

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1192/FP

BUCKLAND DEVELOPMENT LTD

FAREHAM NORTH

AGENT: DAVID LOCK ASSOCIATES

MANAGEMENT OF WILDLIFE HABITAT, INCLUDING HABITAT CLEARANCE AND HABITAT CREATION, PLANTING AND STRUCTURAL LANDSCAPING, WHICH WILL INCLUDE MOVEMENT, RE-PROFILING AND REINSTATEMENT OF EXCAVATED TOPSOIL.

LAND NORTH & SOUTH OF JUNCTION 10 OF M27 FAREHAM

Report By

Mark Wyatt. Direct Dial (01329) 824704.

1.0 Introduction

- 1.1 This application is made by Buckland Development Limited (BDL). BDL are the majority landowner for the Welborne site and are the applicant for the application for Welborne – P/17/0266/OA refers. P/17/0266/OA remains under officer consideration at the current time with amended plans and documents to address consultation responses are expected this month.
- 1.2 In terms of context, improvements to junction 10 of the M27 have always been expected as part of the delivery of Welborne and improvements to the junction are proposed in the application P/17/0266/OA. These improvements broadly accord with the detail in the Welborne Plan Strategic Framework Diagram which is an appendix to the Welborne Plan. At the time of the preparation of the Welborne Plan and through its Examination this approach to junction 10 has been supported in principle by the Highway Authorities. Welborne Plan policy WEL24 now requires improvements to junction 10 to create an “all-moves” junction.
- 1.3 Since the submission of the Welborne application (P/17/0266/OA) in March 2017 Highways England has progressed its Smart Motorway project for the M27. The County Council has also taken the role of ‘project sponsor’ for the works to junction 10 improvements. The Smart Motorway programme and the proposed improvements to Junction 10 as part of the Welborne development have similar timescales for delivery. As such there is a need to align the respective delivery programmes so that the work on the motorway network can be undertaken concurrently.
- 1.4 Within the motorway corridor ecology surveys have identified the presence of Dormice in the scrub along the motorway embankment as well as habitat for

the Great Crested Newt. The scrub is also used as a foraging corridor for the local bat population. These species are protected.

- 1.5 To facilitate the junction 10 improvements, primarily the construction of the new slip roads, in time to align with the Smart Motorway Project there is a need to clear the motorway embankment during 2019. It is a criminal offence to damage the habitat of or the population of a protected species such that the scrub clearance cannot just be undertaken. The works need to be carried out under the cover of a European Protected Species (EPS) Licence issued by Natural England which in turn needs a planning permission to have been granted. Furthermore the clearance work needs to be outside of the hibernation season.
- 1.6 This application is therefore made in advance of any planning decision pursuant to the construction of the junction 10 works, but rather is to facilitate the ability of the applicant to acquire a EPS licence from Natural England, to provide mitigation planting, to translocate the protected species into the newly formed habitat and then enable the scrub clearance and ground preparation works such that the junction 10 works can commence on time when a planning permission is granted. The junction can then be delivered without the programme having to address the presence of protected species, the EPS licencing regime or the limits of seasonal work relative to protective species hibernation periods because this will already have been completed. The project would then not risk the potential loss of funding for the works or miss the opportunity to align with the Smart Motorway Project passing along this section of the M27.
- 1.7 Additional ecology information in support of the application was received on 22nd November 2018

2.0 Site Description

- 2.1 The application site is irregular in shape and extends to 16.2 hectares. The red edge extends from the A32 through the Dean Farm Estate on the north side of the motorway providing the site access. The site includes the embankment land on the immediate north and south sides of the existing M27. The red edge also extends to include land that wraps around the north eastern edge of Funtley on the north side of the motorway and parts of Fareham Common backing onto the properties at Potters Avenue in the east and Kiln Road/Funtley Hill to the west on the south side.

3.0 Description of Proposal

- 3.1 The primary function of this proposed development is the early delivery of mitigation planting to enable the relocation of protected species from the site. The application sets out that the works comprise of three main parts:

- 1) The managed clearance of areas of vegetation in locations adjacent to the Highways England road network which would be required to undertake the development of the junction 10 improvements;
- 2) The creation of new wildlife habitat to enable the relocation of protected species from areas affected by the junction works. This new wildlife habitat is to include large areas of new planting and landscaping; and
- 3) The movement and re-profiling of soil to restore the landscape once the vegetation removal has been completed.

4.0 Policies

4.1 The following policies apply to this application:

4.2 National Planning Policy Framework (NPPF)

4.3 Adopted Fareham Borough Core Strategy

- CS4 (Green Infrastructure, Biodiversity and Geological Conservation)
- CS13 (North of Fareham Strategic Development Area)

4.4 Adopted Welborne Plan (Local Plan Part 3)

- WEL1 (Sustainable Development)
- WEL3 (Allocation of Land)
- WEL5 (Maintaining Settlement Separation)
- WEL8 (Protection and Enhancement of the Historic Environment)
- WEL23 (Transport Principles for Welborne)
- WEL28 (Walking and Cycling)
- WEL29 (On-site Green Infrastructure)
- WEL31 (Conserving and Enhancing Biodiversity)
- WEL33 (Structural Landscaping)
- WEL39 (Flooding and Sustainable Drainage Systems)
- WEL43 (Development Construction and Quality Control).

4.5 Other Documents:

Welborne Design Guide Supplementary Planning Document.

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0266/OA

A New Community Of Up To 6000 Dwellings (C3 And C2, Including A Care Home Of Use Class C2) Together With A District Centre (Comprising Up To 2,800M2 Food Store Retail (A1), Up To 2,419M2 Of Non-Food Retail (A1) And Up To 2,571M2 Of Other Non-Convenience/Comparison Retail Use (A1 - A5));

A Village Centre (Comprising Up To 400M2 Food Store Retail (A1), Up To 1,081M2 Of Non-Food Retail (A1), A Public House (Up To 390M2 A4 Use) And Up To 339M2 Of Other Non-Convenience/Comparison Retail Use (A1 - A5)); Up To 30,000M2 Of Commercial And Employment Space (B1); Up To 35,000M2 Of General Industrial Use (B2); Up To 40,000M2 Of Warehousing Space (B8); A Hotel (Up To 1,030M2 C1 Use); Up To 2,480M2 Of Community Uses (D1 And D2); Up To 2,200M2 Ancillary Nursery (D1), Health Centre (D1) And Veterinary Services (D1); Retention Of Dean Farmhouse And Dean Farm Cottages; A Secondary School And 3 Primary Schools; Green Infrastructure Including Formal And Informal Open And Amenity Space; Retention Of Some Existing Hedgerows, Grassland, Woodland Areas, Allotments, Wildlife Corridors; All Supporting Infrastructure; Household Waste Recycling Centre; Requisite Sub-Stations; Sustainable Drainage Systems Including Ponds And Water Courses; A Remodelled M27 J10 Including Noise Barrier(S); Works To The A32 Including The Creation Of Three Highway Junctions And New Crossing(S); Distributor Roads (Accommodating A Bus Transit Network) And Connections To The Surrounding Cycleway And Pedestrian Network; Car Parking To Support Enhanced Use Of Dashwood; Ground Remodelling; Any Necessary Demolition; With All Matters Reserved For Future Determination With The Exception Of The Works To M27 J10 And The Three Highway Junctions And Related Works To The A32.

**Pending
Consideration**

6.0 Representations

- 6.1 Nine Letters have been received in total (from The Fareham Society, 51 The Waters; 25 Crawford Drive; 59, 66a, 68, 72a [three letters received but counted as one representation], 96, 116 Kiln Road) objecting to the scheme:
- We enjoy viewing a lot of wildlife from our home. It would be extremely disappointing to lose these creatures.
 - Much of the habitat will be completely destroyed.

- It is difficult to comment when we don't know the full structures of the J10 works. How much of Fareham Common is to be lost as a result of the junction works?
- Why would you want to disrupt a thriving diversity of wildlife
- Concern regarding noise disruption whilst the works take place.
- The large pond north of the M27 survived the motorway being built, why should it be disturbed now?
- Kneller Court Lane is a right of way used by dog walkers. It is narrow and could be dangerous if construction traffic uses this route.
- There should be no access at all for any vehicle from Kneller Court Lane
- Which route will heavy earth moving vehicles take?
- There is nothing in the application to say how the existing wildlife is to be protected / relocated during this work.
- Why is there no mention of deer and owls in the plan?
- Concern with the timescale and suitability of the chosen mitigation planting to be done and the ability to accommodate all the species that will be affected by the application.
- Bats will need alternative roosting
- The flood risk mapping shows the area in high risk directly relate to areas where Great Crested Newts are found. The area for mitigation is at the opposite end of the scale with a very low risk of flooding – is this a suitable environment for newts?
- What is happening to our green belt.
- Bats should be protected
- I would like to know what types of plants and trees will be used for replanting
- The planting should not be poisonous for the horses in the adjacent fields
- The Fareham Society supports the comments of the Ecologist which identifies concerns in relation to the SINC, GCNs, dormice and bats and requests the applicant provide further information on these issues.
- The applicant should provide a second pond to the north of the M27
- More detail is required on the movement of soil and reprofiling to restore landscape once vegetation removal has been completed.

7.0 Consultations

EXTERNAL

Natural England

7.1 No comment

Natural England has published Standing Advice for Protected Species.

Hampshire County Council (Rights of Way)

7.2 No objection subject to condition.

We request that all public rights of way be kept open to the public throughout the development

INTERNAL

Ecology

7.3 No objection subject to conditions

Environmental Health (Contaminated Land)

7.4 No objection subject to conditions

Arboriculture

7.5 No objection subject to conditions

8.0 Planning Considerations

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

- a) The Principle of Development;
- b) The Area for Clearance;
- c) Arboriculture;
- d) Landscape and Visual Impacts;
- e) Mitigation Planting;
- f) Ecological Implications:
 - International and Nationally Designated Sites;
 - Locally Designated Sites;
 - Habitats;
 - Protected Species:
 - Bats;
 - Great Crested Newt;
 - Dormouse;
 - Derogation Tests
- g) Access;
- h) Noise and Disturbance
- i) Conclusions

Principle of development

- 8.2 In June 2015 the Council adopted the Welborne Plan as the Local Plan Part 3. The Welborne Plan is a comprehensive document that provides the main policy guidance for delivery of development at Welborne. Policy WEL3 allocates the land for the new community to accommodate approximately 6,000 dwellings, 20ha of employment land, along with new education and retail facilities, associated infrastructure and open space, phased to enable completion by 2041.
- 8.3 The proposal is to facilitate the improvements to junction 10 of the M27 to create an “all moves” junction. The policies of the Welborne Plan clearly illustrate the importance of the provision of the junction improvements in order to facilitate the full delivery of Welborne.
- 8.4 Given that the site falls within the allocation of the site for the new community north of Fareham and that the proposed development is directly linked to the provision of a key part of the necessary infrastructure, the principle of the development is considered to be acceptable subject to the consideration of the issues below.

Area for clearance

- 8.5 The area for clearance is essentially the embankments on the north and south sides of the motorway. These areas need to be permanently cleared to facilitate the construction of the new junction works. The area of land to be cleared on the south side of the motorway extends from the Funtley Hill overbridge east to the existing Junction 10 off slip. To the north side of the motorway the clearance area is not as extensive with an area adjacent to Funtley Hill being retained with some temporary coppicing and then the clearance extending to the land just beyond 1 and 2 Dean Farm Cottages.
- 8.6 Given the requirements of the Welborne Plan policy WEL24 to achieve an “all moves” junction 10 of the M27 this area for clearance is considered to be acceptable. It is noted that WEL24 requires the works to minimise the environmental impacts within the site and on neighbouring communities. These matters are considered further below.

Arboriculture

- 8.7 In addition to the scrub and grassland along the motorway embankment a total of ten individual trees are identified for removal. A further seven groups of trees and three hedgerows will require removal to facilitate the proposed works. None of the trees are protected by virtue of a Tree Preservation Order.
- 8.8 According to the Applicants Tree Survey there are two trees and one group of trees classified as “U” grade. U Grade trees are trees that are not a constraint

to development and have no amenity value worthy of retention. Their removal would be in accordance with sound arboricultural management.

- 8.9 The remaining trees and hedgerows for removal fall within the tree classifications A-C. Category A trees are trees of high quality and value in such a condition that they would make a substantial contribution to the visual amenity of the area. There is one category A tree to be removed. This tree is on the south side of the motorway and the foot of the embankment due west of Kneller Court Lane.
- 8.10 Three individual trees and five groups of trees are within the B Category. These trees are of moderate quality and value.
- 8.11 The remaining trees, and the majority of the trees to be removed, are within the Arboricultural category C. These trees are of low quality and are not typically regarded as a constraint to development.
- 8.12 Whilst there will be some tree loss to facilitate the works for junction 10, this tree loss has been long anticipated due to the Borough Council's longstanding vision to provide the new community at Welborne with the "all moves" junction 10 an integral part of the infrastructure to support the new community.
- 8.13 The tree loss, especially those in categories A-C, is a material consideration as part of the application. This tree loss is balanced against the proposed new mitigation planting which is considered further later in this report. On the basis that the mitigation planting is provided in the terms set out in the submission, it is considered that the tree loss to facilitate the works is more than compensated for. It is noted that there is no objection on arboricultural grounds from the Tree Officer.

Landscape and visual impacts

- 8.14 There are no specific landscape designations within or immediately adjacent to the application site. It is noted that one of the representations refers to green belt however there is no designated green belt in Fareham.
- 8.15 It is accepted that the land to the north of the motorway beyond the application site is open arable farmland with large fields and limited hedgerow. To the south of the motorway the character is of much smaller paddocks enclosed by trees and hedgerows. In terms of landscape character, the land to be cleared is already heavily influenced by the motorway and the urban edge of Fareham which is clearly evident to the south side of the M27.
- 8.16 The application submits, therefore, that the visual impacts of the proposed works are relatively limited to the users of the public footpaths through and in

the vicinity of the site and the views from the M27, Potters Avenue, Kiln Road and Funtley Hill. There will be private views of the works also from properties that front or back on to the site.

- 8.17 Once the clearance work commences, this initial period of construction will be the most significant of landscape impacts. The application concludes that the loss of the vegetation along the motorway embankment will have a negative short term visual effect. However these impacts are very localised with the visual envelope being limited to the roads identified and the public routes through the site. The views are relatively limited and the proposed mitigating planting and replacement motorway planting will, in the medium term (5-10 years), screen views such that the proposal is not considered to result in demonstrable harm to the visual amenities of the area.

Mitigation planting

- 8.18 The detailed mitigation planting is secured through a landscaping planning condition with reference to the submitted Ecological Appraisal and Mitigation Strategy. This Strategy sets out the proposed intended species for the different planting areas in the compensatory habitat comprising the new scrub and the proposed new woodland planting. In addition to the species proposed the same part of the submission details the re-instatement process for the habitat planting such that the application has a high level of detail such that the proposed mitigating planting is well reasoned and understandable.
- 8.19 It is accepted that as a consequence of the proposed new planting there will be a loss of some agricultural land on the north side of the motorway around the eastern edge and north east of Funtley. Whilst the proposal will result in the loss of some arable field the proposed planting would provide for some early landscaping in an area of the Welborne site identified as an important settlement buffer between the new community and Funtley. This would be to the benefit of the Funtley Residents who would ultimately benefit from some early planting well ahead of that proposed in the main Welborne application P/17/0266/OA. This location for the proposed mitigation planting is considered to be acceptable and would contribute to the settlement separation buffers required by policy WEL5.
- 8.20 To the south side of the M27 the proposed mitigation planting broadly follows the field boundaries of the existing smaller paddocks and looks to strengthen the planted areas to the rear of the properties along Kiln Road in the west and the rear of the dwellings in Potters Avenue. The land south of the motorway is identified within the Welborne Plan as a Site of Alternate Natural Greenspace (SANG). The new planting will accord with the guidance on SANG design and would not result in any abortive work should P/17/0266/OA receive a planning

permission and deliver the Fareham Common SANG to serve the new community.

Ecological Implications

- 8.21 There are multiple ecological constraints that this proposal needs to consider. The proposal could have an impact upon international and nationally designated sites, locally designated sites, different ecological habitats and protected species.

International and Nationally Designated Sites:

- 8.22 Due to the distance, the nature of the works and absence of any notable assemblages of overwintering birds on or adjacent to the site, adverse impact on nearby designated sites such as Botley Wood and Everett's and Mushes Copses SSSI, Portsmouth Harbour SPA, Ramsar and SSSI is not anticipated.

Locally Designated Sites:

- 8.23 Fareham Common SINC (Site of Importance for Nature Conservation) is located within the works footprint. This SINC exhibits a high botanical diversity, with some grassland indicator species such as hoary ragwort, meadow barley, corky-fruited water-dropwort and pepper-saxifrage. The works will result in impacts to 0.47ha of this SINC. The majority of the impact is to be temporary loss which is proposed to be reinstated on completion of the works. A permanent residual loss of 0.08ha across the north of the site is however anticipated, as a result of the proximity of this area to the new road.
- 8.24 It is acknowledged that due to the location of the SINC, the partial loss is inevitable as a result of the works and the delivery of Welborne in the future. However the initial Ecology comments concluded that sufficient information was not provided on how the proposed habitat improvement measures will compensate for the partial loss of the SINC. The addendum to the Ecology Appraisal and Mitigation Strategy reiterates that the reduction in grazing (and ultimately stopping the grazing) and cutting the SINC once a year in late summer will actually enhance the SINC biodiversity value and therefore compensate for partial loss of the SINC habitat. Therefore the Ecology advice to the Local Planning Authority now is that this combined with the improved management and enhancement of the adjacent grassland areas would serve to improve the resilience and diversity of the botanical interests of the wider Fareham Common area and no objection is raised to this part of the proposal.

Habitats

- 8.25 When considering habitats, the development will result in the total loss of 5.5ha of grassland, including 3.29ha as a result of clearance works to enable the junction works, and a further 2.29ha as a result of scrub and woodland

planting to provide mitigation for protected species. After compensation, it is understood that there will be a 2.07ha residual habitat loss of grassland.

- 8.26 Whilst this is considered to be a large loss of habitat, it is acknowledged that the habitats to be restored within the fields to the south of the M27 and on other areas of the highway verge will be of higher value, with reduction of nutrient levels within the soil and a diverse locally appropriate seed mix. Therefore, no major concerns are identified by the Ecology advisor to the Council.
- 8.27 The site clearance work will result in the loss of 1.76ha of broadleaved woodland. Approximately 0.88 ha of mitigation planting and 2.10 ha of restoration planting will be carried out which will result in an overall 1.22ha net gain. This net gain in wooded areas is to be supported.
- 8.28 Site clearance works will result in the loss of 3.62ha of continuous dense scrub. As the proposal includes the planting of 2.11ha of new areas of continuous scrub as part of the mitigation strategy and approximately 1.2ha of restoration planting, no adverse impacts are anticipated in the medium to long-term, when these areas have established, and there is no ecological objection to this approach.

Protected species

Bats:

- 8.29 The bat activity surveys carried out between 2013 and 2016 confirmed very high levels of bat activity along the M27 embankments, some field boundaries and the pond and woodland to the north of the motorway. The majority of activity belonged to common or soprano pipistrelle bats, with smaller numbers of rarer species such as Myotis.
- 8.30 Concerns were originally raised by the Ecologist in relation to the vegetation clearance carried out around the Kneller Court Lane Underbridge which supports a small roost of common pipistrelles. Given the substantial amount of clearance around the roost and along the motorway embankments and the time required for the new planting to get established it was considered that this would affect the viability of the roost and result in the abandonment of the roost due to the lack of any suitable linear features connecting the roost to the suitable foraging habitats in the wider landscape.
- 8.31 The addendum to the Ecological Appraisal and Mitigation Strategy clarifies which part of the underbridge the roost is located and also that the *“lane running north/south up to the south of the bridge will remain largely vegetated and remain linked to existing habitat networks to the south of the development area”*. The Ecologist advising the Council has accepted this part of the Addendum as overcoming the concerns expressed. Therefore, it is concluded

that the development is unlikely to result in a breach of the Conservation of Habitats and Species Regulations 2017.

Great Crested Newts (GCN)

- 8.32 The development, will result in the removal of one of the identified GCN breeding ponds (the pond to the north of the M27), along with substantial extents of terrestrial habitat loss and therefore likely to result in a breach of the EU Directive (a matter considered later in this report under the “Derogation Test”). The Ecologist supports the applicant’s proposal for the creation of a new pond to the south of the M27 given the presence of the species on the south side and the presence of two other ponds to the south of the motorway. However, concerns were initially raised that no replacement pond will be created to the north of the M27.
- 8.33 The Addendum to the Ecological Appraisal and Mitigation Strategy provides justification as to why this is not possible. It is noted that the geology of the area to the north of the motorway is less favourable for supporting a pond feature. Also, the fact that the northern area is also to be laid out as part of the Welborne SANG provision and is proposed as a very narrow part of the SANG in this location means that GCN mitigation may not be as effective as the land to the south of the motorway. Finally there is a potential conflict with dormouse mitigation requirements to the north of the motorway and when all coupled with the duration of the works to the north of the M27 it is proposed that the provision of a pond to the north of the motorway is not achievable and has not been added to the mitigation proposals. The justification given is considered to be acceptable and the Ecologist raises no further queries.

Dormice

- 8.34 The various previous surveys confirm the presence of dormice within the suitable habitats on site. If unmitigated, the clearance works will result in the killing/injury of dormice and loss of 4.9ha of suitable dormouse habitat and therefore the development is likely to result in a breach of the EU Directive.
- 8.35 In the long-term there will not be a net loss in habitat extent and functionality but in the short to medium term, while the new habitats are becoming established, the development will result in the clearance of extensive areas of suitable habitat known to support dormice.
- 8.36 Concerns were initially raised by the Ecologist in relation to the effectiveness of the proposed mitigation strategy as dormice were expected to travel large distances on waking up from hibernation in May 2019 to get to the retained

habitats outside of the works footprint which are proposed to be cleared to above ground level this winter.

- 8.37 The submitted Addendum now confirms that corridors of bramble scrub and young trees, approximately 2-4m wide, will be temporarily retained across the clearance compartments to encourage the movement of dormice to the retained habitats. It is understood that *'Some small sections of windrow will be used to provide a degree of cover and connectivity where necessary during this process.'* Wooden dormouse boxes will also be installed in the retained habitat corridors to facilitate the localised translocation of dormice. The Ecologist is fully supportive of this amendment to the mitigation strategy and therefore raises no further concerns.

Derogation tests

- 8.38 Whilst the Ecology advice to the Local Planning Authority is that the proposed mitigation measures are acceptable, dormice and great crested newts receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations).
- 8.39 Where developments affect European Protected Species (EPS), permission can be granted unless:
- a) the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
 - b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 8.40 Licences will not normally be granted in the absence of a planning permission, hence the consideration of this application as detailed above in paragraph 1.5.

- Is the development likely to result in a breach of the EU Directive?

- 8.41 Overall, the development will result in the destruction of a great crested newt pond, partial loss and destruction of great crested newt habitat and potential killing/injury of this species if avoidance and mitigation measures are not implemented. Similarly, the works will result in the partial loss and destruction of dormouse habitat and their potential killing/injury in the absence of mitigation measures. The development will therefore result in a breach of the EU Directive.

- Is the development unlikely to be licensed?

8.42 An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’; (Regulation 53(2)(e))*

2. *there must be ‘no satisfactory alternative’ (Regulation 53(9)(a)); and*

3. *the action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).*

8.43 It is believed that in this instance, sufficient information has been provided for the Local Planning Authority to be assured that the three derogation tests set out in the Regulations have been met:

8.44 1 – the ‘Purpose’ test: The applicant has demonstrated that the proposed development would help in the timely delivery of Junction 10 improvements which will, in turn, help with the delivery of Welborne. The ability of the Borough to meet its forecast housing need through house building at Welborne is considered to be acceptable as being of overriding public interest as is the need to align with the timetable for the Smart Motorway project to ensure efficient use of public resources through alignment of the two projects.

8.45 2 – the ‘No Satisfactory Alternative’ test: In order to meet the ‘purpose’ test, as set out in the previous point, it has been demonstrated that there is a need to deliver Welborne to ensure that the Council can deliver its forecast Housing Supply. There is no satisfactory alternative to this development as the development of Welborne will happen and the improvements to junction 10 are necessary for this development to take place.

8.46 3 – the ‘Favourable Conservation Status’ test: The content of the Ecological Appraisal and Mitigation Strategy and its Addendum accompanying the application are noted. The Council’s Ecologist is also satisfied that the findings are consistent with current conditions on the site. It has been confirmed that the development will affect dormice and great crested newts, and there is sufficient data to demonstrate the ecological significance of the site. The detail of the mitigation proposals provided by the applicant through their submissions are appropriate to the identified populations. There is comfort, therefore, that the proposals to mitigate impacts to the dormouse population and the great crested newt population are acceptable and would meet the requirements of the third test.

- 8.47 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access), WEL29 (On-site Green Infrastructure) and WEL31 (Conserving and Enhancing Biodiversity).

Access

- 8.48 The application site will be accessed from the A32 through the Dean Farm Estate. At the western end of the farm complex an area is identified for a site compound with two separate haul routes from this compound south to the areas identified for vegetation clearance and topsoil movement.
- 8.49 The submitted details clearly identify that all footpaths will remain open for use during the works however there will be occasions when the construction traffic will need to cross or use the same paths and in such circumstances appropriate traffic management measures will need to be in place.
- 8.50 To access the south side of the motorway all site traffic is to be routed through Dean Farm and along the existing highway of Kneller Court Lane to the south side of the motorway. According to the application construction site traffic is not to use Kiln Road to access the site. The submitted Construction Environmental Management Plan (CEMP) does however allow for some use of the footpath along Kneller Court Lane by light vehicles given that this route is an existing adopted highway.
- 8.51 The CEMP is generic in its form as currently submitted given the lack of an appointed contractor at this stage of the process. As such, notwithstanding the submitted CEMP, prior to development starting on site a more detailed CEMP will be required by condition. This will provide further detail on construction traffic arrangements for the work once a contractor is appointed.
- 8.52 Overall the use of the Dean Farm Estate for site construction vehicles and the use of the existing underpass along Kneller Court Lane to undertake the works would be acceptable without harm to the highway network or users of the local footpath network.
- 8.53 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access) and WEL43 (Development Construction and Quality Control).

Noise and disturbance

- 8.54 The CEMP sets out that the work would be undertaken between 08.00 – 20.00 Monday to Friday, 08.00 – 13.00 Saturday and no work would take place on Sundays and recognised bank holidays.

- 8.55 In this case it is noted that the CEMP also sets out general principles related to the control of noise from construction sites. The measures promoted include vehicles having sound reduction mechanisms installed such as engine and exhaust mufflers/silencers. Acoustic mitigation measures are to be installed, where necessary, around the site and any noisy activities will be avoided at noise sensitive times such as early mornings.
- 8.56 In accepting these measures within the CEMP it is also noted from the submission for Welborne (P/17/0266/OA) that the noise levels from the traffic on the south side motorway embankment is between 68 and 70 decibels such that there is already a high level of background noise in the area. The proposed works would be for a defined period and would not affect the operations on the motorway such that the motorway noise would remain throughout. Whilst the works may result in some additional disturbance to nearby residential properties this disturbance would be limited to the duration of the work and can be controlled at unsociable hours by planning conditions restricting the hours of work. As such the proposal is not considered to give rise to concerns that the noise from the proposed works would demonstrably harm the amenity of the nearby residential properties to their detriment.
- 8.57 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access) and WEL43 (Development Construction and Quality Control).

Conclusions:

- 8.58 The loss of the motorway embankment scrub is unavoidable given the Welborne Plan requirements to deliver an “all moves” junction 10 on the M27.
- 8.59 The application acknowledges and minimises the loss of trees on the site and whilst regrettable to have to translocate protected species, this application follows the correct practice of doing so such that the unavoidable relocation is done in the most appropriate way for the species affected. The proposed enabling work will provide for the necessary translocation of protected species and furthermore the early delivery of some structural landscaping which will aid with the settlement separation and buffer provision between Welborne and Funtley as well as providing the new ecological habitat.
- 8.60 Construction site traffic is to use the A32 access to the Dean Farm Estate to access the site. The majority of the clearance works are on the motorway embankment with areas for proposed new landscaping the only works close to residential dwellings that adjoin the site. As such there are no likely adverse impacts upon residential amenity as a result of the proposal.

- 8.61 The development proposed is considered to accord with the provisions of the Welborne Plan and is the much anticipated first element in the delivery of Welborne. As such the proposal is recommended for permission.

9.0 Recommendation

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

- 01) The development hereby permitted shall be begun within three years from the date of this permission.

REASON: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 02) The development is to be carried out in accordance with the approved plans as follows:

- Drawing CJ008926-ATK-HGN-J10-DR-CH-000021 Revision P01 Site Location Plan
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000022 Revision P01 Red Line Boundary;
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000023 Revision P01 Site Clearance Plan
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000024 Revision P01 Rights of Way
- Ecological Appraisal and Mitigation Strategy, Revision V3, dated October 2018, Ecology Ref: 18.1394
- M27 Junction 10 Ecological Appraisal and Mitigation Strategy – Addendum, dated November 2018, ecology Ref: 18.1394

REASON: In the interests of an appropriate and comprehensive development.

- 03) No development shall take place, including site clearance and preparatory work, until tree protective fencing measures in accordance with tree protection method statement included in the tree report produced by James Fuller Arboriculture ref JFA0173 V3 – October 2018 have been installed and shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority

REASON: To ensure that the construction period does not have a detrimental impact upon the environment.

- 04) All service routes, drain runs, soakaways or excavations in connection with

the development shall remain wholly outside the tree protective barriers unless otherwise agreed in writing with the Local Planning Authority

REASON: To ensure that the construction period does not have a detrimental impact upon the environment.

- 05) No development relative to the provision of the haul road hereby permitted shall take place until details of the haul road have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) the method of the construction, final alignment, and surface materials for the proposed haul road(s);
- b) the method for the removal of the haul road(s) and a programme for land restoration.

The development shall be undertaken in accordance with the approved details.

REASON: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development

- 06) In addition to the conformance with the provisions of the submitted CEMP, no development including site clearance and preparatory work, shall take place until a further construction environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The construction environmental management plan shall provide for:

- parking for site vehicles and contractors;
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;
- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details;
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste;
- traffic management measures to address the potential conflict between users of the footpath network and the construction vehicles

The development shall be carried out in accordance with the approved

details.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

- 07) The development hereby permitted shall be undertaken in accordance with the recommendations in Section 3 of the “M27 Junction 10 Enabling Works: Ground Conditions and Contamination Review”, prepared by Hampshire Services, dated 10/10/18.

REASON: To ensure any land contamination is assessed and remediated so as to not present any significant risks to human health or the wider environment

- 08) The site shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with any agreed details.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as to not present any significant risks to human health or the wider environment

- 09) A topographic survey of the area accessible prior to de-vegetation shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to commencement of development, including site clearance and preparatory works. Within three months of the de-vegetation of the site, an updated topographical survey of the works area will be submitted to and approved in writing by the LPA. There shall be no permanent significant changes to ground levels (+/- 0.5m) without the prior agreement in writing from the Local Planning Authority. Within three months of completion of the works hereby permitted, the Applicant shall submit and have approved in writing a further detailed topographic survey and isopachyte plan showing the differences in ground levels relative to the pre-surveyed levels. Any unauthorised significant levels changes (>0.5m) shall be rectified as directed by the Local Planning Authority.

REASON: In order to ensure a high quality development.

- 10) The Landscaping shall be undertaken in accordance with the Chapter 5 and Appendix 6 of the Ecological Appraisal and Mitigation Strategy Revision V3, dated October 2018, Ecology Ref: 18.1394.

REASON: To secure the satisfactory appearance of the development

- 11) Development shall be undertaken in accordance with the measures set out in Section 5 'RESTORATION AND MITIGATION STRATEGY' of the Ecological Impact Assessment & Mitigation Strategy by Hampshire County Council Ecology Team (October 2018) - as varied by the addendum submitted in November 2018 - unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the mitigation and enhancement features shall be permanently retained, maintained and managed in accordance with the approved details.

REASON: to ensure the favourable conservation status of dormice, great crested newts and bats, to ensure adequate compensation and mitigation measures for the onsite SINC, to conserve other protected and notable species and enhance biodiversity.

- 12) No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities

- 13) All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 20.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities

10.0 Notes for Information

- 01) The applicant is advised that throughout the development the public rights of way should remain open. The detail submitted pursuant to condition 6 should include traffic management measures to address the potential conflict between users of the footpath network and the construction vehicles.

11.0 See Relevant Planning History above

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction in any form is illegal and may lead to prosecution.