

Foreman Homes Appeal v My reasons for Objecting

Date:- May 2021

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F = Forman's argument S JM = Steve Metcalf's response

F - 1.9. Reason for refusal (b) relates to effects of the Appeal Scheme upon Brent geese and waders. There will be no adverse effect on the integrity of any European site as a result of effects of the development on or loss of part of a Primary Support Area for Brent geese or waders. Instead the Appeal Scheme will provide enhancements for Brent geese/waders and is a benefit of the proposal.

SJM - 1.9

Natural England clearly came out against the development as it would be very harmful to the Brent Geese and Wader's.

Latest response from Natural England 26th August 2020

ref: 324982 SUMMARY OF NATURAL ENGLAND'S ADVICE

Objection

The application is likely to have a significant effect on the Portsmouth Harbour SPA and SSSI and the Council is advised to undertake an Appropriate Assessment under The Conservation of Habitat and Species Regulations 2017. The proposal will result in a loss of supporting habitat. There is uncertainty as to whether the mitigation measures proposed are likely to protect the integrity of the designated sites.

F - 1.10.

Reason (c) relates to displaced parking and highway safety matters. However, and as set out in the County Highways response, there is no objection to the Scheme in relation to highway safety and/or in relation to the imposition of parking restrictions (by means of a Traffic Regulation Order (to be secured by means of a Grampian condition)) at the junctions of Beaulieu Avenue/Romsey Avenue and at the site access/Romsey Avenue. As such, reason (c) is not supported by the evidence, which matters we will address in expert highways evidence.

SJM F - 1.10 The Hampshire County Council Highways almost never come out against any housing scheme in Hampshire historically.

This is a prime example where the so called new design mitigates allowing access to the development site.

Most houses in Beaulieu Ave and Romsey Ave have at least 2 if not 3 cars per household. If you visit the site both roads are very full, especially over night and weekends with visitors.

Because the houses were mostly built in the 1930's and 1940's garages built are very small and almost none are used to garage cars.

Not convinced the width of the road in the new design will allow large lorries to access the site.

Another issue with the access is that both Romsey & Beaulieu are 'rat runs' for the two schools close by .i.e Wicor Primary and Cams Hill senior school with 1600 pupils. This occurs between approx 08.30 to 09.00 and 15.00 to 15.30.

Recent experience of turning from the Portchester Road into Beaulieu Ave coming from Fareham, about 3.15pm 4 cars were in front of me turning right, I could not get into the turning lane ' SO I BLOCKED the MAIN Road with a van almost into me who had to sharply stop with a whole stream of cars behind him. Almost an accident due to road layout as it exists for a long time.

A video has been posted (Sept 2020) about Romsey Ave & Beaulieu Ave shows clearly the access issues:-

<https://www.youtube.com/watch?v=ZjpMTvWjrRk>

F.1.17.ii The Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing. As such, and in accordance with paragraph 11(d)(i) the most important policies (including those relating to settlement boundaries) are to be regarded as out of date.

SJM - 1.17 ii Fareham Borough Council is going to provide 6,000 houses at Welbourne Housing Estate houses over the coming years. It has been announced by the developer Buckland Development that the first 750 will be started in 2022. This more than supplies Fareham Borough's requirement over the next 5 years. Buckland are going to build 3 Primary Schools, 1 Secondary School, 20 nurseries, 13 playgrounds, 10,000 sq ft of retail space, 105,000 sq mtr's of business space and 25 hectares of park and woodland.

So this is very much a sustainable project with proper infrastructure. Not as Foreman Homes application which has no sustainable merit's.

F.1.11.Reason (d) relates to impacts in protected and priority species. All impacts on protected and priority species will be avoided or mitigated. The Appeal Scheme will deliver a biodiversity net gain at the Appeal Site exceeding 10% compared with the baseline biodiversity value of the Appeal Site.

F.1.17.v.

The Scheme represents a sustainable form of development and the Appeal Scheme involves the provision of significant benefits, including the creation of suitable habitat for Brent geese and waders. As such, paragraph 177 is not engaged.

F.1.17.vi. Not only are there are no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which justify the grant of planning permission.

SJM 1.11 & 17.v.vi

Latest response from Natural England 26th August 2020

ref: 324982 SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England has reviewed the Bird Mitigation Proposals for the development site. We do not have certainty that the reserve will replicate the current ecological function of the site due to the combined influence of a number of factors. These factors include the size of the proposed reserve, the loss of openness, restricted sight lines and the close proximity of new development.

In conclusion, the proposals will result in a loss of supporting habitat and Natural England does not have certainty that the proposed mitigation will replicate the current ecological function of the site to offset this loss and protect the integrity of the designated sites.

SJM:- I will add that Portsmouth City Council tried to set up an area to lure the Brent Geese onto Southsea Common in 2020. They used plastic models of Geese. Not one bird landed on this area so the Council removed them March 2021:- <https://www.bbc.co.uk/news/uk-england-hampshire-56574988>

F.1.18. Overall, it is the case for the Appellant that the public benefits of the proposal clearly and demonstrably outweigh the loss of BMV agricultural land any minor landscape impact that may be occasioned.

SJM .1.18

This is clearly rubbish. This country needs food growing on Grade 1 (72%) and Grade 2 (28%) for people in this country. The farmer has been doing this with cereal crops well over the last 40 years. Especially after Brexit.

F.2.8.

No part of the Appeal Site (or adjoining blue land) forms part of a Conservation Area and nor is it identified for any landscape 'value' and nor is the Site located within or adjoining a Conservation Area.

SJM.2.8 Latest response from Natural England 26th August 2020

ref: 324982 SUMMARY OF NATURAL ENGLAND'S ADVICE

Should a Primary Support Area be proposed for development, as in this case, detailed criteria has been developed to assess the suitability of replacement sites, namely habitat type, disturbance, area of habitat, timing and availability of habitat, and geographical location. With regard to Primary Support Areas, there will be a requirement for the off-setting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds.

Natural England has reviewed the Bird Mitigation Proposals for the development site. We do not have certainty that the reserve will replicate the current ecological function of the site due to the combined influence of a number of factors. These factors include the size of the proposed reserve, the loss of openness, restricted sight lines and the close proximity of new development.

Whilst the development site is located on the urban fringe, it forms part of a wider countryside gap of around 40 hectares. It forms part of one of the last remaining agricultural areas adjacent to the Portsmouth Harbour SPA. We do not have certainty that the 4.2 hectare bird reserve, of which 3.7 hectares is designed for mitigation for the brent geese will replicate the same function as the existing site within this open gap. Natural England has serious doubts that the site would be used by brent geese (the qualifying features) to the same extent as the current potential. It is noted that the bird reserve is of a similar size to other Primary Support Areas identified in the Solent Waders and Brent Goose Strategy and this has been referenced in the planning application documentation.

However, there are key differences between the proposed mitigation area and the existing Primary Support Areas referenced, notably the level of openness of the other sites, their location adjacent to or in close proximity to designated sites and limited adjacent urban development.

It is noted that the development will include some public open space and there is an existing area of open space adjacent to the development site.

However, there is significant existing recreational pressure in the area, which will be further added to by the development proposal.

As such, it has been necessary for the design to include a high security fence to prevent access to the bird reserve given the close proximity of the new houses and existing pressure in the locality. The appropriate assessment will need to assess whether this will retain its effectiveness for the lifetime of the development. There is also a wider planning policy consideration from a design and landscape perspective.

Without alternative provision on adjacent land, it is likely that the majority of the proposed development site would be needed to create an appropriately sized bird reserve with agreed management as well as adequate recreational space for residents. Further discussion and agreement with an appropriate management organisation is also required as this is a key prerequisite to ensuring the bird reserve will be effective for the lifetime of the development. Limited housing on the northern boundary may be possible in that case. However, we advise that consideration is given to a strategic approach for this area that can bring forward some development, an appropriately sized bird reserve and further public open space for existing and new residents.

In conclusion, the proposals will result in a loss of supporting habitat and Natural England does not have certainty that the proposed mitigation will replicate the current ecological function of the site to offset this loss and protect the integrity of the designated sites.

F 2.10. The Appeal Site is identified on the Policies Map¹ as an 'uncertain' site for Brent geese and/or waders. In this context, Policy DSP14 states that development on 'uncertain' sites for Brent geese and/or waders (as identified on the Policies Map or as updated or superseded by any revised plans, strategies or data) may be permitted where studies have been completed that clearly demonstrate that the site is not 'important'.

SJM 2.10

Natural England has identified that the site is very important for Brent Geese and Waders. Also we have 4 deer using the field along with many other animals.

2.11. Studies have been completed that clearly demonstrate that the Appeal Site is not “important” for Brent geese or waders and further the Appeal Site does not provide habitat suitable for Brent geese or waders.

2.11 SJM

Again Natural England has clearly identified the site ' Is very Important '.

3.7 (iv) Enhancing the landscape edge to the boundaries of the site, in particular the southern and western boundaries. (

v) Respecting the form, character and setting of the wider countryside to the south and west.

(vi) A development which enhances biodiversity by creating suitable habitat for Brent geese and waders and creating opportunities for new habitat areas for other species.

3.7 SJM

Their comments clearly go against what experts have stated ' do not ' enhance the landscape' and is clearly a contradiction to the facts laid out by Natural England and other experts.

F 3.8 (iv) The Appeal Scheme will include a mix of housing tenures, together with up to 40% affordable housing provision.

3.8 (iv) SJM

When it comes, if they win this appeal they will not support 40% affordable housing as there are rules where they can opt of providing this sort of housing.

F 3.12. The proposed BCA will deliver an enhancements for Brent geese and waders and other species.

F 3.13. The proposed location and design of the BCA ensures that suitable Brent goose and wader habitat will be present between the urban area and the SPA in perpetuity. Furthermore, the proposed BCA provides enhanced suitability by preventing disturbance and ensuring availability of suitable habitat throughout the winter period. 6

3.12 & 3.13 SJM

Again if this appeal is successful there will be **NO** Brent Geese , Waders and the other animals near this site and the adjoining land as noise by residents and people playing games and football on Wicor recreation field nearby.

F 4.8.It is the Appellant's case, which position has been confirmed in numerous appeal decisions within Fareham, that the settlement policy boundaries are out of date. Moreover, there is an ongoing and demonstrable shortfall in the Council's five year housing land supply position.

4.8 SJM

Fareham Borough Council is going to provide 6,000 houses at Welbourne Housing Estate houses over the coming years and will be started by the first 750 houses in 2022.