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Sent: 15 December 2020 11:46

To: Wright, Richard <RWright@Fareham.Gov.UK>

Subject: NE Response 336688 - P/18/1261/OA HRA & Appropriate Assessment Demolition of the Fareham Magistrates Court

Our Ref : 336688

Your Ref : P/18/1261/OA

Description : HRA & Appropriate Assessment & Nitrogen Statement- Demolition of the Fareham Magistrates Court & redevelopment of the site which comprises of up to 45 apartments, site access, landscaping and other ancillary infrastructure works. Former Magistrates Court, Trinity Street, Fareham

Dear Sir/Madam,

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.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Summary of Natural England Advice

We consider that without appropriate mitigation this proposal would have a significant effect on:
Solent and Southampton Water SPA, Solent & Southampton Water Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar, New Forest SPA, Ramsar and SAC, Solent and Isle of Wight Lagoons SAC and Chichester and Langstone Harbours SPA and Ramsar.

No objection subject to securing appropriate mitigation

Recreational disturbance - Special Protection Areas within the Solent

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted 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 and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.

Nitrogen Neutrality

The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 31.74 Kg/year, (inclusive of 20% buffer).

Natural England is aware that Fareham Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by offsetting against land taken out of high intensity agricultural land (cereal production) at Knowle and be secured by legal agreement as greenspace. It is recommended that a planning condition is used to secure domestic water usage at 110l/day. As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

To offset the TN budget, the conversion of 1.3ha of arable land (cereals) is proposed to be converted to Open Space/Greenfield (at the urban N loading rate of 5kg TN/ha/yr). This will see an overall deficit of TN loading to the catchment of more than 26.2kg TN/yr as a result of the proposals. It is Natural England's advice that this mitigation will require a formal change of use of the land from agricultural to urban use to provide the necessary security in perpetuity. Provided you as competent authority are satisfied this aspect can be appropriately secured, Natural England would have no further concerns over this aspect of the application.

Other Advice

Protected Species and Biodiversity Net Gain

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by the Council's Biodiversity Team. Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

BMEP – Biodiversity Mitigation and Enhancement Plan

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the

inclusion of biodiversity enhancements through the planning process. Please note that provided the Council's Ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

If you have any queries regarding the advice in this letter please contact me at the number below.

Yours Faithfully

Alex Wilson | Lead Advisor
Natural England

07584 475804

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