borough of Fareham
(Pages 61 - 62)

(2) Community Infrastructure Levy - Consultation (Pages 63 - 64)

(3) Planning Obligations SPD Review (Pages 65 - 66)

8. Planning Strategy Update (Pages 67 - 68)

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

9. 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
22 March 2023

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FAREHAM

BOROUGH COUNCIL

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

Date: Wednesday, 22 February 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor M R Daniells (Chairman)

Councillor Ms S Pankhurst (Vice-Chairman)

Councillors: Mrs T L Ellis, P Nother, N J Walker and Mrs P Hayre (deputising for Mrs J Needham)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors Mrs J Needham and Mrs F Burgess.

2. MINUTES

RESOLVED that the Minutes of the Planning and Development Scrutiny Panel meeting held on the 27 July 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement: –

Regrettably, I am to inform Members that Gayle Wootton, Head of Planning Strategy and Economic Development is leaving Fareham Borough Council to embark on a new role elsewhere. Therefore, this will be Gayle's last meeting of the Planning and Development Scrutiny Panel. I would like to thank Gayle on behalf of the Panel for all of her help and support over the years, and wish her the best of luck in your new role.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

No deputations were received at the meeting.

6. COMMUNITY INFRASTRUCTURE LEVY REVIEW - CONSULTATION

The Panel received a report by the Head of Planning Strategy and Economic Development on the Community Infrastructure Levy (CIL) Review, which is to be considered by the Executive on the 06 March 2023 to approve the consultation on proposed new CIL charges.

The Principal Planner (Strategy) Pete Drake presented the report to the Panel and began by providing an overview of CIL, outlining the purpose of the charges, and what the funds are used for across the Borough. Pete also explained what the charges are currently and the reason for the review. Members asked a number of questions for clarity to provide greater understanding of the charge which is levied to new development.

Members queried the cumulative impact of the raised levy, alongside a number of other charges and fees levied on new development, on the potential for an increase in house prices in the Borough. Officers reassured Members that the consultants have carried out in depth viability studies to ensure the fees are affordable and that the charges are in line with neighbouring authorities. It was recognised that there are many factors affecting the

eventual cost of the house, not least the price paid for the land, which is a commercial consideration and not a matter for the planning authority.

The next step, once approved by the Executive on the 06 March 2023, is for the Council to run a consultation in the Spring. The results of which will determine if any amendments are required before the schedule is sent to an independent examination.

RESOLVED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1; and
- b) ask the Executive to consider their comments above relating to appendix 1 at the 06 March 2023 Executive meeting.

7. PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENTS (SPD) REVIEW

The Panel received a report by the Head of Planning Strategy and Economic Development on a Review of the Planning Obligations Supplementary Planning Document (SPD). Consultation on the revised document is required before the Council adopts it, with Executive approval to be sought at their meeting on the 06 March 2023.

The Principal Planner (Strategy) Pete Drake presented the report to the Panel providing the background as to why the review of the Planning Obligations (SPD) had been carried out, explaining that this is linked to the Local Plan process. The Local Plan outlines how the borough's housing and employment targets will be met and sets out the scale and type of infrastructure required to support the planned growth.

Members discussed at length the potential challenges faced by the proposal to increase the maintenance contributions for a period of 50 years. Concerns were raised that an increasing number of developers may opt for management companies instead of transferring land to the Council, meaning that the Council would have no control over these assets (such as open space, play areas and playing pitches) which could potentially bring about problems for residents who use those areas. Officers explained the difficulties in striking a balance to ensure public open spaces are maintained to a standard to which residents of the Borough are accustomed, and adopting land from developers which comes at a cost. It is hoped that the increase in the charges applied to land being transferred to the Council would alleviate the potential financial liability being at a detriment to the Council in the long term, but will also remain a viable option for developers.

Members of the panel also queried the figures on in table 1 of the Executive report at Appendix 1. Officers advised the amounts increased as multiples as the years increased. For example, the 40 year fees were double the 20 year fees. It was pointed out that the figures in the table were not correct and Officers agreed to check and amend these before publication of the Executive report.

RESOLVED that the Planning and Development Scrutiny Panel: -

- a) note the contents of the Executive report at appendix 1; and
- b) ask the Executive to consider their comments above relating to appendix 1 at the 06 March 2023 Executive meeting.

8. PLANNING STRATEGY UPDATE

The Panel received a presentation from the Head of Planning Strategy and Economic Development on prevailing planning strategy matters. A copy of the presentation is appended to these minutes.

The presentation included: -

- an update on the Local Plan examination, which it is hoped will be completed very soon with the inspector's final report expected shortly;
- an overview on the Governments Levelling Up and Regeneration Bill - consultation which opened on 22 December 2023. The presentation provided an overview of the key proposals for planning reform and outlined the Council's response to the consultation;
- information on recent consultations by both Southern and Portsmouth Water outlining their Draft Water Resource Management Plans; and
- details on the Council successfully securing funds from a recent bidding round from Bird Aware, to implement two mitigation measures in the Borough. One at Seafield Park, Hill Head and the second at Warsash Common.

Members asked if the changes outlined in the Levelling Up and Regeneration Bill, if implemented by Government, will impact the Council's emerging Local Plan. Officers confirmed that any changes won't take effect until the Spring, by which time it is hoped that the Council's Local Plan will have been adopted. It was also explained that not all the proposals will be implemented immediately, as proposals linked to a wider review of national planning policy is scheduled for later in this year, and proposals which will come through the Levelling Up and Regeneration Bill in 2024.

RESOLVED that Members note the contents of the presentation.

9. EXECUTIVE BUSINESS

(1) Fareham Quay and Alton Grove to Cadour Drive Flood and Coastal Erosion Risk Management Studies - Award of Contract

No comments were received.

(2) Salterns recreation ground, Fareham - interim sea defence works

No comments were received.

(3) Fareham Local Plan 2037 Main Modifications

No comments were received.

(4) The Levelling Up and Regeneration Bill - Planning Policy Consultation

No comments were received.

10. PLANNING AND DEVELOPMENT SCRUTINY PANEL PRIORITIES

The Chairman asked Members of the Panel to consider the Scrutiny Priorities for the Planning and Development Scrutiny Panel.

The Director of Planning and Regeneration advised Members that as this was the last meeting of this municipal year officers did not have any outstanding items for the Panel to consider, but he went on to explain that a great deal of what has been discussed at today's meeting would likely be considered in more detail by the Panel in 2023/24 as the items are considered through the Council's decision making process.

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

(The meeting started at 6.00 pm
and ended at 8.43 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning and Development Scrutiny Panel

Date **30 March 2023**

Report of: **Director of Planning and Regeneration**

Subject: **BIODIVERSITY NET GAIN SUPPLEMENTARY PLANNING DOCUMENT**

SUMMARY

Biodiversity Net Gain is a new approach to planning whereby the post-development site should have at least 10% more biodiversity than pre-development. The emerging Local Plan 2037 contains a policy requiring BNG on new dwellings and new residential/leisure buildings. As the emerging Local Plan is anticipated to be adopted shortly, a Supplementary Planning Document (SPD) has been prepared to provide guidance to applicants seeking planning permission.

The draft SPD guides applicants on what they need to prepare alongside their submission of planning applicant, as well as guidance on options if BNG cannot be provide on-site.

Executive approval is to be sought to consult on the SPD.

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/recommendations to the Executive to consider at their meeting on the 04 April 2023.

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 03 April 2023

Portfolio:	Planning and Development
Subject:	Biodiversity Net Gain – Supplementary Planning Document
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Leisure Opportunities for Health and Fun Dynamic, Prudent and Progressive Council

Purpose:

To seek approval to consult on a Biodiversity Net Gain Supplementary Planning Document – setting out the Council's approach to securing and implementing Biodiversity Net Gain in line with Policy NE2 in the emerging Fareham Borough Local Plan 2037.

Executive summary:

Biodiversity Net Gain (BNG) is a relatively new concept for development proposals that aims to leave the natural environment in a measurably better state than it was before the development took place.

The concept first appeared in the National Planning Policy Framework (NPPF) in 2012 and has been included and strengthened within subsequent reviews. The emerging Fareham Local Plan 2037, which is reaching the end of the examination process and will soon be before Council for adoption, contains Policy NE2 Biodiversity Net Gain with which states that '*development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site*'.

The Biodiversity Net Gain SPD will provide supplementary planning guidance to developers, planning applicants and borough residents as to how the Council will implement policy NE2 with regards to relevant planning applications in Fareham.

The document sets out the core concepts of BNG and the associated 'Biodiversity Metrics' and provides additional details as to the steps applicants need to take to submit the correct information alongside their planning applications. It also provides guidance on meeting the BNG requirements, and possible solutions when encountering issues in achieving BNG.

Recommendation:

It is recommended that the Executive:

- (a) approves the Draft Biodiversity Net Gain Supplementary Planning Document, as set out at Appendix A to the report, for public consultation; and
- (b) delegates authority to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, to make any minor amendments to the document following consideration by the Executive, prior to the consultation.

Reason:

To consult on a Biodiversity Net Gain SPD which sets out the approach taken to BNG in the Borough.

Cost of proposals:

It is not considered that there are any cost implications to the Council in undertaking the consultation on the draft Biodiversity Net Gain SPD.

The introduction of BNG is a new policy area linked to new legislation and national planning guidance, for which the Council will receive new burdens funding.

Appendices:

A: Draft Biodiversity Net Gain Supplementary Planning Document

B: Strategic Environmental Assessment Screening Report

Background papers: None

Reference papers: Fareham Borough Council Local Plan 2037

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	03 April 2023
Subject:	Biodiversity Net Gain – Supplementary Planning Document
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. Supplementary Planning Documents (SPD) provide guidance on policies set out in a Local Plan, such as site-specific information, or specific matters such as how to deal with the Biodiversity Net Gain (BNG) requirement. They are a material consideration in planning decisions and are important in helping to shape development.
2. The emerging Fareham Local Plan 2037, which is reaching the end of the examination process, contains Policy NE2 Biodiversity Net Gain. This policy states that '*development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site*' and that these net gains '*should be maintained for a minimum of 30 years*'.
3. In order for the policy to be implemented successfully, further guidance is required to explain to developers, planning applicants and borough residents which developments in Fareham will need to provide 10% minimum BNG and which developments the policy would not apply to. Further guidance is also required to explain the expectations of the Council as to where and how qualifying development should provide BNG and how it is to be secured, managed and monitored for the minimum period required.

LEGAL AND POLICY FRAMEWORK

4. Policy NE2 Biodiversity Net Gain in the emerging Fareham Local Plan 2037 is based upon three key pieces of legislation, national policy and guidance. Firstly, paragraph 179b in the National Planning Policy Framework (NPPF) states that Local Plans should '*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity*'.
5. Secondly, the Environment Act 2021 sets out that secondary legislation will introduce new provisions into the Town and Country Planning Act 1990 where planning permission, for qualifying development, will be subject to a deemed condition requiring biodiversity net gain to be delivered and maintained for a minimum period of 30 years. This requirement is anticipated to take effect in November 2023. The Government consulted on the draft BNG regulations in 2022 and published the consultation

responses in February 2023¹, which provides an indication of what might be forthcoming in those regulations. When the new legislation is enacted, it will be a material consideration in the determination of planning decisions and therefore, it is important to attempt to align this SPD with how the legislation and guidance may be written.

6. Additionally, the commitments within the Government's 25 Year Environment Plan and the guidance contained within the National Planning Practice Guidance, the Good Practice Principles for Development produced by the Chartered Institute of Ecology and Environmental Management as well as the responses from Natural England to the various stages of the formulation of the Fareham Local Plan 2037 have also formed the basis and justification for Policy NE2.

KEY CONTENT OF THE SPD

7. The overall purpose of the Biodiversity Net Gain SPD is to enable developers and planning applicants to understand how Policy NE2 Biodiversity Net Gain will apply to planning applications in Fareham.

Timescale for applying the policy

8. As soon as the Local Plan is adopted, the policy will apply to many future planning decisions. The SPD states that where applications for outline planning permission have been granted by the Council before the adoption of the SPD, their reserved matters applications will not require a BNG Plan in order to be valid. However, applications for outline planning permission that have been submitted, but not yet been determined at the point the SPD is adopted, will be required to provide BNG in line with Policy NE2 and the SPD.

Planning Application Submission: Provision of a Biodiversity Gain Plan

9. The SPD details that a Biodiversity Gain Plan should be included with relevant planning applications. A Biodiversity Gain Plan should include;
 - Quantification of the pre and post development biodiversity value of the site using either the DEFRA biodiversity metric or, if appropriate, the Small Sites Biodiversity Metric.
 - Detailed pre- and post-development plan of habitats on site showing habitat types and a condition assessment.
 - Justification that any habitat being created is suitable for the area taking into account local biodiversity priorities, opportunities and targets identified through mechanisms such as Local Ecological network Mapping and future Local Nature Recovery Strategies.
 - Information on financial costs to clearly show how BNG will be implemented, managed, and monitored for a minimum of 30-years with timescales for audit reporting back to the Council

¹ [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biodiversity-net-gain)

10. The SPD also describes the process of assessing BNG provision through using the appropriate Defra Biodiversity Metric. This metric is the tool that is to be used by applicants to assess the pre-development baseline biodiversity value of a site and to assess the post development baseline biodiversity value of a site alongside any offsite biodiversity value that may be required; ensuring that a 10% minimum BNG is attained.
11. It is envisaged that the BNG requirement will be agreed at the outline planning permission stage, and will be a condition of that application. However, if there has been a change in the BNG Plan that was approved at the outline stage and what is submitted at reserved matters stage, this may warrant a reassessment of BNG provision to ensure 10% minimum BNG is still being achieved. The SPD states that the Council will determine this on a case-by-case basis.

Sequential Approach to delivering BNG

12. One of the most valuable considerations for BNG is where the net gain should be provided. There are opportunities to attempt to direct planning applicants to provide the net gain, which could amount to new tree planting, new hedgerow creation or wildflower meadows. The SPD therefore stipulates that BNG should be provided following a sequential approach:
 - 1) Onsite in the first instance.
 - 2) A combination of partial onsite and offsite or total offsite solutions within the borough.
 - 3) Complete offsite provision within the borough.
 - 4) Complete offsite provision outside of the borough within the subregion.
13. The SPD is clear and explains why this geographical hierarchy should be adhered to and that BNG outside of the Borough is only acceptable where it is shown that there are no opportunities for BNG provision in the Borough. However, it is worth noting that the Government are devising the BNG approach as a national concept with a national scheme through which applicants could purchase Statutory Biodiversity Credits. This is not available yet but it might be the case the applicant presents a development with these national credits in due course.
14. Where it has been shown that a development cannot provide BNG onsite either completely or partially, the SPD indicates that it is the applicant's responsibility to find a suitable location for the delivery of off-site BNG. To assist in this, Officers have begun to identify 'BNG opportunities' on Council owned land where BNG improvements could be made. These opportunities could be located across the Borough and include a variety of projects, such as tree planting or wildflower meadow creation. These solutions would provide benefits to residents of the Borough who already use or enjoy these open spaces, as well as enable applicants to meet the requirements of Policy NE2. It is also possible that these opportunities could be used by applicants in other Local Authorities, such as Portsmouth or Gosport, where the availability of BNG opportunities may be limited. This piece of work is being undertaken as a Council as landowner, not as a planning authority. Therefore, the approach whereby the Council might offer BNG opportunities on its own land will be subject to separate approval at a future Executive Council meeting.

15. The SPD explains that depending on whether BNG is to be provided onsite or offsite, planning conditions or a legal agreement may be used to secure BNG.

Management and Monitoring of BNG

16. The SPD also provides guidance on the management and monitoring arrangements of BNG provision, stating that regardless of whether the BNG is provided onsite or offsite, BNG that is being provided needs to be maintained and monitored for a minimum period of 30 years in line with Policy NE2. This is proposed to be secured through planning conditions or a legal agreement as appropriate.

Exemptions to Policy NE2

17. The SPD sets out and justifies which planning applications or types of development Policy NE2 does not apply to. These include:
 - Any development defined as Permitted Development by the Town and Country Planning (General Permitted Development) (England) Order 2015 or,
 - Householder Development such as extensions, alterations, outbuildings within the curtilage of a residential dwelling.
18. The emerging Local Plan, in paragraph 9.33, referred to instances where an exemption to policy NE2 for brownfield sites might apply in certain circumstances, which was in line with the Government's published approach when it was written. However, the Government has since changed its position on this, based on the fact that brownfield sites can have high biodiversity value so excluding them from the BNG requirement could lead to significant biodiversity losses. The SPD recognises this change in government position, which will be reflected in future secondary legislation or national guidance, and therefore encourages applicants of brownfield sites to comply with policy NE2 and provide a minimum of 10% BNG.
19. In addition, in line with the latest Government thinking on future regulations, the SPD explains why Policy NE2 will not apply to development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows.

NEXT STEPS - CONSULTATION

20. It is proposed to undertake public consultation on the draft SPD in line with the statutory requirements set out in the relevant planning regulations. A six week consultation will take place from mid-April to late May.
21. It is proposed that the consultation is publicised on the Council's website and emails and letters are sent to all statutory consultees and other relevant individuals and organisations on the Council's Planning Strategy consultation database.
22. Following the public consultation, the Council will consider responses before moving forwards towards adoption of the SPD.

CONCLUSION

23. It is recommended, for the reasons set out in the above paragraphs, that the Executive approves the draft Biodiversity Net Gain SPD for public consultation and delegates authority to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, to make any appropriate amendments to the document following consideration by the Executive, prior to the consultation.

Enquiries:

For further information on this report please contact Gayle Wootton, Head of Planning Strategy and Economic Development. (Tel. 01329 824328)

Biodiversity Net Gain Supplementary Planning Document

Fareham Borough Council

3-1-2023

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1. Introduction

Purpose of this Supplementary Planning Document

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to enable developers and planners to understand how Biodiversity Net Gain (BNG) will apply to planning applications in Fareham. The document sets out the core concepts of BNG and Biodiversity Metrics and provides additional details as to the steps developers need to take to submit the correct information to support their planning applications.
- 1.2 This document is intended to apply to the whole of the Fareham Borough excluding Welborne.
- 1.3 To assist the reader, certain information is highlighted through the document as 'key points': these are key pieces of information for the reader to understand and consider when providing BNG. However, the SPD should be read as a whole.
- 1.4 This SPD will be regularly reviewed to ensure it has regard to the BNG approach through national legislation and national and local policy.

What is Biodiversity and Why Does It Matter?

- 1.5 Biodiversity is the variety of plant and animal life which is found in a place. It encompasses the whole range of mammals, birds, reptiles, amphibians, fish, insects and other invertebrates, plants, fungi, and micro-organisms such as protists, bacteria and viruses. It is essential for the processes that support all life on Earth, including humans.
- 1.6 A healthy and abundant biodiversity is vital to support the ecosystems we rely on, including food production through crop pollination and soil nutrients, flood protection through rainfall absorption and the slowing of water flow, and air filtration, through the removal of pollutants and combating climate change. An implication of losing biodiversity is that we will struggle to maintain the ecosystem services needed to sustain life.

State of Biodiversity in the UK

- 1.7 The 2019 State of Nature report¹ provided a detailed picture of biodiversity in the UK. It found that the UK has experienced a decline in species abundance of 13% on average since 1970, whilst 15% of species within the UK are threatened with extinction. Since 1970, the abundance of UK priority species has declined by 60%.

¹ Hayhow DB, et al. (2019) The State of Nature 2019. The State of Nature partnership. Available at: [State-of-Nature-2019-UK-full-report.pdf \(nbn.org.uk\)](https://www.nbn.org.uk/state-of-nature-2019-uk-full-report.pdf) [Accessed 10/10/2022]

1.8 The 2019 State of Nature report also identified the major pressures and causes of biodiversity loss in the UK as:

- Agricultural management
- Climate change
- Urbanisation
- Pollution
- Hydrological change
- Invasive non-native species, and
- Woodland management.

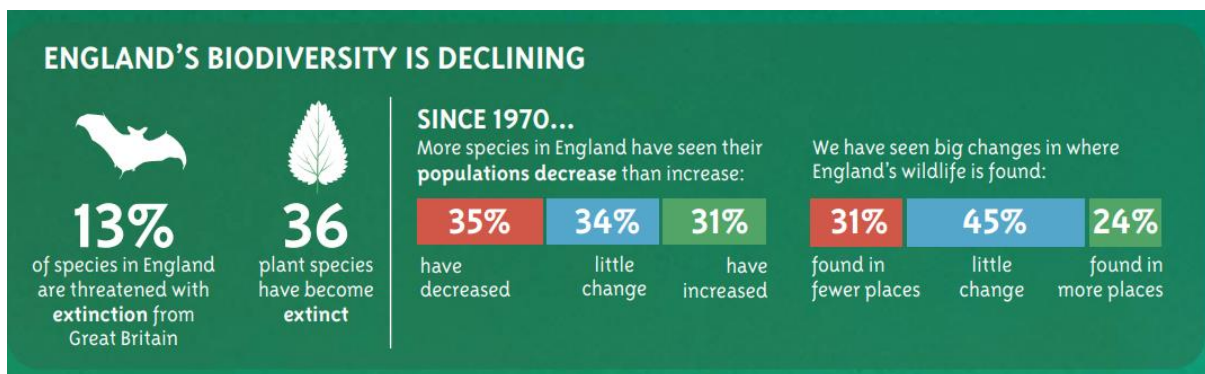


Figure 1: The Biodiversity Network State of Nature 2019

1.9 Urbanisation and land management regimes are the major pressures on UK biodiversity. The Government has sought to tackle losses in biodiversity from these pressures through legislation and national planning policy mandating net gains for biodiversity.

2. Legislative and policy background

The Environment Act 2021

- 2.1 The Environment Act 2021 will introduce new provisions into the Town and Country Planning Act 1990 which are anticipated to take effect in November 2023. Planning permission for qualifying development will be subject to a deemed condition requiring Biodiversity Net Gain to be delivered and maintained for a minimum period of 30 years.

The National Planning Policy Framework

- 2.2 The National Planning Policy Framework 2021² (NPPF) says, at paragraph 174 that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- 2.3 At paragraph 179, the NPPF states that plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 2.4 Finally, at paragraph 180, the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; [...]

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Priority Species and Habitats under the Natural Environment and Rural Communities Act. 2006.

- 2.5 Priority habitats are those identified in a list published by the Secretary of State pursuant to section 41 of Natural Environment and Rural Communities Act. 2006 and include as examples: standing water, rivers and streams, broadleaved woodland, acid, neutral and calcareous grassland, and coastal saltmarsh. Applicants should refer to the full list of Priority Habitats³.
- 2.6 Priority species are those identified in a list published by the Secretary of State pursuant to section 41 of Natural Environment and Rural Communities Act. 2006 as being the most threatened, with the list comprising more than 1,000 entries split into 9 taxonomic groups including birds, terrestrial mammals, fish and fungi. Applicants should refer to the full list of Priority Species³.

The Fareham Local Plan 2037

- 2.7 The Fareham Local Plan includes Policy NE2: Biodiversity Net Gain which states that:

Policy NE2: Biodiversity Net Gain

The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years.

- 2.8 As stated in paragraph 9.28 of the Fareham Local Plan 2037, it is recognised that the Environment Act 2021 has only recently been enacted and the implementation of Biodiversity Net Gain is still subject to the Secretary of State enacting secondary legislation. Despite this, paragraph 179b of the NPPF states that plans should “*identify and pursue opportunities for securing measurable net gains for biodiversity*”. Therefore, the Council in having Policy NE2 in the emerging Local Plan expects relevant development proposals to achieve demonstrable net gains in line with the NPPF.
- 2.9 The approach taken towards BNG in Policy NE2 is based upon the emerging legislation contained within the Environment Act 2021, the commitments within the 25 Year Environment Plan and the guidance contained within the National Planning Practice Guidance and the Good Practice Principles for Development produced by the Chartered Institute of Ecology and Environmental Management⁴ as well as the responses from Natural England to the various stages of the formulation of the Fareham Local Plan 2037.

³ [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england)

⁴ <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>

3. Biodiversity Net Gain: An Overview

What is Biodiversity Net Gain?

3.1 Biodiversity Net Gain (BNG) is an approach to development that aims to leave biodiversity in a measurably better state than it was beforehand. Where a development will have an impact on biodiversity, developers need to provide an increase in appropriate natural habitat and ecological features over and above that being affected. This can be achieved through the creation of new habitats or by enhancing existing natural habitats.



Figure 2: a simplification of the concept to illustrate the point of BNG

Original image taken from Biodiversity Net Gain: An Introduction to the benefits, Natural England 2022

3.2 To achieve BNG, developments should seek to:

- Value the environment in decision-making
- Leave the environment in a better state than they found it
- Create more habitat for wildlife

3.3 The idea behind BNG is that developers will have to quantify their proposed development's anticipated impact on biodiversity as part of their planning application. They will be required to identify, and subsequently fund, a long-term plan that can deliver at least a 10% improvement to the biodiversity of the site's species and habitats, either on-site, or, if this cannot be achieved partially or entirely, they must do so off-site.

Relationship between BNG and the Mitigation Hierarchy and Local Nature Recovery Strategies

- 3.4 Development proposals must comply with relevant planning policies requiring the protection and enhancement of ecological features such as trees, hedgerows and streams within the application site boundary, and incorporate green infrastructure and open space within development design. In accordance with paragraph 180a of the NPPF, proposals must also follow the 'mitigation hierarchy' which seeks to limit the negative impacts of development on biodiversity from the outset.
- 3.5 According to the mitigation hierarchy, avoidance of harm to biodiversity must always be sought in the first instance. Where avoidance of harm is not possible, minimisation of the negative impact of the development should be sought, followed by restoration where negative impacts cannot be avoided or minimised. As a last resort, offsetting of the negative impacts through compensation must be provided.
- 3.6 The need to provide BNG does not override the various existing statutory legal and policy protections in place for designated (protected) sites, protected or priority species and the habitats that support them, and irreplaceable or priority habitats. Therefore, it is important to note that the requirement for BNG is in addition to adherence to the mitigation hierarchy as shown in figure 3 below.

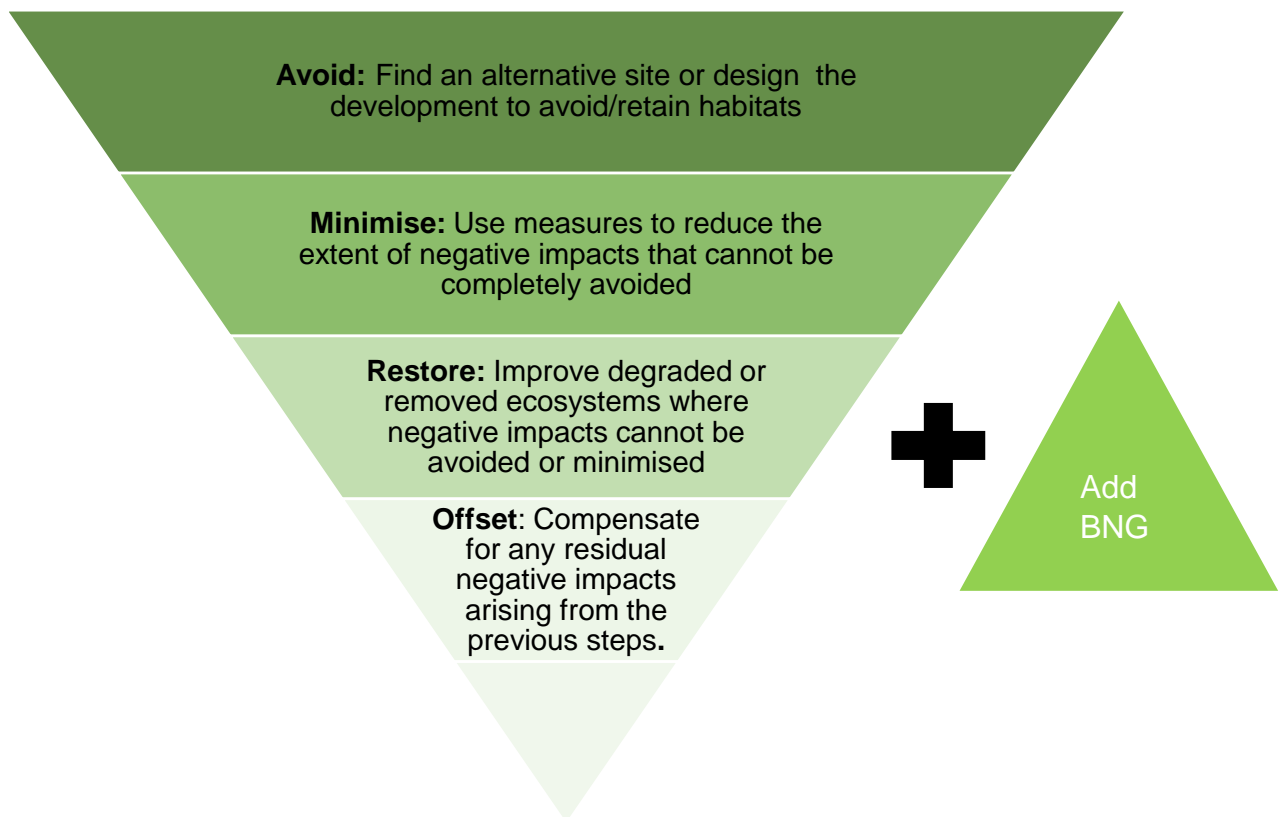


Figure 3: Mitigation Hierarchy

- 3.7 The potential impact of new development on a protected site or species and priority habitats (see paragraphs 2.5 and 2.6) inside or outside the development site boundary has to be considered in the usual way in accordance with statutory obligations. Compensation and mitigation needed to comply with legislation in connection with designated sites, protected or priority species and priority habitats are unlikely to contribute towards BNG. BNG is required in addition to any mitigation/compensatory measures required for these features.
- 3.8 Local Nature Recovery Strategies (LNRS) are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Once produced, LNRSs and associated maps can be used to target delivery of Biodiversity Net Gain through identifying areas and opportunities for the creation, enhancement and recovery of habitats. BNG measures could therefore contribute to the locally identified objectives and targets for recovery of nature that may be set out in the LNRS.

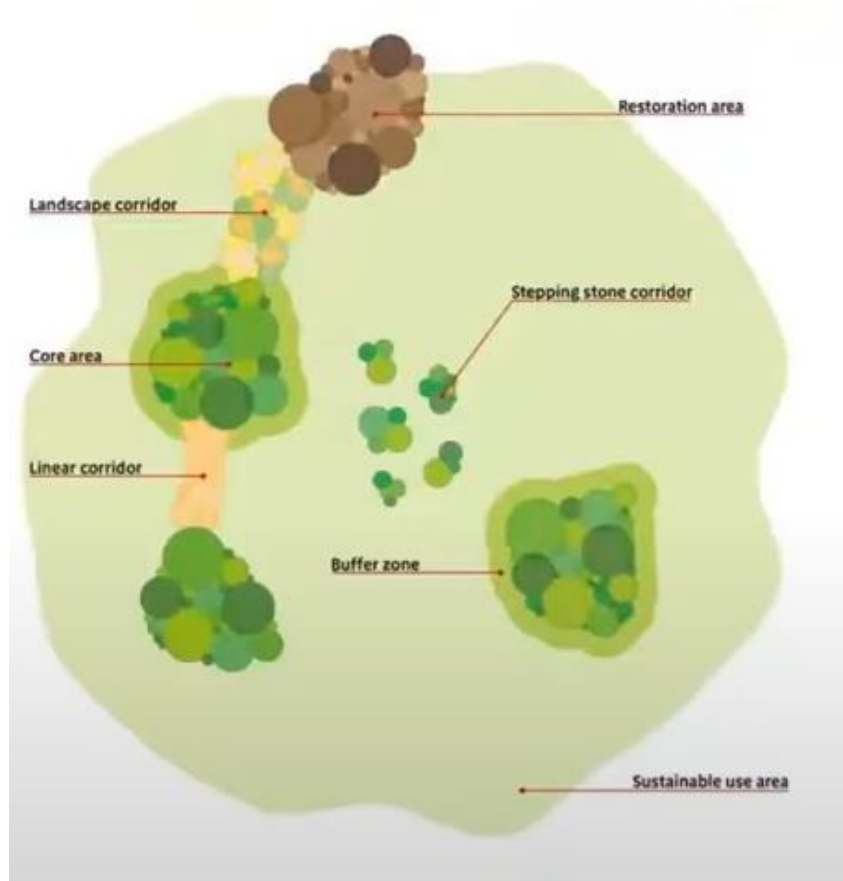


Figure 4: Nature Recovery Network.

Illustration from Making Space for Nature: a review of England's wildlife sites and ecological network. Report to DEFRA

BNG and Irreplaceable Habitats and Protected Species

- 3.9 Development cannot provide BNG to compensate for any losses or impacts to internationally and nationally designated sites and other irreplaceable habitats or features, defined in the NPPF Glossary such as ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.
- 3.10 However, internationally and nationally designated sites (such as SPAs/SACs, SSSIs NNRs and LNRs) and irreplaceable habitats may potentially be used for off-site BNG providing the net gain is appropriate, suitable and accords with the conservation objectives of those sites. However, it should be noted that the Government intends to produce further guidance on the circumstances in which these wildlife sites can be used for BNG. BNG on these sites is likely to be harder to achieve due to the existing high ecological baseline.
- 3.11 There is potential for stacking of environmental benefits particularly where development requires mitigation for protected species or to achieve nutrient neutrality as examples. However early consultation with Natural England and the Council's Ecologist is strongly advised where stacking of environmental benefits is proposed to ensure that there is no impermissible double counting involved.
- 3.12 Locally protected non-statutory sites such as Sites of Importance for Nature Conservation (SINCs) and Country Parks can be used for off-site BNG.
- 3.13 A thorough understanding of a proposed development site's habitat, the presence of protected and priority species, and the potential impacts arising from proposed development, including on biodiversity outside the application site is needed. As ecological expertise will be required, it is suggested that applicants enlist the help of a suitably qualified ecologist such as those listed under the directory on the Chartered Institute of Ecology and Environmental Management (CIEEM)⁵ to undertake this task.

⁵ [Finding a Consultant | CIEEM: https://cieem.net/i-need/finding-a-consultant/](https://cieem.net/i-need/finding-a-consultant/)

4. Which Planning Applications Will Biodiversity Net Gain Apply to.

- 4.1 The Local Plan Policy NE2 'Biodiversity Net Gain' in Fareham's Local Plan 2037 requires one or more dwelling or a new commercial/leisure building to provide at least 10% net gains for biodiversity from the existing baseline value of the site which are to be maintained for a minimum of 30 years.
- 4.2 This requirement applies to both major and minor development as defined in the NPPF (including redevelopment) and is also applicable to both greenfield and brownfield development. Policy NE2 Biodiversity Net Gain in the Fareham Local Plan 2037 does not apply to Householder Development such as extensions, alterations, outbuildings within the curtilage of a residential dwelling.
- 4.3 The Council's approach to 10% minimum BNG provision is in recognition that even small-scale development can result in losses and negatively impact on the overall level of biodiversity in Fareham.

How to achieve Biodiversity Net Gain: The Biodiversity Metric.

- 4.4 In order to calculate how the minimum 10% increase in biodiversity is to be achieved, biodiversity losses and gains associated with development and land management practices need to be measured in a consistent, robust, and transparent way. To achieve this, DEFRA has created a Biodiversity Metric to measure biodiversity losses and gains which is mandated in Schedule 14 of the Environment Act 2021. DEFRA has also produced a simplified version of the Biodiversity Metric called the Small Sites Metric which can be used by small scale development subject to certain criteria being met.

Proposals for Major Development

- 4.5 Major Development as defined in the NPPF is development for housing where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
- 4.6 For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4.7 Major Development proposals shall use the DEFRA Biodiversity Metric 3.1⁶ (or subsequent versions) when assessing BNG for their proposals unless they can justify the use of an alternative calculator.

⁶ DEFRA's Biodiversity Metric Calculation Tool (BNG Calculator v3.1) for major development can be accessed here: <http://publications.naturalengland.org.uk/publication/6049804846366720>

Proposals for Minor Development

4.8 In order to make 10% minimum BNG requirement easier to implement for minor development⁷, a simplified version of the Biodiversity Metric called the Small Sites Metric can be used where both of the following criteria are both met:

1) Development Sites where:

For residential developments the number of dwellings to be provided is between 1 and 9 inclusive with a site area of less than 1 ha.

Where the number of dwellings is not known and the site area is less than 0.5 ha.

For all other development types where the site area is less than 0.5 ha;

2) Where there is no priority habitat³ present within the development area (excluding hedgerows and arable margins).

4.9 Development that qualifies as minor development meeting the two tests above, will be able to utilise and submit the DEFRA Small Sites Metric with their proposals to demonstrate 10% net gain in biodiversity. However, as this metric is unsuitable to calculate off-site losses and gains, where calculation of off-site losses and gains is required, the full DEFRA Biodiversity Metric 3.1 (or subsequent versions) should be used.

The Biodiversity Metrics

4.10 Both metrics are designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. It uses habitat, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into measurable 'biodiversity units' which are the 'currency' of the metric.

4.11 The presence of protected⁸ and priority³ species also needs to be assessed in line with their differing legal and policy protections, and an understanding of how the existing site habitat supports them. The Biodiversity Metric quantifies biodiversity outcomes based on habitat alone; it does not account for the presence of specific species on the site. They will need to be assessed and carefully considered separately in any ecological evaluation of the site.

4.12 The Biodiversity Metric is complex and there are many factors within it which account for things such as baseline habitat quality, its distinctiveness and significance as well as built-in risk factors associated with the creation, restoration or enhancement of habitats as part of the development. Further

⁷ The DEFRA Small Sites Metric can be accessed here:
<http://nepubprod.appspot.com/publication/6047259574927360>

⁸ See relevant schedule of Wildlife and Countryside Act 1981:
<https://www.legislation.gov.uk/ukpga/1981/69/contents>

information on factors included within the metric and its detail working can be found on the Natural England website⁹.

Development on Brownfield Land

- 4.13 Paragraph 9.33 in the Fareham Local Plan 2037 explained that some brownfield development may be exempt from complying with Policy NE2 Biodiversity Net Gain if “*they do not contain any priority habitats and face genuine difficulties in delivering viable development*”. This reflected the government’s stance to brownfield development as stated in their response to a Biodiversity Net Gain: Updating Planning Requirements consultation in July 2019¹⁰ which read “*Concerns raised about the cost sensitivity of the redevelopment of post-industrial developed land will be addressed by a targeted exemption for brownfield sites that meet a number of criteria including that they (i) do not contain priority habitats and (ii) face genuine difficulties in delivering viable development*”.
- 4.14 However, the Government has since shifted its position regarding the targeted exemption of brownfield sites with its response to the recent consultation on Biodiversity Net Gain Regulations and Implementation in February 2023 stating “*we do not intend to specifically exempt previously developed land (though some sites will effectively be exempted by a zero baseline score in the metric)*”.
- 4.15 The government’s rationale behind no longer making any targeted exemptions for brownfield sites is that brownfield sites can be biodiverse and exempting them may result in significant loss. Furthermore, brownfield sites are seen to offer significant biodiversity value, especially in urban environments which can be easily achieved as they often have a low pre-development biodiversity value.
- 4.16 The Council accepts this position and therefore encourages applicants of brownfield sites to comply with the policy requirements of NE2 particularly as it is likely they will fall under the mandatory requirement for BNG in November 2023.
- 4.17 It is recognised that there may be in limited situations, viability considerations which might justify departure from the policy requirement. However, the Viability Assessment accompanying the Local Plan included specific costs for BNG which were taken from the Government’s own impact assessment¹¹. The viability assessment found that there were no viability concerns for development in the borough regarding provision of BNG. Therefore, the Council does not expect brownfield development in the Borough to experience any viability issues when providing 10% minimum BNG.

⁹ The Biodiversity Metric 3.1 July 2021: <http://publications.naturalengland.org.uk/publication/6049804846366720>

¹⁰ [Net gain: summary of responses and government response \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/net-gain-summary-of-responses-and-government-response.pdf)

¹¹ Viability Assessment Addendum 2021. Section 2.4 and Table 2.4 covers Biodiversity Net Gain [Report \(fareham.gov.uk\)](https://www.fareham.gov.uk/media/100000/viability-assessment-addendum-2021.pdf)

Sealed Surfaces

- 4.21 The DEFRA Biodiversity Metric that is to be used to assess BNG for development, gives existing sealed surfaces (such as tarmac or existing buildings) a zero score in the pre-development baseline calculation, meaning that these surfaces are effectively exempt from the percentage gain requirement, as 10% net gain on zero will be zero.
- 4.22 Therefore, there may be some instances where a development falls within the criteria of “*one or more dwelling or a new commercial/leisure building*” set out in Policy NE2 but may not need to provide any BNG due to its zero scoring within the DEFRA Biodiversity Net Gain Metric.

Exemptions to policy NE2

De-minimis threshold

- 4.18 In line with the Government’s response to the recent consultation on Biodiversity Net Gain Regulations and Implementation in February 2023, the Council considers that policy NE2 Biodiversity Net Gain does not apply to development impacting habitat of an area below a ‘de minimis’ threshold of 25 metres squared, or 5m for linear habitats such as hedgerows.
- 4.19 The de-minimis threshold will be particularly relevant for development that involves the construction of new commercial or leisure buildings which, if the definition of building under the TCPA 1990 were to be applied, could include any structure or erection, and any part of a building. Without introducing the de-minimis threshold, Policy NE2 could apply to structures such as post boxes, phone masts and small areas of hard standing etc.
- 4.20 The Council recognises the importance of ensuring that the application of the Biodiversity Net Gain requirement is proportionate to the size of the development and the resulting impact on habitats. Therefore, the Council considers that Policy NE2 Biodiversity Net Gain does not apply to commercial or leisure development of a size below a ‘de minimis’ threshold of 25 m².

Exemptions arising from future legislation

- 4.23 The Secretary of State also has the power to define further exemptions to the legal requirement to provide 10% minimum BNG. The February 2023 response from Government on the consultation on Biodiversity Net Gain (BNG) regulations and implementation¹², indicated that the Government intends to use regulations to make further exemptions. Any further exemptions specified in emerging legislation may be a material consideration when determining planning applications.

¹² [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biodiversity-net-gain-regulations-and-implementation)

5. How to Assess Biodiversity Net Gain

- 5.1 As with all ecological surveys, impact assessments and mitigation, assessing and providing BNG should be carried out by suitably qualified ecologists. It is suggested that applicants enlist the help of an ecologist that is listed under the directory on the Chartered Institute of Ecology and Environmental Management (CIEEM)⁵ to ensure they have the necessary skill set to undertake BNG assessments.
- 5.2 Planning and budgeting for BNG at an early stage in the development process is essential, and appropriate ecological assessment is crucial to the effective and viable delivery of BNG.

Key Point: Delivering BNG both onsite and off-site should focus on the restoration or creation of priority habitats (habitats which have high distinctiveness) and “trading up” habitat of lower quality for nature (e.g. enhance to medium - high distinctiveness) where possible. Habitats that are of high distinctiveness would generally be expected to be offset with “like for like” i.e., the compensation should involve the same habitat as was lost.

The trading down of habitats must be avoided. i.e., replacement of habitat of high distinctiveness with creation or restoration of a habitat of medium distinctiveness. For more guidance seek ecological advice.

Establishing Baseline Biodiversity Value Onsite

- 5.3 The pre-development biodiversity value of a proposed development site or ‘baseline’ is to be assessed at the point that planning permission is applied for. This shall be achieved through a combination of desktop data searches through the Hampshire Biodiversity Information Centre and onsite ecological surveys. It should be noted that the same survey requirements are already required as part of normal planning application process¹³.
- 5.4 The information from the data search and surveys should be fed into the DEFRA Biodiversity Metric or Small Sites Metric by the applicant or the applicant’s ecologist. The metric will then produce a baseline value score for the site before development against which impacts and biodiversity uplifts can be measured post development.
- 5.5 Please see section 6 for information on what is required to be submitted with a planning application.

¹³https://www.fareham.gov.uk/planning/applications_and_advice/localrequireddocs.aspx#Ecological%20Assessment

Key Point: Site clearance resulting in the degradation of the ecological baseline could be a wildlife offence and could result in prosecution.

Under the Environment Act 2021, in circumstances where a site has been cleared resulting in the degradation of the ecological baseline in advance of a BNG assessment, the Local Planning Authority is required to use the ecological baseline that was present at January 2020 for the purposes of measuring BNG.

Calculating the post development Biodiversity Value

- 5.6 Information on the 'post development' scenario is then fed into the DEFRA Biodiversity Metric or Small Sites Metric by the applicant or the applicant's ecologist to account for the impact of the development including any on site measures to retain, enhance or create biodiversity. This will create a post development value/score.
- 5.7 The value of biodiversity units 'post development' is deducted from the baseline value to quantify the extent of change. If at least 10% or more net gain can be achieved onsite, there is no need to consider any further measures.
- 5.8 If the calculation does not result in a sufficient net gain in biodiversity units, the development proposal can be revisited to improve the number of biodiversity units obtained or, if there is no scope for additional on-site compensation or enhancement, off-site measures will need to be considered.¹⁴
- 5.9 Section 7 sets out the Council's sequential approach to the provision of BNG.

¹⁴ Note the Small Sites Metric cannot be used to measure off-site BNG. The Full DEFRA Biodiversity Metric will have to be used.

6. Information Required to be Submitted with a Planning Application.

Planning Application Validation: Provision of a Biodiversity Gain Plan

- 6.1 The Environment Act intends to impose a pre-commencement condition on every grant of planning permission that a Biodiversity Gain Plan (BGP) be submitted to and approved by the Local Planning Authority demonstrating how the development will achieve 10% minimum BNG.
- 6.2 However, in accordance with the Council's Local Information Requirements¹⁵, the Council will require the submission of a Biodiversity Gain Plan for applications for Full Planning permission, Hybrid Applications and Outline Applications.
- 6.3 A Biodiversity Gain Plan would not necessarily be required to validate Reserved Matters applications because the BNG requirement will have already been agreed and conditioned at the Outline Stage. However, if there has been a change in the BNG Plan that was approved at the Outline Application and what is submitted at Reserved Matters stage, this may warrant a reassessment of BNG provision to ensure 10% minimum BNG is still being achieved. The Council will determine this on a case-by-case basis.
- 6.4 Where a development is to be phased, a Biodiversity Gain Plan must be submitted at the outline stage, which shows how individual phases deliver a predetermined proportion of the biodiversity value. Reserved matters applications will then be required to demonstrate exactly how each phase will meet its biodiversity requirements.
- 6.5 To note. If BNG was not required at the granting of outline permission, it will not normally be a consideration at the reserved matters stage.
- 6.6 Undetermined planning applications at the time the Local Plan is adopted, will be required to provide BNG in line with policy NE2.
- 6.7 Prior to adoption of this SPD, applicants are encouraged to comply with the requirements set out in this SPD.

¹⁵ [Conditional List of Documents Required by Fareham \(Local Information Requirements\)](#)

Information to include within the Biodiversity Gain Plan

6.8 Development that is required to provide at least a 10% net gain in biodiversity must include within their Biodiversity Gain Plan:

- A statement on how the mitigation hierarchy has been adhered to before BNG has been applied.
- Quantification of the pre- and post-development biodiversity value of the site using either the DEFRA biodiversity metric or, if appropriate, the Small Sites Biodiversity Metric (or alternative method and if so, the reasons why that is appropriate).
- Detailed pre- and post-development plan of habitats on site showing habitat types and a condition assessment. If off-site BNG is proposed, plans of the off-site areas are also required.
- Details along with justification to demonstrate how a gain of at least 10% BNG can be achieved ensuring that the proposed habitat is provided onsite in the first instance followed by either a combination of onsite and partial off-site or completely off-site within the Borough and as last resort off-site outside of the borough.
- An Excel copy of the completed relevant Biodiversity Metric to demonstrate how metric conclusions were reached alongside an explanation of the condition scores set out in accordance with the DEFRA guidance.
- Justification that any habitat being created is suitable for the area taking into account local biodiversity priorities, opportunities and targets identified through mechanisms such as Local Ecological Network Mapping and future Local Nature Recovery Strategies.
- Confirmation whether the metrics trading rules have been satisfied and if not, justification should be provided to show how trading down has been avoided.
- Details of how opportunities to connect new habitats to the wider ecological network will be maximised, to avoid fragmentation or isolated pockets of habitat.
- Information on financial costs to clearly show how BNG will be implemented, managed, and monitored for a minimum of 30-years with timescales for audit reporting back to the Council.

6.9 Proposals for development that is exempt from providing BNG will not need to provide a Biodiversity Gain Plan. However, as part of an application it could provide details of smaller measures designed to form part of wider more general biodiversity enhancements separate from the BNG requirement.

Approval of the Biodiversity Gain Plan

6.10 To enable the Council to approve the Biodiversity Gain Plan and thus determine the planning application, it needs to be satisfied after consulting its own Ecologist that:

- Any ecological reports and survey data underpinning BNG assessments are valid;¹⁶
- The pre-development biodiversity value of the onsite habitat is as specified in the Biodiversity Gain Plan;
- The post-development biodiversity value of the onsite habitat is at least the value specified in the Biodiversity Gain Plan;
- If the plan specifies off-site BNG:
 - the registered off-site BNG is specified (and, if the BNG site is conditional, that any conditions attaching to it have been met or will be met by the time the development commences. The Council, in these instances, may use a pre-commencement condition ensure compliance with any specified conditions with the BNG site), and
 - the registered off-site biodiversity gain has the biodiversity value specified in the plan.
- The Biodiversity Net Gain of at least 10% has been achieved;
- Sufficient implementation, management and monitoring arrangements are in place and secured via an appropriate mechanism for a minimum period of 30 years.

¹⁶ For all relevant planning applications, the Chartered Institute of Ecology and Environmental Management (CIEEM) advice note on the Lifespan of Ecological Reports & Surveys should be referred to for guidance on the validity of ecological reports and survey data used to determine BNG. Generally speaking, ecological reports and survey data that are less than 12 months old are likely to still be valid in most cases. However, it will be down to the discretion of the Council's Ecologist to determine whether the ecological reports and survey data underpinning BNG assessments remain valid.

7. Providing and Securing Biodiversity Net Gain – the sequential approach

Key Point:

Biodiversity Net Gain shall be provided following a sequential approach:

- Onsite in the first instance,
- A combination of partial onsite and off-site or total off-site solutions within 'reasonable proximity' to the development,
- Complete off-site provision within 'reasonable proximity' of the development,
- Complete off-site provision within the Borough,
- Complete off-site provision outside of the Borough within the Solent subregion,
- As a last resort, the Environment Act 2021 will allow applicants to purchase Statutory Biodiversity Credits under the national scheme for the purpose of meeting BNG.

The Council will seek evidence through the Biodiversity Gain Plan of how this sequential approach has been followed, as part of the justification of any off-site BNG.

Onsite (units)	Offsite (units)	Statutory Credits
Potentially in full or combination	Only if units not available	
		
Delivered via habitat creation/enhancement via landscaping/green infrastructure	Delivered through new habitat creation/enhancement on land holdings or via habitat banks	Delivered through landscape-scale strategic habitat creation delivering nature-based solutions

Source: Natural England

All measures for BNG (both onsite and off-site) should contribute to the delivery of future Local Nature Recovery Strategies (LNRS), making use of opportunity areas identified within the Local Ecological Network Map for the Borough to ensure habitats are integrated and connected to the wider ecological network.

7.1 The reason for having a geographical sequential approach to BNG provision is so that habitats are not lost or become fragmented within the area of development.

- 7.2 It is also to ensure that the occupiers of the new development and surrounding residents can benefit from the ecosystem services that being close to nature provides.

Providing and Securing On-site Biodiversity Net Gain

- 7.3 Where the metric calculations demonstrates that at least 10% or more net gain can be achieved onsite, there is no need to consider any further measures.
- 7.4 Onsite BNG measures shall be located so that they are connected to the wider ecological network¹⁷ enabling greater habitat connectivity and linkages. Applicants should seek the support of an ecologist to ensure this is achieved.
- 7.5 Where a Biodiversity Gain Plan has been submitted detailing how and where BNG is to be provided on site, planning conditions will be used to secure the actions for habitat creation or enhancement as well as the proposed maintenance and monitoring programme. Further details on the monitoring requirements for BNG are provided in section 8.

Providing and Securing Off-Site Biodiversity Net Gain in the Borough

- 7.6 If it is not possible to achieve 10% minimum BNG completely onsite, and off-site measures are required, the same assessment process has to be undertaken to establish the biodiversity unit values on the off-site land pre-development and post-development to calculate how many units the 'net gain delivery site' can contribute as compensation.
- 7.7 The change in biodiversity units on the development site is then added to the change in units on the delivery site to provide a total change in biodiversity units for the development. The total change in units needs to be sufficient to ensure a 10% minimum net gain is achieved.
- 7.8 It is the applicant's responsibility to find a suitable location for the delivery of off-site BNG. Off-site BNG provision shall be focused within reasonable proximity to the development unless it can be demonstrated that there are no opportunities available. If this is not possible, the next step is to identify off-site BNG delivery sites within the rest of the borough of Fareham.
- 7.9 Reasonable proximity means within a distance that the habitats to be created or enhanced are functionally linked to the wider habitats and ecological network around the development and in the area whilst ensuring that the trading down of habitat is avoided. This will be assessed by the Council's Ecologist in consultation with Natural England if required.
- 7.10 To assist in this, the Council, as landowner, may be able to identify BNG opportunity areas where BNG improvements can be made if contributions are

¹⁷ There is a Hampshire wider Local Ecological Network Map available from the Hampshire Biodiversity Information Centre - [Microsoft Word - Mapping the Hampshire Ecological Network Updated March 2020 \(hants.gov.uk\)](https://www.hants.gov.uk/mapping-the-hampshire-ecological-network)

provided. In these cases, contributions would be secured through a section 106 planning obligation, depending on the scope of contributions and if they would fall within the parameters of section 106.

- 7.11 Applicants are also able to seek and provide their own off-site BNG measures in the borough. They will need to demonstrate they have sought to provide off-site BNG within reasonable proximity to the development in the first instance before exploring opportunities to deliver BNG elsewhere in the Borough.
- 7.12 As part of its review of the Biodiversity Gain Plan, the Council will assess that BNG is being achieved and that the off-site habitat being created satisfies the trading rules (see section 5). The Council will also need to satisfy itself that the off-site BNG delivery site is within 'reasonable proximity' to development. In all instances, a degree of flexibility is required when providing off-site habitat and the Council intends to take a sensible approach to assessing the suitability of off-site BNG proposals in the Borough.
- 7.13 Where developers have provided an off-site BNG solution, a legal agreement between the landowner and/or provider of the off-site solution, applicant and the Council may be required. The purpose of the legal agreement is to secure the actions set out in the Biodiversity Gain Plan ensuring that the BNG is delivered and subsequently managed and monitored for at least 30 years. The legal agreement will also include a provision for the responsibility of undertaking the works to achieve BNG to be passed on to any subsequent landowner(s).

Providing and Securing Off-Site Biodiversity Net Gain outside of the Borough

- 7.14 Where it has been clearly shown there are no available opportunities to deliver BNG off-site in the borough, applicants can provide BNG outside of the borough but within the Solent sub-region, or as a last resort purchase statutory BNG credits once national schemes are available.
- 7.15 The Council is aware of the national statutory credits scheme developed by Natural England, but there may also be other future habitat bank schemes developed by third parties, such as the Partnership for South Hampshire (PfSH).
- 7.16 Applications that intended to provide BNG outside of the Borough or purchase statutory credits will be reviewed on a case-by-case basis to ensure they have complied with the sequential approach to BNG provision.
- 7.17 Where developers have provided an off-site BNG solution, a legal agreement between the landowner and/or provider of the off-site solution, applicant and the Council may be required. The purpose of the legal agreement is to secure the actions set out in the Biodiversity Gain Plan ensuring that the BNG is delivered and subsequently managed and monitored for at least 30 years. The legal agreement will also include a provision for the responsibility of undertaking the works to achieve BNG to be passed on to any subsequent landowner(s). In these instances, the relevant Local Planning Authority in whose jurisdiction

the BNG delivery site is located, may also need to be a signatory to the legal agreement.

National and Local Off-site BNG Register

- 7.18 As required by the Environment Act 2021, Natural England is in the process of developing a national net gain sites register which will be a key component of the national mandatory BNG requirement. The register is expected to include information about any site that is being used to deliver BNG.
- 7.19 The register is to be publicly accessible and detail the baseline biodiversity value of the delivery site and the expected future biodiversity value of that site. It will also contain information about who owns the site, and it will enable such sites to be traced back to the individual development whose BNG requirement they are helping to fulfil.
- 7.20 The register will ensure that the same parcel of land cannot be claimed as the means for delivering BNG by multiple developments. Sites can only go on the national register if there is underlying s106 Legal Agreement or a Conservation Covenant in place to secure the gains.
- 7.21 In instances where the off-site delivery site in question is on the National Register for BNG, separate legal agreements between the Council, the applicant and the landowner or provider of the BNG delivery site, may not be required as a legal agreement pertaining to its use as a BNG delivery site or a Conservation Covenant will already be in place.
- 7.22 In advance of the national register, the Council intends to produce its own local register for BNG sites which is based on the principles of the national off-site register being developed by Natural England. This Local Register will include land suitable for habitat creation and enhancement for the delivery of off-site BNG both under private and public ownership. The intention is that this Local Register will be kept under review, should additional sites come forward for consideration as a BNG delivery site, and that it will feed into the national register when it is available.

Management and Maintenance of BNG

- 7.23 In accordance with Local Plan Policy NE2 Biodiversity Net Gain, all qualifying development (see section 4) will need to make provision for the ongoing management and maintenance of Biodiversity Net Gains for a minimum period of 30 years. This will be secured through a planning condition for onsite BNG and s.106 legal agreement for off-site solutions. Therefore, the Council will expect applicants to include details in their Biodiversity Gain Plan regarding the management and maintenance of BNG.

8. Monitoring and Compliance

- 8.1 To ensure Biodiversity Net Gain is being achieved in line with the agreed Biodiversity Gain Plan, monitoring and recording the progress towards reaching Biodiversity Net Gain wherever and however this is secured is required. The delivery of BNG takes time and is reliant on being implemented successfully. To ensure progress is reported, it is essential that future audit reporting is agreed and/or secured at the point at which planning permission is granted. It will be important to determine who is responsible for the production of the reports, the relevant timescales at which the reports are due and what details they will contain.

Monitoring for BNG Onsite or on privately-owned land in the Borough

- 8.2 For BNG being provided onsite or off-site away from development on land which is not Council-owned, the production and submission of audit reports shall be the responsibility of the developer or where agreed, the landowner using the assistance of a qualified ecologist.
- 8.3 Table 3 within the [CIEEM Biodiversity Net Gain Report and Audit Templates \(2021\)](#) contains the type of details that should be included in an audit report that is to be submitted to the Council by a qualified ecologist. This template suggests that topics such as survey methods, current conditions on site and a detailed evaluation of the project's compliance with the principles of BNG should be included in the audit report.
- 8.4 The frequency of audit reporting will depend upon the scale of the project and habitats being created or enhanced. This should be set out in the Biodiversity Gain Plan which will be secured through planning conditions by the Council for onsite BNG provision and via s.106 legal agreement for off-site BNG provision.
- 8.5 However, in all cases audit reports will be needed:
- following any changes to project design post-consent - significant changes may require a full review of earlier stages of the process;
 - immediately following project implementation, for example, the completion of construction or at the end of a landscape establishment phase; or
 - when the majority of created habitats are expected to have reached their target condition. The metric sets out what condition each type habitat should have achieved over periods of time – this can be used to track whether the site is achieving the net gain envisaged.
- 8.6 Where there are large gaps in time between different habitats reaching their target condition, it may be necessary to timetable additional audit reports.
- 8.7 The monitoring information collected by the Council will be used to inform the Council's planning monitoring reports as well as feeding back to government as

part of the new requirement to produce Biodiversity Reports as set out in Section 103 of the Environment Act 2021.

Monitoring for BNG Off-site on Council Owned Land

- 8.8 For BNG being provided off-site on Council owned land, the production and submission of audit reports shall be the responsibility of the Council, who may choose to enlist the services of organisations such as Hampshire and Isle of Wight Wildlife Trust or Hampshire Biodiversity Information Centre to help with the monitoring and reporting.

Monitoring for BNG Off-site Outside of the Borough

- 8.9 Where, as a last resort BNG, is to be provided outside of the borough, the production and submission of audit reports shall be the responsibility of the developer or where agreed, the landowner, using the assistance of a qualified ecologist.
- 8.10 Reports are to be submitted to the Council with the same details and frequency as BNG being provided onsite or privately off-site within the borough, and as specified in the Biodiversity Gain Plan.

Compliance

- 8.11 Government guidance states that the planning compliance regime should be the principal way of enforcing BNG. As with all other planning legal agreements and planning conditions, where legal agreements and planning conditions regarding BNG are not met either partially or in full, the Council will take the appropriate and necessary action to ensure compliance.

9. Optional Biodiversity Enhancements for Development not Legally Required to Provide BNG.

- 9.1 Development such as householder applications, permitted development and others which are exempt from the 10% minimum BNG requirement (see section 4) can form a large proportion of planning applications received by the Council, and collectively could make a sizeable contribution to overall biodiversity enhancement and conservation in the Borough.
- 9.2 Therefore, the Council strongly encourages all applicants to provide smaller wildlife features and planting such as bat boxes and swift bricks, garden ponds and hedgerows, which can be included as part of a wider biodiversity enhancement and mitigation plan, separate to 10% minimum Biodiversity Net Gain commitment.
- 9.3 Applicants can demonstrate these smaller wildlife features on a simple plan or statement to show that they are contributing to the wider objective of conserving and enhancing biodiversity.
- 9.4 Applicants may wish to use the DEFRA Metric(s) to quantify their net gain/enhancements or even demonstrate they are achieving 10% minimum BNG, even though they are not required to do so.
- 9.5 The list below provides some options available to development sites that are exempt from the 10% minimum BNG requirement but are still strongly encouraged to provide biodiversity enhancements. Some of the enhancements below refer to habitat creation and therefore could be input into the DEFRA metrics to quantify the level of BNG being provided but others cannot as these metrics only quantify BNG from habitat and habitat creation and would not account for biodiversity features such as bird boxes.
- Green roofs with a diversity of plant species (could be a small section of the development if not all of the roof area);
 - Brown roofs with a range of substrates (could be a small section of the development if not all of the roof area);
 - Rough or natural stone walls with holes for invertebrates and small birds to use;
 - Species-rich native hedgerows as boundary features;
 - Habitat creation for locally relevant wildlife habitat types (this can be beneficial on a small scale if it adds to the habitat resource locally);
 - Pond creation (not fish-stocked), with an irregular shallow sloping edge (these should be combined with stone and log piles close by to provide refuge for amphibians);
 - Green walls with planting locations built in, or a planting framework added externally;
 - Nectar-rich native planting and native species with berries within formal landscaping;
 - Native wildflower mixes as an alternative to amenity grassland or verges;

- Garden boundaries with gaps to allow small animals to move between them (hedgehog highways);
- Integrated bird or bat box features;
- Early flowering plants that provide a nectar source for early invertebrates such as bees;
- South facing banks with some bare ground (particularly beneficial for reptiles and invertebrates);
- Habitat corridors across a site to make a connection with wider habitats;
- Architectural features that provide nesting or roosting habitat (such as slit holes)
- Range of bug hotels with dead wood and stone piles, or purpose built bug boxes or bee bricks;
- Information packs and interpretation material for the development end users;
- Habitat creation that targets locally important species with isolated habitat patches;
- Biodiversity focused design of sustainable urban drainage, for example with open and naturally vegetated swales.

9.6 Some biodiversity enhancements can be relatively low cost and simple to integrate into development such as bird or bat boxes or native hedgerow planting as part of the landscaping of the development. With regards to bird or bat boxes however, Ciria’s ‘Biodiversity Net Gain: Good Practice Principles for Development’¹⁸ notes that although these types of features can be beneficial in the right location, they are often included without sufficient consideration of the type of boxes that would most benefit local biodiversity, whether the site is close to wider habitat needs such as foraging habitat, and whether there are the necessary habitat connections to enable species to commute to and from the nesting or roosting boxes.

9.7 Therefore, if bird or bat boxes are to be included, the following questions should be answered to help determine whether their installation will offer a positive enhancement.

- Which species are local nature conservation priorities, and are the boxes the right specification for these species?
- Has the correct height and orientation for the box been specified, and is there a clear flight path to the box?
- Are there records for the target species locally?
- Does the wider area have the right habitat, and habitat that is connected for the species?
- Is there a shortage of nesting or roosting locations for the species?
- Will the operation of the site create disturbance or detractors that will deter the target species (e.g. light, noise, odour, people movement, pets etc.)?

¹⁸ <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>

9.8 Further guidance on the appropriate use of bat and bird boxes is available from the Bat Conservation Trust and RSPB and the Hampshire and Isle Wight Wildlife Trust.

Screening Statement of the need for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Fareham Borough Council Biodiversity Net Gain Supplementary Planning Document

Introduction

1. This screening statement has been prepared to determine whether the proposed Biodiversity Net Gain Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
2. The purpose of the Biodiversity Net Gain SPD is:
 - the effective implementation of NE2: Biodiversity Net Gain policy in the Fareham Local Plan 2037
 - to aid developers and planners in understanding how Biodiversity Net Gain (BNG) will apply to planning applications in Fareham
 - set out the core concepts of BNG and Biodiversity Metrics, explaining what steps developers need to take to submit the correct net gain information
 - provide guidance on meeting BNG requirements in the future and possible solutions when encountering issues in achieving BNG onsite
3. The SPD contains:
 - Policy context based upon the Fareham Local Plan 2037 regarding Biodiversity Net Gain;
 - Details on DEFRA's Biodiversity Metric Calculation Tool;
 - Biodiversity Gain Plan requirements;
 - Approaches and advice in relation to major and minor development;
4. The SPD provides guidance on how Biodiversity Net Gain can be achieved onsite, or off site where necessary and how Biodiversity Net Gain management and maintenance should be considered.

Strategic Environmental Assessment – Regulatory Requirements

5. The basis for Strategic Environmental Assessment legislation is the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) which was transposed from European Directive 2001/42/EC. Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 (Strategic Environmental Assessment and Sustainability Appraisal) of the Planning Practice Guidance (PPG). This states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the local plan".
6. Under the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
7. The objective of a Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental

considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

The Strategic Environmental Appraisal Process

8. The first stage of the process is for the Council to determine whether the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in table 2 of Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
9. Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination. This statement is Fareham Borough Council's Regulation 9(3) statement. The Council has consulted the Environment Agency, Historic England and Natural England on this screening statement. Responses to be included at Appendix 2.

Habitats Regulations Assessment

10. In addition to the SEA, the Council is required to consider a Habitats Regulations Assessment (HRA). HRA is the process used to determine whether the plan or project would have significant adverse effects on the integrity of an internationally designated site of nature conservation importance, known as European sites. The need for an HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
11. The Fareham Local Plan 2037 was subject to a comprehensive HRA: [HRA Update Report September 2022.pdf \(fareham.gov.uk\)](#)
12. The HRA screened out the policies listed in paragraph 2 of this assessment at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. The summary of that can be found in appendix 2 of the HRA (linked above). As the purpose of this SPD is only to provide guidance and clarity on these policies, the Council has determined that a HRA is not required.

Conclusion

13. Based on the screening process, it is the Council's opinion that the Biodiversity Net Gain SPD does not require a Strategic Environmental Assessment under the SEA regulations or an appropriate assessment under the Habitats Regulations. This is because there will be no negative significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies.

Appendix 1:

Table 1: Establishing whether there is a need for an SEA (based on figure 2, ODPM guidance)

Assessment Criteria	Yes/ no	Assessment
1. Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes. Proceed to Q2	Supplementary Planning Documents are prepared by local planning authorities under the provisions of Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2 (a)).	Yes. Proceed to Q3	The SPD is consistent with and expands upon the Borough Council's Local Plan. It is therefore necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, water management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the Environmental Impact Assessment Directive? (Art 3.2 (a))	No. Proceed to Q4	Whilst the SPD has been prepared for town and country planning purposes, it does not set policy or a framework as it only provides guidance on the policies within the Local Plan. The policies that the SPD supplements have been subject to SA/SEA.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)).	No. Proceed to Q6	The policies that the SPD is supplementing have themselves been subject to Habitats Regulations Assessment. Refer to paragraph 12 in this document.
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4).	Yes. Proceed to Q8	The SPD provides further guidance to supplement policies related to developer contributions and infrastructure provision. The SPD does not allocate land and it does not set policy or a framework for future development, but it does provide guidance to policies in the local plan
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Directive does not require SEA.

Table 2: Assessment of the likelihood of the Self and Custom Build Housing SPD having significant effects on the environment

Significant effect criteria	Potential effects of the SPD
<i>The characteristics of the plan having regard to:</i>	
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD provides more detail on the policies and principles established in the Fareham Local Plan 2037, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of the relevant policies in paragraph 2. The policies in the SPD must not and do not conflict with those in the Local Plan and as such are subservient and supplemental to those in the Local Plan.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the Local Plan policies and sits below the Local Plan in terms of the Development Plan hierarchy.
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD is relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of infrastructure policies in the Local Plan, the aim of which is to provide better places for local communities.
(d) Environmental problems relevant to the plan or programme;	There are no environmental problems relevant to the SPD. This SPD will result in social and economic benefits through the effective and consistent implementation of infrastructure policies.
(e) The relevance of the plan or programme for implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The purpose of the SPD is to provide guidance on the effective and consistent implementation of infrastructure policies. The Fareham Local Plan 2037 contains other policies relating to these objectives.

<i>Characteristics of the effects likely having regard, in particular, to:</i>		
SEA Directive Criteria	Response	Is there a likely significant environmental effect?
(a) The probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of infrastructure policies, which in themselves should	No

	ensure positive effects relating environmental impact.	
(b) The cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects.	No
(c) The transboundary nature if the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects. However, where strategic sites are in close proximity to neighbouring settlements, the provision of infrastructure will assist in mitigating any impacts from development and delivering sustainable new developments for residents from a wider area as well as from within Fareham's communities.	No
(d) The risks to human health or the environment (e.g. due to accidents);	There are no anticipated effects of the SPD on human health.	No
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The effective and consistent implementation of infrastructure policies will have positive benefits for all Fareham residents and those who wish to move to Fareham.	No
(f) The value and vulnerability of the area likely to be affected due to – (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use;	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the Fareham Local Plan 2037.	No
(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD is not expected to have any adverse effect on areas with national, community or international protection.	No
Part 2 Overall Conclusion	No Likely Significant Environmental Effect	

Appendix 2: Statutory Consultee Responses



Historic England

FAO: Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council

Our ref: PL00792512

[REDACTED]
by email only

15 March 2023

Dear Nick

Screening Statement of the need for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Fareham Borough Council Biodiversity Net Gain Supplementary Planning Document

Thank you for consulting Historic England about the above Screening Opinion.

In terms of our area of interest, we concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide more guidance on existing Policies contained within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, subject to adoption of the Local Plan (which we understand is imminent), we endorse the Council's conclusions that it is not necessary to undertake a SEA of this particular SPD.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

Additionally, we take this opportunity to highlight the important synergy between the historic and natural environment. Countryside, landscape parks and the open spaces in our cities, towns and villages often have heritage interest, which it would be helpful if the SPD were to highlight. In other words, the Council's approach to BNG would be strengthened by taking into account the heritage significance of a place (both known and the potential for unknown archaeological remains) and the role that green infrastructure can play in enhancing and conserving the historic environment.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely

Guy Robinson, BSc, MRTPI
Historic Environment Planning Adviser
Development Advice – London and the South East Region

[REDACTED]



[REDACTED]

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



From: [Wyatt, Louise](#)
To: [Nick Cutler](#)
Subject: NE Response: Fareham Borough Council SPD SEA Screening Assessments
Date: 17 March 2023 12:42:35
Attachments: [image001.png](#)

Dear Nick,

Our ref: 424018 & 424019

Thank you for your consultation on the SEA and HRA Screening of the proposed Fareham Borough Council Biodiversity Net Gain SPD and the Self and Custom Build SPD.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Based on the information submitted, Natural England agree with the assessment that the supplementary planning documents do not require a SEA or HRA.

Should the proposal change, please consult us again.

Kind regards,
Louise

Louise Wyatt
Sustainable Development Lead Adviser
Thames Solent Team
Natural England

[Redacted]

[Redacted]

From: Nick Cutler <[Redacted]>
Sent: 03 March 2023 09:53
To: Andrew, Mary [Redacted]
Subject: Fareham Borough Council SPD SEA Screening Assessments

Dear colleagues,

Please find attached SEA Screening Assessments of the Fareham Borough Council Biodiversity Net Gain SPD and for the Self and Custom Build SPD for your consideration.

If you could please let me have your response by the 17th March for the BNG SPD if possible and the 24th March for the Self and Custom Build SPD that would be much appreciated.

Kind regards

Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council
[REDACTED]

From: [Lax, Laura](#)
To: [Nick Cutler](#)
Subject: RE: Fareham Borough Council SPD SEA Screening Assessments
Date: 21 March 2023 12:42:25

Hi Nick,

Don't worry I found the attachments buried in my inbox!

Having reviewed the SEA Screening Assessments of the Biodiversity Net Gain SPD and Self and Custom Build SPD, I can confirm that we agree with your conclusion within both screening statements. The documents **do not** require a Strategic Environmental Assessment under the SEA regulations because there will be no significant environment, social or economic effects arising from implementation of the SPD as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies. We defer to the opinion of Natural England with regard to the requirement for an Appropriate Assessment.

Kind regards
Laura

Laura Lax
Sustainable Places
Solent and South Downs

From: Nick Cutler [REDACTED]
Sent: 03 March 2023 09:53
To: Andrew, Mary [REDACTED]
Subject: Fareham Borough Council SPD SEA Screening Assessments

Dear colleagues,

Please find attached SEA Screening Assessments of the Fareham Borough Council Biodiversity Net Gain SPD and for the Self and Custom Build SPD for your consideration.

If you could please let me have your response by the 17th March for the BNG SPD if possible and the 24th March for the Self and Custom Build SPD that would be much appreciated.

Kind regards

Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council
[REDACTED]

FAREHAM

BOROUGH COUNCIL

Report to Planning and Development Scrutiny Panel

Date: 30 March 2023
Report of: Director of Planning and Regeneration
Subject: EXECUTIVE BUSINESS

SUMMARY

One of the key functions of this Scrutiny Panel is to hold the Executive Portfolio Holder and senior Officers to account in delivery of the service and the Improvement Actions identified in the Council's Corporate Priorities and Corporate Vision.

Members are therefore invited to consider the items of business which fall under the remit of the Planning and Development Portfolio and have been dealt with by the Executive since the last meeting of the Panel. This also includes any decisions taken by individual Executive Members.

The relevant notices for decisions taken are attached for consideration.

RECOMMENDATION

It is recommended that Members consider the items of business discharged by the Executive since the last meeting of the Panel and make any comments or raise any questions for clarification.

FAREHAM

BOROUGH COUNCIL

2022/23
Decision No.
2421

Record of Decision by Executive

Monday, 6 March 2023

Portfolio	Planning and Development
Subject:	Provision of Tree Maintenance Services within the Borough of Fareham
Report of:	Director of Planning and Regeneration
Corporate Priority:	Protect and enhance the environment; Strong, safe, inclusive and healthy communities

Purpose:

The report seeks approval to award the Framework for the Council's Tree Maintenance Services. The Framework term will be a four-year period commencing May 2023.

Works to Council owned trees are undertaken for the Council by external suppliers. Following a previous tendering exercise in 2017, the Council developed a Tree Maintenance Framework containing approved external suppliers who could undertake tree work.

The current Tree Maintenance Framework expires in April 2023 and a tender has recently been undertaken to ensure a Tree Maintenance Framework is in place for the period from May 2023-April 2027.

During the tender the Council received thirteen (13) compliant tender responses from suppliers based throughout the southern region. The scores and ranking for all thirteen (13) tenders received are presented in the confidential Appendix A attached to the report

Options Considered:

Councillor S D Martin declared a Personal Interest for this item as he has previously employed the services of one of the Companies listed in the framework for work at his property. Councillor Martin remained in the room and took part in the debate and decision.

As recommendation.

Decision:

RESOLVED that the Executive:

- (a) agrees to award the Framework to the top 8 scoring tenderers, as set out in the Confidential Appendix A to the report; and
- (b) notes that the increased cost of the suppliers is likely to require an increase in the annual Tree Management budget of between £23,380 and £37,120, which will need to be considered during the next budget setting process.

Reason:

To accord with the Public Contracts Regulation 2015 and continue to deliver consistent high quality tree work and value for money from the Council's tree maintenance budgets.

Confirmed as a true record:

Councillor SDT Woodward (Executive Leader)

Monday, 6 March 2023

FAREHAM

BOROUGH COUNCIL

2022/23
Decision No.
2419

Record of Decision by Executive

Monday, 6 March 2023

Portfolio	Planning and Development
Subject:	Community Infrastructure Levy - Consultation
Report of:	Director of Planning and Regeneration
Corporate Priority:	Dynamic, prudent and progressive Council; Protect and enhance the environment; Providing housing choices

Purpose:

To seek approval to the content of a consultation on the Borough's Community Infrastructure Levy (CIL) draft Charging Schedule.

The Council commissioned Three Dragons to undertake a CIL Review Viability Assessment for the Borough, to determine whether a new CIL rate could be applied without negatively impacting on the delivery of housing and other forms of development associated with the emerging Fareham Local Plan 2037.

Following the conclusion of the assessment, the report recommends new rates for residential and some non-residential uses that align to the evidence collected through the CIL Review Viability Assessment.

The report seeks Executive approval to consult on the draft Charging Schedule and the proposed rates therein. Secondly, the report seeks delegated authority to commence the examination process following the consultation.

Options Considered:

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

As recommendation.

Decision:

RESOLVED that the Executive recommends that the Council:

- (a) approves the Community Infrastructure Levy Draft Charging Schedule as set out in Appendix A to the report for public consultation for a period of 6 weeks;
- (b) agrees that the Director of Planning and Regeneration be authorised to make any necessary minor amendments, following consultation with the Executive Member for Planning and Development, and delegates to him the authority to submit the draft Charging Schedule for Examination; and
- (c) delegates to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development the authority to procure and appoint an independent examiner to conduct the examination on the draft Charging Schedule.

Reason:

To consult on a revised Community Infrastructure Levy Draft Charging Schedule that is considered to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) including setting an appropriate rate in relation to Regulation 14.

Confirmed as a true record:

Councillor SDT Woodward (Executive Leader)

Monday, 6 March 2023

FAREHAM

BOROUGH COUNCIL

2022/23
Decision No.
2420

Record of Decision by Executive

Monday, 6 March 2023

Portfolio	Planning and Development
Subject:	Planning Obligations SPD Review
Report of:	Director of Planning and Regeneration
Corporate Priority:	Dynamic, prudent and progressive Council; Protect and enhance the environment; Providing housing choices

Purpose:

To seek approval to consult on a review of the Planning Obligations Supplementary Planning Document – setting out the Council’s approach to financial and non-financial obligations on planning applicants, to be secured via a legal agreement.

The Council adopted its current Planning Obligations Supplementary Planning Document (SPD) in 2016 and it is used by planning applicants who are seeking guidance on the types of obligations, financial or non-financial, that the Council, as local planning authority, may require of them to ensure their proposals are acceptable in planning terms.

The report provides a draft of the revised Planning Obligations SPD and seeks approval to progress the draft document to statutory public consultation. It is the intention to consult over a six-week period in mid-March to April 2023, following which the approval to adopt the revised SPD will be sought. Once adopted, this SPD will replace the existing Planning Obligations SPD which will in turn be revoked.

The context for the review is the progression of the emerging Fareham Local Plan 2037 which is reaching the end of the examination process and will soon be before Council for adoption. The Local Plan outlines how the borough’s housing and employment targets will be met over the plan period and sets out the scale and type of infrastructure required to support the planned growth.

Developer contributions through planning obligations are one of the most significant mechanisms through which this will be funded. The new SPD will provide supplementary planning guidance to developers, planning officers and borough residents as to how the Council will seek developer contributions, the extent and nature of these contributions (both financial and non-financial), the justification for this approach and, in some cases, how these contributions will be spent.

Options Considered:

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

At the invitation of the Executive Leader, Councillor Mrs K K Trott addressed the Executive on this item.

As recommendation.

Decision:

RESOLVED that the Executive:

- (a) approves the Draft Planning Obligations Supplementary Planning Document, as set out at Appendix A to the report, for public consultation; and
- (b) delegates authority to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, to make any minor amendments to the document following consideration by the Executive, prior to consultation.

Reason:

To consult on a Planning Obligations SPD which sets out the obligations required in relation to considerations and matters required to make development acceptable in planning terms.

Confirmed as a true record:

Councillor SDT Woodward (Executive Leader)

Monday, 6 March 2023

FAREHAM

BOROUGH COUNCIL

Presentation to Planning and Development Scrutiny Panel

Date: 30 March 2023
Report of: Director of Planning and Regeneration
Subject: PLANNING STRATEGY UPDATES

SUMMARY

The presentation will provide an opportunity to communicate to members of the Panel any relevant updates pertaining to Planning Strategy matters, including an overview of the forthcoming Self & Custom Build Supplementary Planning Document.

RECOMMENDATION

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

