



Land at Newgate Lane (North), Fareham and Land at Newgate Lane (South,) Fareham

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Proof of Evidence of David West MEnv Sci (Hons) CEnv MCIEEM on Ecology Matters

For Fareham Land LP and Bargate Homes

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1.0 Introduction

1.1 Qualifications and Experience

- 1.1.1 My name is David West. I am an Associate Ecologist at the multi-disciplinary consultancy WYG, based in the Southampton office. I am a Chartered Environmentalist, hold a Master's degree in Environmental Science from the University of Southampton and am a full member of the Chartered Institute of Ecology and Environmental Management.
- 1.1.2 I have over 12 years' professional experience in ecological consultancy and have been employed by WYG since 2015. My professional experience is wide-ranging, including Ecological Appraisals, Phase 1 Habitat Surveys and field surveys for protected species including bats, birds, hazel dormice and herpetiles. I hold Natural England survey licences for bats (Class 2), great crested newts (Class 1) and hazel dormice (Class 1) and have acted as named ecologist for European Protected Species Mitigation licences for bats and hazel dormice and Badger Mitigation licences. I have also developed numerous mitigation strategies and have written Ecological Impact Assessments (forming Ecology chapters for Environmental Statements) and Habitats Regulations Assessments.
- 1.1.3 My experience covers a range of sectors including renewable energy, highways, commercial development, defence and residential development.
- 1.1.4 I have been commissioned by Fareham Land LP and Bargate Homes to present evidence on the ecological aspects of the proposed developments to construct up to 75 residential dwellings on Land at Newgate Lane North and 115 residential dwellings on Land at Newgate Lane South, Fareham.
- 1.1.5 My Proof of Evidence deals with both the appeal at Land at Newgate Lane (North) (LPA ref. P/18/1118/OA) and Land at Newgate Lane (South) (LPA ref. P/19/0460/OA).
- 1.1.6 The two sites are adjacent to one another, and form a single parcel of land situated between the original Newgate Lane to the west and the newly constructed Newgate Lane East to the east.
- 1.1.7 Although the planning applications were made separately to the LPA (and therefore must be submitted as separate appeals), the proposals have always been conceived as a cohesive development and baseline ecological surveys have been conducted concurrently across the two sites. The evidence provided in this document applies to both appeals, unless specifically stated.
- 1.1.8 The evidence which is presented in this Proof of Evidence has been prepared in accordance with the professional code of conduct of the Chartered Institute of Ecology and Environmental Management. I confirm that the opinions expressed are my true and professional opinions.



2.0 Background

2.1 Baseline Data Collection

- 2.1.1 WYG were appointed by Fareham Land LP and Bargate Homes in June 2020 to advise on ecological matters and to prepare a series of reports to support this appeal.
- 2.1.2 Prior to WYG's involvement in the project, Ethos Environmental Planning completed an Ecological Appraisal, followed by further field surveys for protected and notable species. These were carried concurrently across the two sites (North and South) and comprised:
- Extended Phase 1 habitat survey – 7th April 2018;
 - Badger (camera trap survey) – 16th May to 8th June 2018;
 - Otter and water vole survey – 11th April and 6th September 2018;
 - Bat roost assessment – 8th June 2018;
 - Bat dusk emergence / dawn return survey – 11th July, 8th August and 6th September 2018;
 - Bat activity survey – 11th July, 8th August and 6th September 2018;
 - Bat automated detector survey – 16th May (23 nights), 29th July (8 nights), 8th August (29 nights), 6th September (5 nights) 2018;
 - Breeding bird survey – 24th April, 8th May and 30th May 2018;
 - Winter bird survey – 6th and 17th March 2018;
 - Reptile survey – 16th May, 8th June, 12th July, 8th August, 6th and 19th September and 23rd October 2018; and
 - Great crested newt eDNA survey – 27th April 2018.
- 2.1.3 The results are summarised within the February 2019 Land at Newgate Lane (North) Ecological Assessment and September 2019 Land at Newgate Lane (South) Ecological Assessment.
- 2.1.4 There has been no change in the site conditions since these assessments, therefore the age of this data is not considered a limitation to any assessments or conclusions based upon it.
- 2.1.5 As part of this appeal, and following the Court of Justice of the European Union ruling C-323/17, WYG have also produced a Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2.

2.2 Summary of Findings

- 2.2.1 The sites were dominated by arable fields (cultivated for wheat at the time of the surveys). Grassland fields were located to the west of the sites with semi-improved grassland identified within Newgate Lane North and improved grassland within Newgate Lane South. Field boundaries comprised species-poor defunct hedgerows with occasional mature pedunculate oak trees *Quercus robur*. Two dilapidated agricultural buildings were located within Newgate Lane North and a further two within Newgate Lane South. A section of the River Alver ran through the western side of the site parallel to the boundary hedgerows, hedgerows, mature trees, wet ditches, a small section of the River Alver and built structures.
- 2.2.2 No evidence of badger activity was recorded on site. No evidence of otter or water vole was recorded on site or along publicly accessible reaches of the River Alver. One building was assessed as having bat roost suitability. A single common pipistrelle *Pipistrellus pipistrellus* was observed entering the building on 8th August 2019, therefore it has been assessed as an occasional night roost for this species. Automated detector surveys identified six bat species, with common pipistrelle accounting for 92.43% of recorded activity. Analysis identified hedgerows H2 (Newgate Lane North) and H3 (Newgate Lane South) as the key features for



bats. Breeding bird surveys identified 21 species as holding breeding territories on site (of these, seven were considered likely to be breeding off site). This included four red-listed and five amber-listed species. These were predominately recorded within the hedgerows on site. Winter bird surveys did not record any wildfowl or wader species, although the site is located within Site F15 as identified in the Solent Wader and Brent Goose Strategy. Reptile surveys recorded a low population of slow worm *Anguis fragilis*. The eDNA survey confirmed that great crested newts are likely absent from the site.

- 2.2.3 The key features of the site include hedgerows, which are a Habitat of Principal Importance (HPI) and were found to support foraging and commuting bats and breeding birds. The grassland to the west of the site was also identified as having moderate ecological value due to its proximity and function as a buffer to hedgerows and the River Alver. The semi-improved grassland was also found to support reptiles.

2.3 Summary of Mitigation

- 2.3.1 The layout has been designed to incorporate the key ecological features of the site and to maintain connectivity for fauna through the site. With the exception of the removal of a section of hedgerow H7 for access, hedgerows will be retained and enhanced through new planting to improve species richness. A new hedgerow will also be created along the eastern boundary of the site. Management measures are also proposed to improve the form and structure of retained hedgerows. The grassland will be retained and oversown to improve wildflower diversity, with a more regular management regime proposed to prevent domination by fast growing ruderal species.
- 2.3.2 The common pipistrelle roost on site will require a licence from Natural England to demolish, however given the low conservation status of the roost it is proposed that this take place using the Low Impact Class Licence. The layout incorporates dark corridors running north/south and east/west to prevent disturbance of foraging or commuting bats. Artificial bat roosting and bird nesting features are also proposed (10 bat boxes and 15 bird boxes). Construction-phase measures are also proposed to avoid breaches of the Wildlife and Countryside Act 1981 (as amended) in relation to nesting birds and reptiles.
- 2.3.3 A Biodiversity Net Gain report was prepared by Ethos Environmental Planning in February 2019 which concludes that the developments will result in a net gain of 5.62 biodiversity units (Newgate Lane North) and 31.38 biodiversity units (Newgate Lane South). In her consultation response of 28th February 2019, Hampshire County Council Senior Ecologist Maral Miri concurred that there would be a net gain for biodiversity as a result of the proposals for Newgate Lane North.

2.4 Consultation Responses

- 2.4.1 A consultation response was made by Natural England on 31st October 2019 by Rebecca Aziz, Sustainable Development Lead Advisor Solent. This raised three main points:
- 2.4.2 *It has been noted that a nutrient budget calculation has been submitted and this results in a negative N budget for the development, which requires no mitigation. Natural England have some comments on the method used to calculate the budget for this development.*
- 2.4.3 Two areas of discrepancy in the nutrient budget calculation were highlighted and it was advised that the budget was recalculated. It was noted that Natural England would have no further concerns if this remained negative and Fareham Borough Council were satisfied with the land use identified.
- 2.4.4 An amended budget was prepared (included within the Report to Inform Habitats Regulations Stage 1 and 2 in FL&BH4.2 Appendix B) which confirmed that the site achieves a decrease in Total Nitrogen output.
- 2.4.5 *The application site is situated on a site within the SWBG network, identified as 'low use' for supporting at least 13 lapwing during winter of 2014-15. The supporting Ecological*



Assessment (Ethosep, Sep 2019) recommends a financial contribution of £35,610 per hectare to be secured via Section 106 agreements, towards the management and enhancement of the network, in line with the Solent Wader and Brent Goose Strategy as prepared by the SWBGS Steering Group. Natural England welcomes this, and provided this is appropriately secured with any planning permission, would have no further concerns over this aspect of the application.

- 2.4.6 The planning submission confirmed that this would be secured by s.106.
- 2.4.7 *The application is within 5.6km of the Solent and Southampton Water Special Protection Area(SPA) and will lead to a net increase in an accommodation type and occupancy identified in the Solent Recreation Mitigation Strategy as having an impact on the notified features of the site at least in combination with other plans or projects. Natural England is aware that your authority has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy, Natural England has no objection to this aspect of the application.*
- 2.4.8 The planning submission confirmed that this would be secured by s.106.
- 2.4.9 *The application is within 5.6km of the Solent and Southampton Water Special Protection Area(SPA) and will lead to a net increase in an accommodation type and occupancy identified in the Solent Recreation Mitigation Strategy as having an impact on the notified features of the site at least in combination with other plans or projects. Natural England is aware that your authority has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy, Natural England has no objection to this aspect of the application.*



3.0 The Planning Application and the Council's Reasons for Refusal

- 3.1.1 The appeal has been submitted to the Planning Inspectorate against non-determination of the applications P/18/1118/OA and P/19/0460/OA.
- 3.1.2 The application was considered at the meeting of the Council's Planning Committee on 24th June 2020 to clarify the decision the council would have made. This confirmed that there were 15 likely reasons for refusal.
- 3.1.3 Reasons for refusal (i) – (k) concern Ecology and are addressed within this Proof of Evidence. These are included within the Council's Proof of Evidence and are repeated below. Reason for refusal (i) concerns only Land at Newgate Lane (South) whilst (j) and (k) relate to both sites.
- 3.1.4 (i) *'The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;'*
- 3.1.5 (j) *'In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;'*
- 3.1.6 (k) *'In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;'*
- 3.1.7 In the Council's Statement of Case, they state:
- An informative on the decision notice made it clear that had it not been for the overriding reasons for refusal, the Local Planning Authority would have sought to address points k) - o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990. This remains the position with the Appeal Development.*

4.0 The Ecological Issues

4.1 Reason for Refusal (i)

4.1.1 ***'The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile.'***

- 4.1.2 Chamomile *Chamaemelum nobile* is a native perennial wildflower in the daisy family (*Asteraceae*). It is characterised by daisy-like flowers with a central yellow cone ringed by white florets. It is a creeping, low-growing species which spreads through rhizomes.
- 4.1.3 Chamomile is associated with sites with a long history of grazing, in particular common land, village greens and coastal cliff pasture. It is also found in mildly acidic grassland and seasonally wet grasslands. Formerly, chamomile was widely distributed through central and southern England, but is now largely restricted to the south coast. Key strongholds include the New Forest (with its large tracts of grazed common land), the Thames Basin and Wealden Heaths and common grounds in Purbeck, Devon and Cornwall.
- 4.1.4 Chamomile is classified as 'Vulnerable' in The Vascular Plant Red Data List for Great Britain 2005, due to the magnitude of its decline. For example, chamomile within the Dorset Heathlands declined by 90% between the 1930s and 1990s. Consequently, chamomile is also listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006. The reasons for this decline include agricultural improvement of pasture, reseeding with vigorous grasses and conversion of grassland to arable land.
- 4.1.5 The key habitat characteristic for chamomile is the maintenance of a short grassland sward which prevents domination of the habitat by vigorous grasses and ruderal species. Scrub management is also important to prevent shading.
- 4.1.6 According to the Council's Statement of Case:
The Appellant has not submitted sufficient information, including an appropriate mitigation and management plan, to protect and enhance the biodiversity interests of the site having regard to the presence of an extensive population of Chamomile that has been identified in an area of land between Newgate Lane and the River Alver to the west the site. Chamomile is classed as Vulnerable on the vascular plant Red List for England).
- 4.1.7 WYG have carried out further botanical surveys in August and October 2020 which inform a detailed mitigation and management plan to protect and enhance the chamomile interest of the site (FL&BH 4.2 Appendix A). This survey confirmed that chamomile is abundant on site.
- 4.1.8 As detailed in the September 2019 Ecological Assessment, the grassland within Newgate Lane South was in use for horse grazing. Although this resulted in a short sward with low botanical diversity, this did maintain suitable conditions for chamomile. The August 2020 survey also noted that grazing was no longer taking place on site, resulting in the development of a longer sward. This remained the case in October 2020 with the exception of the southernmost field which was again grazed. In the absence of suitable management in future this is likely to result in the loss of chamomile within the site as it will become overgrown by more vigorous species, and eventually shaded by scrub encroachment.
- 4.1.9 As part of the proposed development, it is intended that the grassland is retained as public open space. In principle, this is not incompatible with the maintenance of the chamomile population on site which is found sites such as village greens, cricket pitches and garden lawns. Therefore, to meet the objective of maintaining the chamomile population on site, it is proposed that a regular mowing regime is implemented. This will take place over the central portion of the grassland and will cover an area of c. 0.75 ha. Mowing will take place every two weeks to maintain a sward height of 50 – 100 mm. All arisings will be removed to

prevent nutrient enrichment of the soil. During September and October, mowing frequency will be reduced to monthly to allow for flowering and setting seed. The use of this area as public open space will benefit chamomile through localised trampling and poaching to create patches of bare ground which will encourage the existing plants to spread.

- 4.1.10 It has also been suggested that the grassland could comprise MG5 *Cynosurus cristatus* – *Centaurea nigra* grassland. This type of grassland is typically dominated by the two indicator species, crested dog's-tail and common knapweed and is usually characterised by a high proportion of herbaceous plants (up to 95% in exceptional cases). The NVC botanical survey found that the pastures with most chamomile were classified as MG6b *Lolium perenne* - *Cynosurus cristatus* grassland *Anthoxanthum odoratum* sub-community, which occurs on grazed pastures throughout Britain (Rodwell 1992). This is a vegetation type which would be expected on pastures derived from former common land with a long history of heavy grazing. These short MG6b grasslands graded into long rank grassland in horse latrine areas which were classified as MG7 *Lolium perenne* leys due to the dominance by rye grass.
- 4.1.11 One area in the southern of the two central fields had frequent common knapweed in the south-west quarter (Figure 2). Common knapweed is a characteristic species of the community MG5 *Cynosurus cristatus*-*Centaurea nigra* grassland, but here was not associated with other constants of the MG5 community such as bird's-foot trefoil *Lotus corniculatus* or red clover *Trifolium pratense* (though both these are present at low frequency). MG5 grasslands are typical hay meadow communities and tend to be managed by mowing often with aftermath grazing, rather than by continuous heavy grazing which is more typical of MG6 communities.
- 4.1.12 However, the presence of common knapweed and other species indicative of unimproved conditions does suggest that there is potential for restoration of the grassland to lowland meadow with appropriate management. However, this is not compatible with intensive management for chamomile. Therefore it is proposed that a buffer around the edges of the grassland is managed less intensively to encourage taller herb species, with the centre managed for chamomile as discussed above. This buffer area has been informed by the distribution of grass communities on site and will measure 0.58 ha and will be managed through twice-yearly hay cuts to 150 mm in early July and September (after an initial three-year mowing regime to reduce nutrient levels and rye-grass dominance). As per the central area managed for chamomile, all arisings will be removed to prevent nutrient enrichment.
- 4.1.13 According to the Council's Statement of Case:
- The Council is unable to determine whether the development of the nature and scale proposed as shown on the illustrative masterplan can be delivered without harm to the biodiversity interests of the site based on the inadequate ecological information submitted by the Appellant and the lack of an appropriate mitigation and management plan.*
- 4.1.14 The aforementioned mitigation and management plan sets out how the biodiversity interest of the site (specifically the area supporting chamomile) will be protected and managed to deliver the proposed development. The Biodiversity Net Gain report prepared by Ethos Environmental Planning in February 2019 also sets out that there will be a net gain for biodiversity for both Land at Newgate Lane North and Land at Newgate Lane South.
- 4.1.15 According to the Council's Statement of Case:
- It is further suspected by HBIC that the site may support Lowland Meadow priority habitat, which would further qualify the site as a 2A or 2B SINC, should adequate survey evidence be available.*
- 4.1.16 The updated botanical survey does not suggest that the site supports Lowland Meadow priority habitat. The chief concern relating to the presence of Lowland Meadow was the subsequent impact on proposed management of the site – in particular that regular mowing would be unsuitable. The updated survey suggests that the short sward created by regular grazing within this area of the site is one of the principal reasons for the high abundance of chamomile. Therefore the mitigation and management plan proposes to replicate the current



conditions as far as possible (through alternative management measures). However, it is also proposed to maintain areas of longer meadow grassland to support taller herb species and maintain the abundance of common knapweed.

4.2 Reason for Refusal (j)

4.2.1 ***'In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites)'***

4.2.2 Part of each site lies within Low Use Site (F15) identified in the Solent Wader and Brent Goose Strategy (SWBGS) (Solent WBGS, 2019). The SWBGS identifies a network of sites which lie outside the coastal European sites but which support the functionality and integrity of these sites (for example through providing high-tide foraging habitat). F15 is identified as a Low Use Site for supporting at least 13 lapwing during winter of 2014-15. It is part of the network of functionally linked habitat for the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site which is designated for supporting populations of European importance of breeding terns and overwintering waterfowl. As detailed in the SWBGS, Low Use Sites are those with the potential to be used by waders or brent geese and provide alternative options and resilience for the network. The in-combination loss of Low Use Sites would impact on the continued function of the network and would have an adverse effect on the integrity of the associated European sites. The proposed development would result in the partial loss of F15 (a total of 7.81 ha of a total area of 25.1 ha).

4.2.3 According to the Council's Statement of Case:

Policy DSP14 relates specifically to supporting sites for Brent geese and waders. Development on important sites may be granted planning permission where:

i) it can be demonstrated that there is no adverse impact on those sites; or

ii) appropriate avoidance and/or mitigation measures to address the identified impacts, and a programme for the implementation of these measures, can be secured.'

As identified in the Committee Report, Natural England has requested further detail to demonstrate a clear link between the impact on waders and Brent geese and the proposed mitigation i.e. detail of how the financial contributions would be used to maintain and enhance the wider network within the Borough. In the absence of appropriate mitigation and an appropriately worded legal agreement to secure that mitigation the Appeal Development would conflict with Policy DSP14.

4.2.4 It should be noted that as per Section 2.3 of this Proof of Evidence, Natural England's consultation response to the Outline planning application stated that they "would have no further concerns over this aspect of the application" provided that the proposed financial contribution of £35,610 per hectare in line with the Solent Wader and Brent Goose Strategy, was adequately secured (intended to be via Section 106 agreement).

4.2.5 It is proposed that these financial contributions (totalling £278,114.10) will be used to enhance the wader and brent goose network by providing mitigation in the form of a 5.0 ha area of suitable high-tide foraging habitat at Land at Old Street, Stubbington. This is located on land to the west of Old Street in the village Stubbington, Hampshire and is centred at Ordnance Survey National Grid Reference SU 54133 02880. It comprises two fields; the northern horse-grazed with semi-improved grassland, and the southern arable farmland. It lies immediately east of Titchfield Haven National Nature Reserve which forms part of the Solent and Southampton Water SPA and Ramsar.

4.2.6 This site was subject to detailed ecological surveys as part of a planning application P/17/1451/OA, and subsequent appeal in 2018. It was concluded that the site had negligible importance for wintering birds, therefore the provision of habitat in this location would constitute enhancement of the wader and brent goose network. The location of the mitigation



area is appropriate, lying immediately adjacent to the SPA. Furthermore, two lapwing were recorded on site in March 2016 within the proposed mitigation area during surveys in support of application P/17/1451/OA (Hampshire Ecological Services, 2017). This gives high confidence that with the provision of suitable habitat the mitigation area will be used.

- 4.2.7 According to Sheldon *et al.* (2004) a study of lapwing found 50% of birds and flocks during winter were found on crops, stubble and bare tillage, compared to 25% on pasture. Therefore it is proposed that the mitigation area is managed primarily for crops. This also provides variation from the predominant grassland habitat within the SPA. It has also been found that timing of tillage is an important factor in site selection by lapwing, with a preference for spring tillage (autumn tillage typically results in earlier crop growth which reduces predator visibility). Therefore, management will consist of overwintered stubble, followed by spring barley as the primary crop. This has the added benefit of providing suitable nesting habitat during spring and summer. It is proposed that management comprises a four-year rotation, with a break crop comprising a species-rich grassland ley every fourth year. This will avoid build-up of crop parasites and allow the soil biomass to recover.
- 4.2.8 The proposed mitigation (including location and actions) is set out within an updated Report to Inform Habitats Regulations Stage 1 and Stage 2 at FL&BH 4.2 Appendix B. This report concludes that the appeal development is not predicted to result in any adverse effect upon the integrity of the Solent and Southampton Water SPA.
- 4.2.9 It is intended that the funding and management of the mitigation area is secured via Section 106 Agreement.

4.3 Reason for Refusal (k)

4.3.1 *'in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas'*

- 4.3.2 According to the Council's Statement of Case:
- 4.3.3 *In the absence of a section 106 agreement the Appeal Development would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units would cause through increased recreational use on European Protected Sites (EPS).*
- 4.3.4 It goes on to state that there would be a clear conflict with Policy DSP15 Recreational Disturbance on the Solent Special Protection Areas (SPA) in the absence of a s.106 agreement.
- 4.3.5 The submission confirmed that a financial contribution in accordance with Policy DSP15 would be made and would be secured as part of the s.106 following granting of permission. The Report to Inform Habitats Regulations Stage 1 and Stage 2 (FL&BH4.2 Appendix B) confirms that this is sufficient to prevent an impact on the integrity of the SPA. This is included within the draft legal agreement prepared as part of this Appeal and therefore no further action is considered necessary to address this Reason for Refusal. This is a long accepted method of mitigation in Hampshire and the surrounding area and was deemed acceptable by the Inspector in Appeal APP/A1720/W/17/3192431.



5.0 Summary

- 5.1.1 There are three reasons for refusal which relate to Ecology. It is considered that all of these can be adequately resolved through the legal agreement or planning conditions.
- 5.1.2 Reason for Refusal (i) deals with the presence of the notable plant chamomile.
- 5.1.3 An update botanical survey and mitigation and management plan have been completed to detail measures to protect and enhance the chamomile interest on site. These measures are to be secured via planning condition.
- 5.1.4 Reason for Refusal (j) deals with impacts upon the Southampton and Solent Water SPA.
- 5.1.5 Natural England have confirmed that the proposed financial contribution is acceptable, but that further detail is provided to demonstrate a clear link between impact and mitigation. This is set out in the Report to Inform Habitats Regulations Assessment Stage 1 and 2 which identifies a suitable site to be enhanced for lapwing and other wading birds, along with proposed management. This is to be secured via Section 106 Agreement.
- 5.1.6 Reason for Refusal (k) deals with in-combination effects of recreation upon the coastal SPAs.
- 5.1.7 The application proposed that a financial contribution would be made in accordance with Policy DSP15 to mitigate for the adverse effects of recreation. However the reason for refusal states that this could not be secured without legal agreement. The draft legal agreement includes a schedule detailing this contribution and this has been agreed as part of the Statement of Common Ground.
- 5.1.8 It is therefore considered that (with a legal agreement to secure winter bird mitigation and the provision of a suitably worded planning condition to secure implementation of on-site mitigation and management) the appeal development will be in accordance with LPP2 Policies DSP13, DSP14, DSP15 and LPP1 Policy CS4.