

**APPLICATION No: P/18/1073/FP**

**APPEAL REF: APP/A1720/W/21/3271412**



Town and Country Planning Act 1990

Appeal by Foreman Homes Ltd.

**Land south of Romsey Avenue, Portchester, Hants.**

**PROOF OF EVIDENCE:  
“ON SITE” ECOLOGY & NATURE CONSERVATION**

Mr Adam Day, BSc (Hons), MSc, ACIEEM

July 2021

**FPCR Environment and Design Ltd**

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## **APPENDICES**

**Appendix 1: Hampshire County Council consultation response, 5<sup>th</sup> October 2018**

**Appendix 2: Hampshire County Council consultation response, 27<sup>th</sup> August 2020**

**Appendix 3: Appendix F6 Biodiversity Net Gain Assessment Plan rev B (July 14<sup>th</sup> 2021 update)**

**Appendix 4: Nitrogen Budget Calculation Spreadsheet (July 15<sup>th</sup> 2021 update)**

## **RELEVANT DOCUMENTS TO CONSIDER IN CONJUNCTION**

ENVIRONMENTAL STATEMENT (ES) CHAPTER 10: ECOLOGY AND BIODIVERSITY INCLUDING THE FOLLOWING APPENDICES;

F1: FPCR ECOLOGY SURVEY 2021

F2: 2018 ECOSUPPORT SURVEY RESULTS

F3: PHASE 1 HABITAT PLAN

F4: BIODIVERSITY MITIGATION AND ENHANCEMENT PLAN

F5: 2020 BRENT GOOSE MITIGATION PLAN

F6: BIODIVERSITY NET GAIN ASSESSMENT

F7: SHADOW HRA

FRAMEWORK LANDSCAPE & ECOLOGICAL SPECIFICATION & MANAGEMENT PLAN

FRAMEWORK CONSTRUCTION TRAFFIC ENVIRONMENTAL MANAGEMENT PLAN (STEWART MICHAEL ASSOCIATES, JUNE 2021)

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**DECLARATION**

**“The evidence which I have prepared and provide for this appeal reference P/18/1073/FP is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions”.**

## **1.0 INTRODUCTION**

### **Personal Details**

- 1.1 I am Mr Adam Paul Day, and this Proof of Evidence (PoE) has been prepared on behalf of the Appellant (Foreman Homes Ltd.).
- 1.2 I hold an Honours Degree in Environmental Science from the University of Plymouth and a Master of Science Degree in Environmental Consultancy from the same University. I am an Associate Member of the Chartered Institute of Ecology and Environmental Management. I have over ten years' experience as an Ecological Consultant and Environmental Assessor. I hold Natural England survey licenses for bats, barn owl and great crested newts. I am routinely involved in site selection, constraints analysis, mitigation to minimise environmental impacts, detailed design involving habitats and protected species for complex multi-phased schemes and dealing with biodiversity net gain (BNG). I have experience of writing a variety of technical Environmental Impact Assessment documents, including Environmental Statements and shadow Habitat Regulations Assessments.
- 1.3 I am a Principal Ecologist at FPCR Environment and Design Ltd, a multi-disciplinary Company of Architects, Landscape Architects, Ecologists and Arboriculturalists with over fifty years' experience of award-winning development projects.
- 1.4 Our environmental expertise has been utilised by numerous nationally known client bodies to facilitate development where appropriate, close to sensitive sites. FPCR is now one of the country's leading ecological consultancies acting on behalf of clients such as English Heritage and were contracted by Natural England to run the 'Bat Line Service' for the East Midland's Region from 2000 until December 2012. FPCR have played an integral role in the development of the DEFRA metric 2.0 for BNG, designing pioneering net gain schemes and setting up some of the UK's first private Biodiversity Banks.
- 1.5 The evidence which I have prepared and provided for this appeal is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

### **Background and Appointment**

- 1.6 FPCR were originally appointed by the Appellant in April 2021 to complete an update ecological assessment of the Application Site (hereafter referred to as the 'Site'). Ecological Assessment of the Site had previously been undertaken by Ecosupport and Adam Day, whilst working for Lindsay Carrington Ecological Services Ltd (LCES). The original submissions evaluated the potential ecological constraints of the Site and the proposals for an outline planning application for 225 dwellings, bird conservation area and area of public open space, with all matters reserved except for access.
- 1.7 FPCR's assessment purposes were to update survey information with regard to the appeal process for this application. This assessment confirmed the ecological receptors within the Site are of limited ecological importance. The nearby Portsmouth Harbour Special Protection Area (SPA) and network of Solent statutory protected sites were the ecological receptors of most importance identified by all ecological assessments, which are dealt with in a separate Proof of Evidence (PoE).

- 1.8 This PoE specifically covers Reason for Refusal (RfR) d.), relating to protected species recorded on the Site. It does not address the on-Site and off-Site RfR in relation to the Solent SPA sites, including in relation to qualifying species dark-bellied brent goose *Branta bernicla bernicla* and curlew *Numenius arquata*. It addresses the proposals submitted to Fareham Borough Council (FBC) over the determination periods and the updated proposals submitted to this Appeal in June 2021.
- 1.9 This PoE refers to the baseline ecological information obtained over the extended survey period of 2017 - 2021, ecological impact assessment provided, relevant mitigation where appropriate, and enhancements proposed by the development. Further, it addresses biodiversity net gain ("BNG"). Technical Notes detailing the BNG assessment for the submitted and revised Appeal scheme illustrative layout are provided, as well detail in relation to construction and operational mitigation to inform the proposed management documents at Reserved Matters.
- 1.10 The PoE is presented in the following Sections:
- Section 2: Legislation, Relevant Planning Policy & Guidance
  - Section 3: Reason for Refusal and Identification of Issues
  - Section 4: Ecological Information
  - Section 5: Ecological Baseline
  - Section 6: Ecological Influences, Design and Proposed Mitigation
  - Section 7: Assessment of Potential Effects
  - Section 8: Biodiversity Net Gain (BNG)
  - Section 9: Legal and Policy Compliance
  - Section 10 Response to Reasons or Refusal
  - Section 11: Summary & Conclusions
- 1.11 It is my view that the information provided for this Appeal is comprehensive, and a robust level of survey, assessment and review has occurred in relation to the Site and proposed development (including by the Council and relevant statutory bodies). Indeed, there is greater level of assessment than would normally be expected for such a site, which is of medium size and low ecological significance.
- 1.12 Overall, I consider the Site and ecological receptors within the Site to be of low ecological importance with a capacity for development, which would not result in more than low level and insignificant harm. I conclude that there are no reasons relating to matters of ecology, biodiversity and the relevant regulatory framework (including HRA), which prevent the Appeal being allowed

## **2.0 RELEVANT LEGISLATION, PLANNING POLICY & GUIDANCE**

- 2.1 The following section reviews planning policy, legislation, and key guidance relevant to this Appeal. Whilst Mr Brown generally deals with planning policy, I briefly address relevant policy, legislation and key guidance.

### **Legislation**

#### **The Conservation of Habitats & Species Regulation 2017 (as amended)**

##### Designated Sites

- 2.2 The Conservation of Habitats and Species Regulations 2017 (*as amended*), (hereafter referred to as the 'Habitat Regulations'), provides the legislative framework to protect a network of sites where rare or important habitats and species are present in order to protected biodiversity. These sites are listed on the National Site Network.
- 2.3 Competent Authorities have a duty under the Regulations regulated activities they authorise to ensure 'no adverse effect on the integrity of a Natura 2000 site or a site listed on the National Site Network'. Regulation 63 requires:
- '63(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project, which:*
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site,*
- must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*
- 63(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.*
- 63(5) In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*
- 63(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.'*
- 2.4 Where projects potentially affect site's listed on the National Site Network, Regulation 63(1) outlines the two-stage assessment process. This confirms the competent authority should first determine whether the plan / project is likely to have a significant effect on a designated site. In the event a likely significant effect is identified, the competent authority is then required to determine whether the plan / project will affect the integrity of the European site.

- 2.5 Article 6(4) provides a mechanism by which despite a negative assessment of a plan or project for the site, a plan or a project can proceed with appropriate compensation in cases where there is no satisfactory alternative and reason of overriding public interest can be demonstrated.

#### General Species Protection

- 2.6 Species afforded protection under the Habitat Regulations and of principal relevance to this PoE are bats. Species listed in Annex IV(a) of the Habitat Regulations, their resting places and breeding sites are also afforded full protection under both the Wildlife & Countryside Act (WCA) 1981 (*as amended*). When these species, or the resting places or breeding sites of these species, are affected by proposals or works, the legislative mechanism by which licenses are granted is the Habitat Regulations.

#### Protection for Foraging Areas & Commuting Routes

- 2.7 Foraging areas and commuting routes for bats are not afforded strict protection by the Habitat Regulations or the Wildlife & Countryside Act (WCA) 1981 (*as amended*). Commuting routes are only afforded strict protection under the Habitat Regulations when the removal of such routes could lead to the 'deterioration' of a roost site. (Guidance on such protection is provided in 'Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC. Feb 2007').

#### **The Wildlife & Countryside Act 1981 (WCA) (*as amended*) (E+W)**

- 2.8 Species afforded protection under this legislation and relevant to this PoE include common species of reptiles, bats, and birds.
- 2.9 Section 9 of the WCA 1981 (*as amended*) makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take wild animals listed on Schedule 5 of the Act. For some species such as all bats and some others, the protection extends to interference with places used for shelter or protection, or disturbing animals occupying or obstructing access to such places.
- 2.10 Common species of reptiles are afforded protection under Sections 9(1) and 9(5) of Schedule 5 of the WCA 1981 (*as amended*). This legislation protects these animals from:
- intentional killing and injury; and
  - selling, offering for sale, possessing, or transporting for the purpose of sale or publishing.
- 2.11 Part 1 of this Act also provides protection for all species of wild birds during the breeding season. Under the Act all birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to intentionally:
- Kill, injure, or take any wild bird.
  - Take, damage, or destroy the nest of any wild bird while in use or being built; and
  - Take or destroy the egg of any wild bird.
- 2.12 Further protection is provided for a list species under Schedule 1 of the Act, whereby it is an offence if any person intentionally or recklessly:
- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or

- disturbs dependent young of such a bird.

2.13 Schedule 1 birds are also further protected from killing or injury where exceptions occur for certain non-schedule 1 species, and under certain special penalties.

### **Protection of Badger's Act 1992**

2.14 Badgers are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution by baiting and deliberate harm or injury. The act makes it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so.
- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access routes.

2.15 A sett is defined as:

“Any structure or place that displays signs indicating current use by a badger”.

2.16 Work that disturbs badgers whilst occupying a sett is illegal without a licence, badgers may be disturbed by work near the sett even if there is no direct interference or damage to the sett. Natural England issues guidelines on the types of activity that it considers should be licensed within given distances of sett entrances as follows:

- Using heavy machinery (generally tracked vehicles) within 30m of any entrance to an active sett;
- Using lighter machinery (generally wheeled vehicles), particularly for any digging operation within 20m; and
- Light work such as scrub clearance or hand digging within 10m.

2.17 However, recent guidance from Natural England recommends that the potential for such disturbance might not be as great as originally assumed due to the relatively high tolerance levels of badgers. Whether disturbance will be caused should take into account the sett characteristics, current usage and proposed extent of works with the need for a licence being assessed on a site-to-site basis

2.18 Licences only allow works to be carried out between July and November inclusive.

### **Natural Environment and Rural Communities (NERC) Act 2006**

2.19 Section 40 (1) of the NERC Act 2006 requires public authorities when exercising their functions to 'have regard, so far as is consistent with the proper exercise of those functions to the purpose of conserving biodiversity'. The latter is defined as including restoring or enhancing a population or habitat (Section 40 (3)).

2.20 Section 41 (S41) of the NERC Act 2006 requires the Secretary of State (SoS) to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. Before publication, the SoS must consult Natural England.

2.21 Once published and without prejudice to Section 40(1), the SoS must:

- a. Take such steps as appear to the Secretary of State to be reasonably practicable to further conservation including living organisms and habitats included in any list published under this section; or
- b. Promote the taking by other of such steps.

### **Draft Environment Bill December 2020**

- 2.22 The Draft Environment Bill provides the legal mechanism by which the 25 Year Environment Plan can be enforced. This bill is yet to be enacted but the Queen's Speech indicated the Bill will be introduced in the upcoming parliamentary year.
- 2.23 Part 6 of the legislation directly relates to Nature and Biodiversity and commits to providing a 'net gain' to biodiversity as a condition of planning permission. Schedule 15(4)(3) of the draft Bill indicates the required 'net gain' for planning permission will be 10%. The content of the Bill, including the latter figure may change, as it passes through the various parliamentary stages.

### **National Policy**

#### **National Planning Policy Framework (NPPF) (Feb 2019)**

- 2.24 The National Planning Policy Framework was updated in February 2019 to provide guidance for planning authorities and other decision makers on achieving sustainable development. Paragraphs 170 - 177 are relevant to biodiversity and a summary of the relevant elements is provided below.
- 2.25 Paragraph 170 recommends the planning system should contribute to and enhance the natural and local environment. Bullet points (a) and (d) (below) are relevant to this evidence:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan),
  - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 2.26 When determining planning applications Paragraph 175 recommends that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused,
  - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest,
  - development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or Veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

2.27 Paragraph 177 states:

*'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'.*

### **National Planning Practice Guidance<sup>1</sup>**

- 2.28 The section of the NPPG relating to Guidance for the natural environment (updated 21 July 2019) explains key issues in implementing policy to protect biodiversity, including local requirements.
- 2.29 Paragraph 009 confirms that when exercising their functions, public authorities have a duty to have 'regard' to the purpose of conserving biodiversity as outlined in Section 40 of the Natural Environment & Rural Communities Act 2006. The purpose of this duty is to embed consideration for biodiversity into the decision-making process with the aim of making significant contributions to achieving the government commitments in the 25-year Environment Plan.
- 2.30 Paragraph 013 confirms local ecological networks are important for nature conservation, making an important contribution in developing a Nature Recovery Network. The expectation of National planning policy is that local ecological networks are identified and mapped, through the plan making process and policies applied that secure protection from harm or loss and enhance them and their connection to wider ecological networks.
- 2.31 Recommendations for considering biodiversity when preparing planning applications are outlined at Paragraph 018. This confirms information on biodiversity needs to be considered when designing a development, and ecological surveys are required in advance of a planning application if the proposals could have a significant effect on biodiversity and existing information is lacking or inadequate. This guidance recommends that assessments need to be proportionate to the nature and scale of the proposals and the likely effects.
- 2.32 Paragraph 019 confirms the 'mitigation hierarchy' outlined at Paragraph 175 of the NPPF should be applied. Paragraph 022 encourages net gain for biodiversity. through planning policies and decisions and Paragraph 025 advocates the use of a 'biodiversity metric' to demonstrate whether a net gain to biodiversity can be achieved. In this case, net gains will be achievable on the Site.

### **Adopted Regional & Local Policy**

- 2.33 The following section considers adopted local planning policies relevant to ecology and nature conservation. The weight which can be attributed to these policies is not considered here. Mr Brown deals with matters of planning policy.

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<sup>1</sup> Biodiversity, geodiversity and ecosystems. (Source: <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>. Accessed on: 28.03.21)

## **Fareham Borough Council Local Plan**

- 2.34 Fareham Borough Council Local Plan Part 2: Development Sites & Policies (2015), provides policy that consider nature conservation.

### **Policy DSP13: Nature Conservation**

- 2.35 Development may be permitted where it can be demonstrated that;
- i) designated sites and sites of nature conservation value are protected and where appropriate enhanced;
  - ii) protected, priority and target species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;
  - iii) where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and
  - iv) The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Proposals resulting in detrimental impacts to the above shall only be granted where the planning authority is satisfied that;

- i) Impacts are outweighed by the need for, and benefits of, the development; and
- ii) Adverse impacts can be minimised, and provision is made for mitigation and, where necessary, compensation of those impacts.

### **Policy DSP40: Housing allocation**

- 2.36 Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria (Reason v. is relevant to ecology):
- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;
  - ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;
  - iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps
  - iv. It can be demonstrated that the proposal is deliverable in the short term; and
  - v. The proposal would not have any unacceptable environmental, amenity or traffic implications.
- 2.37 For the purposes of my assessment, only part v. of DSP40 is relevant.

### **Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation**

Habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland, the coast and trees will be protected in accordance with the following hierarchy of nature conservation designations:

- (i) International - Special Protection Areas (SPA), Special Areas of Conservation (SAC) and RAMSAR;

- (ii) National - Sites of Special Scientific Interest (SSSI) and National Nature Reserves;
- (iii) Local - Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above;
- (iv) Sites of Nature Conservation Value. Where possible, particularly within the identified Biodiversity Opportunity Areas, sites will be enhanced to contribute to the objectives and targets set out in UK, Regional, County and Local Biodiversity Action Plans. Green Infrastructure networks, which buffer and link established sites, whilst also enabling species to disperse and adapt to climate change will be maintained and enhanced.

Networks of accessible multi-functional Green Infrastructure will be planned around existing green spaces in urban, urban fringe and rural areas and will be appropriate to the extent and distribution of the existing and proposed population.

Development Proposals will be permitted where Green Infrastructure provision in accordance with the Green Infrastructure Strategy has been integrated within the development where this is appropriate. Development proposals will provide for appropriate access to greenspace for informal recreation to avoid adverse impacts from recreation and other impacts on European and Ramsar sites and on nationally and locally important sites.

Green Infrastructure will be created and safeguarded through:

- Investing in appropriate management, enhancement and restoration, and the creation of new resources including parks, woodland and trees, and wildlife habitats;
- Not permitting development that compromises its integrity and therefore that of the overall green infrastructure framework

In order to prevent adverse effects upon sensitive European sites in and around the Borough, the Council will work with other local authorities (including the Partnership for Urban South Hampshire) to develop and implement a strategic approach to protecting European sites from recreational pressure and development. This will include a suite of mitigation measures, with adequate provision of alternative recreational space for access management measures within and around the European sites and mitigation for impacts on air quality due to road traffic, supported by developer contributions where appropriate. Development likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures have been secured.

The Council will, through its Annual Monitoring Report, Local Air Quality Management and ongoing visitor surveys and related activities, scrutinise the effectiveness of the joint strategic approach to avoidance and mitigation of effects on European sites. It will adjust the rate, scale and/or distribution of housing or employment development across the Borough to respond to the findings of new evidence where appropriate, including the Solent Disturbance and Mitigation Project in order to preserve the integrity of European sites.

### **3.0 REASON FOR REFUSAL AND IDENTIFICATION OF ISSUES**

#### **Decision Notice**

- 3.1 The initial outline application was refused by decision dated 21st September 2020. This PoE is only addressing Reasons for Refusal (RfR) d) in relation to the *on-Site* ecology, which was as follows:

*“d) The proposal fails to provide sufficient information to demonstrate that protected and priority species would be protected and enhanced.”*

#### **Committee Report**

- 3.2 Fareham Borough Council’s internal representations within the Committee Report section 7, states the following in relation to the on-Site ecology:

*“7.10. Concerns raised in relation to.... the lack of detail within the submitted Ecological Impact Assessment (EclA), particularly in relation to the delivery of the reptile receptor site, operational phase impacts on badgers, construction phase noise impacts and cumulative impacts.”*

- 3.3 In section 8 of the Committee Report, a list of key material planning considerations which needs to be assessed to determine the suitability of the development proposal, is provided. The consideration in relation to on-Site ecology is provided under e) Other Matters; and is as follows:

*“8.41. The Council’s Ecologist has raised concerns regarding the lack of information provided by the applicant, including updated information in light of changes to the proposed scheme, in relation to the delivery of the reptile receptor site, impacts on badgers, construction noise and cumulative impacts. In the absence of such information the proposal fails to demonstrate that protected and priority species would be protected and enhanced which is contrary to the aims of Policy DSP13.”*

- 3.4 Objections from local residents are summarised in Section 6.1 of the Committee Report. In relation to on-Site ecology, it states:

*“Gathering of ecological evidence does not fully assess the ecosystems.”*

#### **Issues Summary**

- 3.5 The RfR is one of insufficient information. It is specifically in relation to *concerns regarding the lack of information that demonstrates to the Council that the on-Site protected and priority species would be protected and enhanced*. In section 8.41, the officer highlights concern regarding the *lack of information provided by the applicant, including updated information in light of changes to the proposed scheme*, and the officer states the lack of information is considered *contrary to the aims of Policy DSP13*. Specifics are highlighted in section 8.41 in relation to the reptile receptor site, operational phase impacts on badgers, noise and cumulative impacts, but this PoE relates to all the on-Site ecology as well.

- 3.6 This PoE will categorically show how the proposed development has the capacity for all the on-Site ecology concerns to be fully addressed at Reserved Matters, and show that the information, including the additional Appeal information provided since the decision, is sufficient for refusal d), and the officer’s objection, to be removed and the Appeal to be allowed.

## **4.0 ECOLOGICAL INFORMATION**

4.1 The following section outlines the history and nature of the ecological information gathered for the outline application and the Appeal, and the assessment documents that have been provided to date.

### **Outline Application Submission 2018**

4.2 The on-Site baseline ecological information was obtained over an extended survey period between 2017 - 2021. The survey work was conducted by Ecosupport and was submitted to the LPA for the outline application in September 2018. The documents submitted were:

- Ecological Impact Assessment (EclA) (dated: May 2018)
- Reptile Survey & Mitigation Strategy (dated: May 2018)
- Proposal for Bird Conservation Area (dated: May 2018)

4.3 The May 2018 ecology documents above were based on the following ecological Surveys and data gathering exercises conducted by Ecosupport:

- Phase 1 habitat survey, bats in trees ground assessment and badger survey May 2017 and updated in May 2018.
- Monthly bat activity surveys April to September 2017.
- Reptile surveys April to May 2017.
- Dormouse surveys May to October 2017.
- SPA bird surveys desk study 2017.
- Desk study and Hampshire Biodiversity Information Centre 2017.

### **Outline Application Supplementary Information Submission 2020**

4.4 Two additional documents were submitted in August 2020 produced by Lyndsay Carrington Ecological Services. These were:

- Bird Mitigation Reserve Proposals - August 2020 (received 6th August 2020)
- Revised Nutrient Budget (received 6th August 2020)

4.5 The two above documents are not directly relevant for the on-Site ecology RfR d), but do detail the location and proposed management of a 4.2 ha Bird Mitigation Area in the south of the Application Site, which is of relevance here.

### **Information Submitted for the Appeal June 2021**

4.6 To address the concern for a lack of information for Protected and Priority species raised in the Decision Notice and Committee Report, and to ensure the on-Site ecology is assessed against the updated layout submitted after Ecosupport's 2018 EclA, FPCR have submitted for this Appeal a full detailed re-assessment of the on-Site ecology, based on the previous and new information. The documents submitted are as follows:

- Environmental Statement Update (ES) Chapter 10 June 2021: Ecology and Biodiversity – full Ecological Impact Assessment by FPCR.
- ES Update Chapter 10 Technical Appendices as follows:
  - F1: FPCR Ecology Survey Update
  - F2: 2018 Ecosupport Surveys:
  - F3: Phase 1 Habitat Plan
  - F4: Biodiversity Mitigation and Enhancement Plan
  - F5: 2020 Brent Goose Mitigation Plan
  - F6: Biodiversity Net Gain Assessment
  - F7: Shadow HRA

4.7 To inform the ES Update Chapter 10 and detailed in Appendix F1, surveys were updated by FPCR to reassess the baseline conditions. This comprised of an updated phase 1 habitat survey, bats in tree ground assessment and badger survey in November 2020 and March 2021. Repeat surveys are ongoing in 2021 to ensure the information is up to date for the potential future Reserved Matters application. The information gathered up to the time of the appeal submission, was submitted with the ES to inform the baseline update; including for bat activity surveys (May), reptiles (two visits) and dormice (May visit).

4.8 Two further documents were produced by FPCR and submitted to the Appeal to provide a more detailed outline for the ecological mitigation proposed with the ES Update Chapter 10.

- 1) Framework Landscape & Ecological Specification & Management Plan (fLEMP) (FPCR, June 2021). This is an indicative document to inform a future Landscape and Ecological Management Plan (LEMP) at Reserved matters, that shows the suitable ecological objectives, habitat creation and ecological enhancements that would be required to a) achieve a 10% Biodiversity Net Gain and b) protect and enhance the protected and priority species during the operational phase.
- 2) Framework Construction Traffic Environmental Management Plan (fCTEMP) (Stewart Michael Associates, June 2021). This is an indicative document to inform a future Construction and Ecological management Plan (CEMP) at Reserved matters. It includes in Appendix B a Badger and Reptile indicative Construction Mitigation Plan produced by FPCR to highlight the primary mitigation requirements to protect these species, and input from FPCR was provided in 2.18 to 2.29 for the ecology construction mitigation requirements across all species and habitats.

## 5.0 ECOLOGICAL BASELINE

- 5.1 The following is a summary of the ecological baseline on-Site, as determined by the surveys and supporting documents described in Section 4. It is based on the most up to date baseline as presented in the ES Update Chapter 10.

### Habitats

- 5.2 No significant ecologically important nor sensitive habitats were recorded on the Site. The Site was a typical example of urban edge arable farmland. The habitats on the Site consisted of arable, improved grassland margins, small areas of tall ruderal, some boundary scattered scrub, three hedgerows and six mature ash trees on the south-eastern boundary. There was no notable change in the habitats or land use practice on the Site between the 2017 and 2021 surveys. The habitats present have limited ecological value in isolation; however, some provide habitat for protected species and all hedgerows are NERC S41 priority habitat. Overall, the habitats on the Site are **sub-local to local value**.

### Badgers

- 5.3 A four-entrance sett was recorded on the Site in 2018 in the southeast corner, on the southern boundary. A known main sett is present on the neighbouring site to the east, and it is considered most likely the on-Site sett is an annex to that main. Likely badger runs were recorded along the eastern and western boundaries. Badgers are common and widespread and have a low conservation status but have special protection due to persecution. Owing only to their legal protection are they are considered of **local importance**.

### Bats

- 5.4 During the 2017 activity surveys, at least six species of bat were recorded. The species were all common and or widespread across the south of England and neither their presence, nor the diversity of assemblage, is significant for Hampshire. Activity levels across all species was not significant. As is normally expected, common pipistrelle was dominant, followed by soprano pipistrelle. *Myotis Spp.*, noctule, brown long-eared and serotine were also present. Across all species, the overall level of activity was low and not significant.
- 5.5 In May 2021, there was a single deployment for five nights of two static detectors and one walked transect survey to re-assess baseline conditions. The surveys recorded the same five species as the previous surveys and activity levels for these were comparable with the 2017 survey. Only sixteen contacts of common pipistrelle were recorded on the walked transect.
- 5.6 Five single registrations of barbastelle (NERC Section 41) on the automated survey were new. They were all recorded on one of the five nights within an hour period approximately 2.5 hours after sunset. This was probably a single bat utilising the Site boundary features for foraging, and the evidence does to indicate a nearby roost given how late after its emergence time it was recorded (typically 25 to 40 mins after sunset). The low level of activity recorded from this species over the May survey period suggests that use of the Site is occasional and that the Site is not important for this species.
- 5.7 Barbastelle are regarded as one of the county's rarer species and are listed on Annex II of the Habitats Directive, though there are no SACs designated for this species in the area. They have a

restricted distribution in the UK but are locally common in southern, south-eastern and south-western England, including Hampshire. This species mainly roosts in woodland with mature trees, and such sites are present within 5km of the Site. Barbastelle travel large distances along linear features between roost sites and foraging areas; however, they typically have a core sustenance zone of up to 6km from their roosting area. They are commonly recorded with modern bat detectors on farmland in low number, and their presence alone is not significant.

- 5.8 The overall assemblage of species and activity levels of bats recorded suggest that the Site is of **local importance**.

#### Bat Roosts

- 5.9 A row of trees in the southwest corner of the Site provides the only potential features that bats may roost in. A ground assessment of these trees in 2018 recorded all to have either low or negligible potential to support roosting bats and no roosting bats were recorded. This was still true in November 2020 during the re-visit. Bats and their roosts are protected under the Habitats Regulations and WCA 1981. The Site is of **sub-local importance** for roosting bats.

#### Breeding birds

- 5.10 Targeted breeding bird surveys have not been undertaken at the Site. Suitable bird nesting habitat in the form of hedgerows and mature trees are present around the Site's boundary. No vegetation is to be lost. During spring visits for other protected species surveys in 2021, no ground nesting bird species, such as skylark *Alauda arvensis* were recorded. The Site is of **local importance** for breeding birds.

#### Hazel Dormice

- 5.11 No dormice or signs of dormice were recorded during 2017 and no dormice have been recorded during a single May update dormouse survey in 2021. There are records of dormice within 2 km of the Site, however, there is poor connectivity between the Site and the habitats that dormice are present. No further consideration is given to this species.

#### Reptiles

- 5.12 Seven reptile surveys were undertaken in 2017. Slow worm *Anguis fragilis* were present on each occasion, with a peak count of 31. Most records were from the northern boundary, which is a south facing strip of grassland that backs onto the gardens of houses along Romsey Avenue. This represents a "good" population of slow worm. Slow worm is a NERC Section 41 Priority Species that is widespread and locally common, although declining throughout its range. They are common throughout Hampshire. The Site is of **local importance**.

## **6.0 ECOLOGICAL INFLUENCES, DESIGN AND PROPOSED MITIGATION**

- 6.1 All habitats of value to protected species are to be retained and enhanced within the proposals and only small areas of easily compensated bramble scrub and improved grassland will be lost. Only the low value arable habitat will be permanently lost to facilitate almost all of the built environment. The proposals retain the ecologically important features, and where potential impacts have been identified, the Mitigation Hierarchy has been applied (avoid – minimise - compensate).
- 6.2 Overall, the proposed green infrastructure will provide areas approximately 7.7ha of terrestrial and wetland habitats, including 442m of native species rich hedgerow, which will benefit a wide range of protected species including amphibians, badgers, bats, birds, invertebrates, small mammals, and reptiles.

### Bird Mitigation Area

- 6.3 A significant ecological influence on the design of the Site has been the proposed 4.2 ha Bird Mitigation Area in the south of the Site. This area will be managed predominantly for brent geese, but will also contain sensitively designed SUDs and surrounding grassland and enhanced grassland field margins. This area is to be fenced to prevent public access, creating a significant undisturbed ecology area for a residential planning application of this size. This area will be dark and form a key part of the protection and enhancement strategy for the “good” population of reptiles present on the Site. It will allow for the retention, and provide a high level of protection for, the four-entrance badger sett badger located in the south-east of the Bird Mitigation Area. The area will also provide for light sensitive bat species including barbastelle, birds, and other general species/communities.

### Western Public Open Space

- 6.4 In the west of the Site, along the length of the western boundary, is an area of green Public Open Space (POS). This area will form a wide corridor along the western boundary linking the northern boundary to the Bird Mitigation Area. This area will function as a dual-space for people and biodiversity, where species-rich grassland habitats created along the length will maintain and enhance the existing habitat network which is currently restricted only to narrow field margins along an arable field. This area will form part of the protection and enhancement strategy for reptiles, badger, bats, birds and other species by providing a strong corridor on the edge of the Site for commuting and foraging. It is of sufficient width to ensure the western boundary hedge can remain dark enough for light sensitive bats.

### Boundaries and Connectivity

- 6.5 The proposals will retain the field margins with 5m to 10m buffer along the northern, southern, and eastern boundaries, and there is a commitment to enhancing those hedges that will not reduce sight lines for water birds in the mitigation area. This will ensure a level of connectivity is maintained around the whole Site, that also compliments the green space in the neighbouring development to the east. This connectivity will form part of the protection and enhancement strategy for reptiles which were present on the northern boundary, and commuting and foraging resources for badger, bats, birds and other general species.

### Construction Mitigation - CEMP

- 6.6 To ensure that the protected and priority species are protected from unlawful killing, injury or disturbance, a Construction and Environmental Management Plan (CEMP) has been proposed in the ES Update Chapter 10, and its implementation at Reserved Matters can be secured by condition. It includes the requirement to appoint an Ecological Clerk of Works (ECoW) to oversee the Reserved Matters Application and construction.
- 6.7 The fCTEMP provides a framework for the ecological considerations to be included in the CEMP. It details the standard practices in terms of protecting retained habitats with protective fencing, the implementation of restricted access to Ecologically Sensitive Zones (ESZ) and standard pollution prevention and control measures etc.
- 6.8 In relation to protected species, the fCTEMP outlines the Protected Species Method Statements (PSMS) that will be required to ensure vegetation removal and site clearance is lawful. The PSMS' includes nesting birds, reptiles and badgers owing to their confirmed presence, and precautionary mitigation for bats in trees and other species is outlined.
- 6.9 Appendix B Figure 1 of the fCTEMP is an indicative plan highlighting the most important measures required to protect reptiles and badger and address the concern for a lack of information in this regard in the Committee Report. These measures are:
- 1) Reptiles: A reptile exclusion fence will be installed around the perimeter of the construction site. This will ensure there is grassland habitat maintained during construction along the northern, eastern, and western boundaries that link to the mitigation area in the south. The habitat on the construction area will be managed as it is at present up to construction, or if not possible/feasible, it shall be kept short with monthly cutting. If the updated walkover survey shows the Site has been allowed to become overgrown, other measures may need to be implemented which might include trapping.  
  
Any habitat clearance or management required within the ESZ outside the reptile fence (e.g., SUDs creation), where suitable grassland/hedgerows/scrub habitat is present, shall only be conducted during active reptile season (April to October), when temperatures are above 10 oC and under supervision by the ECoW following standard two stage cutting passive displacement methods.
  - 2) Badgers: The badger sett in the eastern east corner shall be clearly marked with a 30m exclusion zone. It is well outside the constitution area. Any activities required within 30m of this sett, or any other setts subsequently discovered on-Site, will follow an agreed Method Statement produced by the ECoW and agreed by a licenced badger person. Any works deemed likely to disturb a badger or disturb or destroy an active badger sett, will be conducted under the standard licencing procedures. Such works may require a period of 30-day monitoring to establish if a sett is active, and if active, may only be possible between July and November.
- 6.10 It is anticipated that the retention of field margins and the buffering of the on-Site boundary hedges, and the southern Bird Mitigation Area and western POS, will make the detailed CEMP and these measures straightforward to design and implement.

### Operational Mitigation and Management

- 6.11 All the habitats retained or created within the Site will be subject to long-term management, and it is proposed that this will be secured through condition with the pre-commencement requirement for a Landscape Environmental Management Plan (LEMP) and detailed landscape design. The fLEMP provides a framework for the LEMP. Included is the creation of specie-rich grassland habitats along all field margins and within the western POS, sensitively designed SuDs features, a new scrape and other habitats within the Bird Mitigation Area, and the planting of new native hedges and trees.
- 6.12 Enhancements to minimise potential effects and provide betterment proposed include:
- One swift brick per dwelling;
  - 50 house sparrow terraces;
  - One integrated bat box per dwelling (225);
  - One integrated bee brick per dwelling;
  - Three reptile hibernacula linked to existing habitat;
  - Creation and management of approximately 1.1ha of semi-improved grassland in Public Open Space (POS) area for reptiles;
  - Hedgehog gaps in all fences and walls and 20 hedgehog houses;
  - Planting of 442m of new native species rich hedgerow on northern boundary of bird reserve;
  - The creation of three SuDs ponds, including one permanently wet feature;
  - A Kingfisher and sand martin bank in the bird reserve area next to the new wet pond, and;
  - Approximately 0.55 ha of species rich native damp grassland around the pond and SuDs area.

These proposed mitigation and enhancement measures will create a measurable net gain for habitats in terms of Biodiversity Net Gain, and a predicted net gain for protected and priority species also due to the low biodiversity value of the baseline. These are detailed in Sections 7 and 8 below.

## 7.0 ASSESSMENT OF POTENTIAL EFFECTS

- 7.1 To assist the Inspector, the following provides a summary of the potential ecological effects. This assessment applies to the masterplan submitted to the appeal and mitigation and enhancements proposed in ES Update Chapter 10 Appendix F (Biodiversity Mitigation and Enhancement Plan), fCTEMP and fLEMP, and as outlined in Section 6.

### Habitats

- 7.2 The habitats within the Site have been assessed as being of sub-local to local importance. The main habitat lost will be the arable land, which is the lowest value habitat on-Site. The marginal habitats formed by hedges, trees and grassland margins is to be retained and protected.
- 7.3 The 7.3 ha of POS on the Site provides a significant opportunity for enhancement. It is predicted that following the establishment of the proposed habitat enhancements and the application of long-term management, **long-term moderate positive effects** to biodiversity are achievable. This positive assessment has been quantified through use of the DEFRA metric Version 2.0 (see section 8 below).

### Badgers

- 7.4 The on-Site badger sett is located in the southeast corner of the Site and fully within the Bird Mitigation Area. The sett is some 170m from the developable and no construction activities are proposed nearby. A 30m fenced exclusion zone during construction is proposed (fCEMP Appendix B Figure 1) around the sett, and standard precautionary mitigation is straightforward to implement within a CEMP at RM. There will be no significant impact on badgers during construction, and a low risk of an offence being committed under the Badger Act.
- 7.5 During operation, badgers will continue to have unimpeded accesses to their main sett retained in the new development to the east of the Site, and to the south and west. The creation of habitat, specifically for brent geese within the Bird Mitigation Area, can also be undertaken with no impacts on the existing badger sett. Normal farming operations have not changed the status of this sett and therefore creation and management of improved grassland is unlikely to have any additional impacts. The potential effects have been assessed as **negligible**, and the general habitat enhancements in the south and west of the Site is predicted to result in a potential **long-term moderate positive** effect at the local level.

### Breeding Birds

- 7.6 The breeding bird assemblage on Site is of local value and nesting habitat was limited. The nesting birds PSMS to be detailed in the CEMP at RM will prevent the potential unlawful destruction of active nests. The mitigation and enhancement proposals including the bird box provision, and the creation of residential gardens, will increase the available nesting and foraging resource for birds on the Site. A **significant long-term major positive effect** at the local level is predicted

## Bats

- 7.7 The bat assemblage is of local value. The most notable feature of the assemblage is very low numbers of barbastelle, a light sensitive species. No bat roosts are present on the Site, though retained trees on the southern boundary, retained within the Bird Mitigation Area, are of low potential and precautionary mitigation is proposed for these trees within the CEMP at RM.
- 7.8 All bats recorded were utilising boundary features, including hedgerows and trees, which will be retained and enhanced. Access for commuting bats will be maintained along all boundaries and a low level-lighting scheme can be conditioned at RM. The southern and western boundaries, given their large open space buffers, will be able to achieve very low light levels for barbastelle (0.5 lux or less).
- 7.9 The mitigation and enhancement proposals, which includes 225 integrated bat boxes in houses, will significantly increase foraging opportunities on the Site for bats, particularly in the south and west green space areas. The potential effects to the local bat population have been assessed as **long-term minor positive** at the local level.

## Reptiles

- 7.10 A good population of slow worm is present within boundary habitats of the Site, with the main population found along the northern boundary in 0.8ha of improved grassland, adjacent to existing gardens of Romsey Avenue properties. 0.7ha of this grassland will be retained and integrated into the new Site proposals, however during the construction phase, areas totalling less than 0.01 hectares will be lost during works for landscape planting along the northern boundary.
- 7.11 The mitigation proposed in the fCTEMP will fully exclude reptiles from the developable area during construction using reptile fencing. All the area outside the fence will become an Ecologically Sensitive Area, and there will be free movement for reptiles along all boundaries. Trapping will not be necessary, providing the current arable habitat on the Site remains unsuitable. If trapping is required, the receptor area will be the Ecologically Sensitive Zone. As some works within the Ecologically Sensitive Zone will be required such as SUDs creation and laying paths, the CEMP will include a Method Statement for supervision of works in these areas. This mitigation will ensure the reptiles are protected during construction and prevent unlawful killing and injury. When the development is completed, the reptile fence can be removed.
- 7.12 A significant increase in reptile habitat is proposed, and will be implemented through the LEMP and detailed landscape design at RM. There will be new areas of suitable semi-improved grassland along the field margins that will connect the existing reptile habitat on the northern boundary permanently to the western POS and the Bird Mitigation Area. Reptile hibernacula will also be provided.
- 7.13 Further provisions including new hedgerow planting and grassland habitats in the POS, will further enhance the Site for slow worm. Overall, these provisions will result in a **long-term moderate positive** effect for reptiles at the local level.

## **8.0 BIODIVERSITY NET GAIN (BNG)**

- 8.1 Fareham Local Plan Policy DSP13: Nature Conservation, where relevant to Biodiversity Net Gain (BNG) states that;
- “Development may be permitted where it can be demonstrated that;*
- ii) Protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;*
- iii) Where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and*
- iv) The proposal would not be prejudice or result in the fragmentation of the biodiversity network.”*
- 8.2 Paragraph 175 of the NPPF states that development should aim to provide measurable net gain to biodiversity. It does not suggest a level of net gain that developments should provide.
- 8.3 Once the Environment Bill gains royal assent, there is likely to be a legal requirement for most development projects to provide a minimum level of net gain for biodiversity (currently proposed as 10%) measured using the DEFRA metric. The level of net gain is yet to be confirmed.
- 8.4 The DEFRA metric is a spreadsheet which calculates the baseline value of habitats within sites, the effects of development proposals without mitigation and finally the overall effects of proposals following the implementation of mitigation. The final effects of proposals are calculated on habitat types lost and provided, connectivity, area location and complexity. The current DEFRA metric (Version 2) is still in the testing phase and it is expected that Version 3 will be released during 2021 in advance of the Environment Bill.
- 8.5 The proposals have been designed to provide a net gain to biodiversity and the revised proposal submitted to this appeal does achieve a net gain. The scheme would comply with the basic ‘net gain’ requirements outlined at Para 175 of the NPPF.
- 8.6 For the purposes of this assessment the fLEMP shows that a small change to planting, mostly from the creation of a 7m species-rich grassland margin around the Bird Mitigation Area northern and western edges, will enable a habitat score of 10% biodiversity net gain to be reached (shown in appendix 3). The ES Chapter 10 takes a precautionary approach for providing net gain and shows that post intervention there will be a gain in both habitats (5.95%) and hedgerows (132.56%). 3.7ha of the Site set aside for brent goose habitat represents a large loss in potential units as it must be managed as modified grassland, a low distinctiveness habitat, which scores poorly for biodiversity gain within the metric. Nevertheless, this area will provide an important habitat for the brent geese. With the additional enhanced grassland strip proposed in the fLEMP, 10% net gain for the proposals will be achieved, without any detriment to the brent goose habitat.
- 8.7 The relatively low gain in habitat units must also be considered alongside the very large net gain in hedgerow units. While these figures are not directly comparable there is clearly a very significant net gain for hedgerows that will improve the biodiversity of the site overall.
- 8.8 These gains demonstrate that significant benefits for biodiversity would be provided by the proposals, when compared to the baseline condition of the Site, in line with the current requirements of the NPPF.

## **9.0 LEGAL AND POLICY COMPLIANCE**

- 9.1 The Habitats Regulations (Designated Sites): not dealt with in this PoE with regards to the Solent SPA sites and SPA birds. There are no nearby Natura 2000 sites that qualify for the species recorded on the Site. The on-Site ecology is fully compliant with the Habitats Regulations with regards to designated sites.
- 9.2 The Habitats Regulations (General Species Protection): all bat species are listed in Annex IV(a) of the Habitat Regulations and are European Protected Species. There were no roosts, resting places or breeding sites recorded on the Site. No actual or potential commuting routes that could lead to the 'deterioration' of a roost site are to be significantly affected by the proposals. The on-Site ecology is fully compliant with the Habitats Regulations with regards to general protected species.
- 9.3 The WCA 1981 (as amended): commuting and foraging bats were recorded on the Site. All bats are fully protected under Section 9 of the WCA 1981 (as amended) which makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take bats or interfere with places used for shelter or protection, or disturb animals occupying, or obstructing access to, such places. There were no roosts, resting places or breeding sites recorded on the Site.
- 9.4 The WCA 1981 (as amended): Common reptile species are present on the Site. They have limited protected under Sections 9(1) and 9(5) of Schedule 5 of the WCA 1981 (as amended). The intentional killing and injury can be prevented with the mitigation proposed. The on-Site ecology is fully compliant.
- 9.5 The WCA 1981 (as amended): Nesting birds are present or potentially present on the Site and protected under part 1 of the WCA 1981 (as amended). The intentional killing of birds, and destruction of nests and eggs, can be prevented with the mitigation proposed. No Schedule 1 birds breed on the Site. The on-Site ecology is fully compliant.
- 9.6 Protection of Badger's Act 1992: A four entrance badger sett is present on the Site. The mitigation proposed ensures badgers are not wilfully killed, injured, taken, possessed or cruelly ill-treated, and that their setts are protected from intentional or reckless interference. The on-Site ecology is fully compliant with this Act.
- 9.7 (NERC) Act 2006: there are no direct legal compliance requirements with this Act for developers, as the requirements in relation to the Act are directed at Public Authorities.
- 9.8 Draft Environment Bill December 2020: compliance in terms of 10% net gain is demonstrated.

### National Policy

- 9.9 NPPF (paragraph 170): with regards to "*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*" Compliance through 10% BNG demonstrated, and the network is enhanced along the all boundaries, particularly the southern and western boundaries that will form the new settlement-rural fringe.
- 9.10 NPPF (paragraph 175): conservation and enhancement of biodiversity by appropriate use of the mitigation hierarchy has been demonstrated, and opportunities to incorporate biodiversity

improvements in and around developments has been demonstrated. The other aspects of this paragraph are not relevant to RfR d).

9.11 NPPF (paragraph 17): not of relevance for RfR d).

#### Local Policy

9.12 Fareham Borough Council Local Plan Policy DSP13 i): not of relevance for RfR d).

9.13 Fareham Borough Council Local Plan Policy DSP13 ii): the proposals do demonstrate protected, priority and target species populations and their associated habitats, breeding areas, foraging areas are protected and enhanced. Compliance is demonstrated through the ES Update Chapter 10, fCTEMP and fLEMP, and can be secured through condition.

9.14 Fareham Borough Council Local Plan Policy DSP13 iii): the proposals do demonstrate that where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated. It is demonstrated that a 10% BNG is achievable, and significant biodiversity enhancements proposed. Compliance is demonstrated through the ES Update Chapter 10, fCTEMP and fLEMP, and can be secured through condition.

9.15 Fareham Borough Council Local Plan Policy DSP13 iv): the proposals do not prejudice or result in the fragmentation of the biodiversity network. Connectivity is maintained and enhanced. Compliance is demonstrated through the ES Update Chapter 10, fCTEMP and fLEMP, and can be secured through condition.

9.16 Fareham Borough Council Local Plan Policy DSP13 v): this aspect of Policy DSP13 is not directly addressed here. Benefits for biodiversity has been demonstrated through the ES Update Chapter 10 and fLEMP and can be secured through condition.

9.17 Fareham Borough Council Local Plan Policy DSP13 vi): all Adverse impacts have been minimised, and provision been made for mitigation compensation of those impacts. Compliance is demonstrated through the ES Update Chapter 10, fCTEMP and fLEMP, and can be secured through condition.

9.18 Fareham Borough Council Local Plan Policy DSP40 v): The proposal show that development of the Site would not have any unacceptable environmental implications. Compliance is demonstrated through the ES Update Chapter 10, fCTEMP and fLEMP, and can be secured through condition.

9.19 Fareham Borough Council Local Development Framework Core Strategy Policy CS4. There will be no adverse effects from the proposals on the sites listed in i.), ii.), iii.), iv.) of policy CS4. Compliance is demonstrated through the ES Update Chapter 10, sHRA, fCTEMP and fLEMP, and can be secured through condition.

## 10.0 RESPONSE TO REASONS FOR REFUSAL

### Natural England (NE)

- 10.1 During the determination period NE provided a single consultation response in August 2020. This was only in relation to the potential impacts on nearby Natura 2000 sites.

### Hampshire County Council Ecology Department Response 1

- 10.2 Following the applicant's ecological submissions to Fareham Borough Council in 2018, Hampshire County Council (HCC) Ecology department responded on the 5<sup>th</sup> October 2018.
- 10.3 In relation to reptiles was a requested correction to change the population status of reptiles from "low" to "good" where a typo had occurred. This has been done.
- 10.4 Also, in relation to reptiles, the officer was satisfied and raised no major concerns:

*"I acknowledge that the site is at Outline Stage...and there appears to be sufficient areas in the south and east which could be used as a reptile receptor site. Therefore, I raise no major concerns at this stage, provided that detailed information at Reserved Matters stage is provided to ensure the long-term suitability of the proposed reptile receptor area."*

- 10.5 In relation to badger, the officer was satisfied with construction mitigation measures, but wanted further clarification on operational effects as a NEAP was located nearby. However, since this response, the illustrative masterplan has changed, and the sett now falls within and the Bird Mitigation Area, and has been reassessed accordingly in the ES Update Chapter 10. It stated:

*"Whilst the measures to protect the badgers during construction is acceptable (e.g., erection of fencing to prevent accidental damage, covering excavations and open pipes etc.) the operational phase impacts have not been assessed. For instance, it is not evident how far the proposed NEAP is from the retained badger sett and if close proximity to this area will result in increased disturbance to badgers. Therefore, further clarification is required."*

- 10.6 The officer was also satisfied with bat activity "*subject to a sensitive lighting strategy*", and stated "*I do not consider roosting bats to be a constraint to the proposed development*" in relation to the low potential bat trees which at those times were proposed to be removed, but are now retained.
- 10.7 Other concerns relating to on-Site ecology was a lack of a cumulative effect's assessment in the EclA (Ecosupport, 2018), and lack of impact assessment in relation to noise (notably in relation to the SPA) and operational impacts on badger. This information is now provided within the ES Update Chapter 10 (FPCR, 2021).

### Hampshire County Council Ecology Department Response 2

- 10.8 In a second response by the HCC Ecologist dated 27<sup>th</sup> august 2020, the officer stated:

*"In my previous consultation responses, I had raised concerns in relation to...the lack of detail within the submitted EclA report, particularly in relation to the delivery of the reptile receptor site, operational phase impacts on badgers, construction phase noise impacts and cumulative impacts. No revised EclA report has been submitted and since then a number of changes (e.g) location of the bird reserve) has been made, which would necessitate the revision of this*

*document. Therefore, I maintain my concern in relation to impacts on protected species and mitigation measures required to offset these impacts”*

- 10.9 The only significant concern raised here in relation to on-Site ecology, was the request for a revised EclA in light of the changes to the proposed illustrative landscape masterplan since the original submission. This has now been provided through the updated ES Update Chapter 10.
- 10.10 In relation to reptiles, the response was not accurate, as shown above in Section 10.4, the officer had no major concerns as there was sufficient area on-Site for a reptile receptor site and concluded it could be dealt with at Reserved Matters Stage. In the most recent illustrative landscape masterplan (reference DD151L01B), the green space areas have changed. They are located on the west and south of the Site and they are now larger, and there is no reason why the conclusion would not be the same with regards to sufficient space for the receptor area.
- 10.11 In addition, the main area of improved grassland along the northern boundary is now retained and therefore, no translocation of reptiles is required as previously thought (unless baseline habitats change). Less than 0.01ha of existing reptile habitat will now be lost to facilitate landscape planting and ground works. Suitable mitigation methods, including temporary exclusion fencing of the developable area and supervised habitat manipulation, will be used to prevent the killing or injuring of reptiles during habitat removal and construction. These are detailed in the updated ES Chapter 10 and fCTEMP. Suitable habitat creation and enhancements are also outlined within the ES Update Chapter 10 and fLEMP to increase the habitat provision for reptiles along the Site boundary and within the Bird Mitigation Area and Western POS.
- 10.12 Further detail on the operational phase impacts on badgers (as per 10.5 above), construction phase noise impacts and cumulative impacts have also now been provided with the ES Update Chapter 10.

#### Conclusion

- 10.13 I conclude that sufficient information to demonstrate that protected and priority species will be protected and enhanced has now been provided through the ES Update Chapter 10 and the supporting documents, as outlined in this proof of evidence.
- 10.14 The main important ecology features present are of no more than local value, and given the substantial green space provision proposed, are all straightforward to deal with at Reserved Matters stage as proposed. It is fully anticipated that on receipt of the additional Appeal information submitted and this PoE, that it can be agreed that all these matters can be resolved by condition.

## **11.0 SUMMARY & CONCLUSIONS**

- 11.1 The Site has been the subject of detailed ecological survey work between 2017 and 2018 and in 2021. ES Chapter 10 and Appendices F1 and F3-7, provide an update ecological assessment of the Site, considering all ecology survey work undertaken between these dates. There is sufficient information to conclude that protected and priority species will be protected and enhanced, and that there will be a measurable biodiversity net gain.
- 11.2 All on Site ecological features of interest, including hedgerows, trees, badgers, bats, breeding birds and reptiles, will be protected, through retention included within the proposals and embedded mitigation and enhancements within the conditioned CEMP and LEMP documents.
- 11.3 Habitats within the Site are predominately of sub local-local ecological value. Three hedgerows and mature trees, which are priority habitats found at the Site, are the most sensitive ecological receptors identified. These will all be retained and protected during the construction and operational period. Given this protection the proposals are in accordance with the requirements Para 175 of the NPPF and policy DSP13.
- 11.4 Appropriate mitigation to avoid harm on badgers during construction will be implemented through a CEMP and the sett will be retained within the proposed green infrastructure, which will also provide an enhanced foraging resource for this species. Given these benefits, the proposals are considered to be in accordance with the requirements of the Badger Act 1992 and national and local planning policies, including DSP13 part ii.
- 11.5 No statutory ecological constraints to the development have been identified from the presence of a bat roost. The completed survey work did identify low numbers of bats using the Site boundaries for the purpose of foraging and commuting but the assemblage was dominated by common and widespread species which are unlikely to be affected by the proposals. The green infrastructure proposed by the development would provide enhancements for the local bat population and in addition to the implementation of a low-level lighting scheme will ensure a foraging resource is retained within the Site. From this it has been concluded that the proposed would comply with the requirements of the Habitat Regulations and WCA, and the proposals are likely to result in long term positive effects to the local bat population, according with DSP13 part ii.
- 11.6 The assemblage of breeding birds was only assessed as being of local level value and where necessary proportionate mitigation for preventing the disturbance or killing of breeding birds has been proposed. The overall assessment concluded the provision of the proposed enhancements, to be secured through the Site LEMP are likely to result in long term positive effects to the local populations of breeding birds, including priority species. Given these benefits, the proposals are again considered to be in accordance with the requirements of national and local planning policies, including DSP13 part ii and DSP40 part V..
- 11.7 The Site supports a good population of slow worm in boundary habitats including improved grassland, bramble scrub and hedgerows. The majority of these habitats are to be retained. Mitigation for construction impacts will be imbedded in a CEMP document and include proposals such as reptile drift fencing to isolate the construction area and habitat manipulation works for removal of any habitat. Significant enhancements for reptiles are proposed in a BMEP and will be implemented in the LEMP for the Site. This will likely result in a long term moderate positive impact for reptile species at the Site. Given these benefits, the proposals are again considered to

be in accordance with the requirements of national and local planning policies, including DSP13 part ii.

- 11.8 Habitats within the Site and affected by the proposals are of sub-local to local ecological value and the Site is of relatively low merit and significance in ecological terms. It does not provide significant contributions to habitats or species listed in S41 of the NERC Act 2006. The retention and enhancements of the on-Site hedgerows and the provision of other mitigation and enhancements through the Site green infrastructure, will ensure an overall long-term positive impact arising from the proposals, on the local ecological network for the protected species identified. Post development there will be a gain in both habitats (10.04%) and hedgerows (132.56%). There are also significant biodiversity enhancement provisions not included in the metric, such as 225 bat and 225 bird boxes. Overall, the proposals accord and exceed policies within the NPPF, NPPG, parts ii, iii and iv of policy DSP13 and part v. of policy DSP40.

In summary, the appeal scheme proposals would not result in the loss or deterioration of irreplaceable habitats as defined in the NPPF. Significant overall net gains to biodiversity would be delivered by the development. Therefore, from the submitted information and the evidence presented here, I conclude that the development proposals are in accordance with National and Local planning policies, and I respectfully request that this appeal is allowed.

**APPENDIX 1: HAMPSHIRE COUNTY COUNCIL CONSULTATION RESPONSE,  
5<sup>TH</sup> OCTOBER 2018**

**From:** Miri, Maral [<mailto:Maral.Miri@hants.gov.uk>]

**Sent:** 05 October 2018 08:56

**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Subject:** P/18/1073/FP - Land to the South of Romsey Avenue Fareham

Dear Richard,

**P/18/1073/FP - Land to the South of Romsey Avenue Fareham - Hybrid Planning Application For Residential Development Of 225 Dwellings And Bird Conservation Area, Seeking Full Planning Permission For 58 Dwellings And Outline Planning Permission For 167 Dwellings With All Matters Reserved Except For Access**

Thank you for consulting me on this application which is supported by an Ecological Impact Assessment (EclA) report, Reptile Survey & Mitigation Strategy and, Proposal for Bird Conservation Area by Ecosupport (May 2018). In summary, the proposed mitigation in relation to the loss of a Solent Waders and Brent Goose Strategy 'Primary Support Area' is not considered to be sufficient and further justification is required. Furthermore, the submitted EclA report lacks the level of detail required at this stage. As Portsmouth Harbour Special Protection Area (SPA) and Ramsar is located 180m to the south-west of the site and as loss of a primary supportive habitat for SPA birds is considered to be one the main Likely Significant Effects at the Screening Stage, it is necessary to proceed to the Appropriate Assessment Stage. Unfortunately, sufficient information has not been submitted to enable the LPA to confidently conclude that the impact on SPA birds as a result of the loss of Primary Support Area for SPA birds can be mitigated. It is therefore necessary to request the applicant's ecologist to provide further information.

The site comprises an arable field with an unmanaged improved grass strip along the northern boundary, scrub and hedgerows / tree lines.

### **Reptiles**

A reptile survey was carried out between April – May 2017 and confirmed the presence of a 'Good' population of slow worms, with the majority of the reptiles found within the northern boundary of the site to the rear of existing houses. I would strongly suggest that Section 2.3 of the report is amended as it states that a low population of slow worm and grass snake is present on site. I assume this is a typo and any reports submitted as part of a planning application should be accurate.

Based on the latest site layout, the report states that approximately 850m<sup>2</sup> of reptile habitat will be lost, which will be compensated by a 2m wide rough grassland buffer along the eastern boundary and wider areas along the south-eastern boundary of the site. The report states that the anticipated area of the receptor habitat will be approx.. 1400 m<sup>2</sup>. Whilst further information is required to demonstrate how the reptile receptor area will be delivered (e.g. proximity of the NEAP in the south-east to the receptor area, installation of a wooden knee rail to separate the receptor areas, etc.), I acknowledge that the majority of the site is at Outline Stage, the Illustrative Landscape Masterplan (Drawing no: DD151L01, Deacon Design) is only indicative and there appears to be sufficient areas in the south and east which could be used as a reptile receptor site. Therefore, I raise no major concerns at this stage, provided that detailed information at Reserved Matters stage is provided to ensure the long term suitability of the proposed reptile receptor areas.

### **Badgers**

An annex sett has been recorded in the south-eastern corner of the site. Whilst the measures to protect the badgers during the construction phase is acceptable (e.g. erection of fencing to prevent accidental damage, covering excavations and open pipes, etc.), the operational phase impacts have not been assessed. For instance, it is not evident how far the proposed NEAP is from the retained badger sett and if close proximity to this area will result in increased disturbance to badgers. Therefore, further clarification is required.

### **Bats**

The activity surveys between April and September 2017 confirmed that the site gets used by at least 6 species of bats for foraging and commuting (common and soprano pipistrelle, noctule, serotine, brown long-eared and Myotis species), with the northern, south-eastern and southern boundary hedgerow / tree line being most frequently used. As the majority of these areas are proposed for retention, subject to a sensitive lighting strategy, I raise no concerns.

It is understood that only the row of mature ash along the south-western boundary will be removal to enhance the sight lines for waders and Brent geese. These have been assessed as low and negligible potential for bats. Provided that the trees with low potential are soft-felled and any additional trees due for removal are assessed appropriately, I do not consider roosting bats to be a constraint in relation to this development.

### **Dormice**

The surveys in 2017 did not record the presence of dormice on site.

### **Brent Geese and Wading Birds**

The entire site is a Solent Waders and Brent Goose (SW&BG) Strategy 'Primary Support Area' (F21). The Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the Solent wader and Brent goose ecological network. There will be a requirement for the off-setting area, in this case the western section of the site, to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds. The appropriateness of any off-setting areas in respect of fulfilling the required ecological function should be judged against a number of criteria. Based on this, I do not consider that sufficient information has been provided to enable the LPA to assess the suitability of the off-setting area. My detailed comments are set out below:

- Habitat Type – The application site is understood to be an arable field which is to be replaced with short amenity grassland with scrapes in the south which is acceptable.
- Disturbance – installation of fencing and a ditch has been proposed to offset disturbance from recreational use and unmanaged public access which is acceptable.
- Area of habitat – *'where the replacement habitat would be of equal ecological quality the area required should be of a similar extent to the site being lost or damaged. There may be situations however, where a greater area is required when habitat created may be of poorer quality to that lost or damaged, or there is a high level of risk involved. Similarly, if significant ecological enhancements are possible that increase the carrying capacity of the replacement site above that of the Primary Support Area affected then a smaller area of replacement habitat might be acceptable. This might include the partial loss of a Primary Support Area providing the remainder can be made significantly improved in habitat quality with long term management so as to provide for a greater capacity for the target species than the original site. In all such cases the test will be to ensure the replacement habitats provide a clear and permanent net gain for the target species.'* Our survey work in 2013 and 2014 shows that approx. 300 Brent geese were recorded, mainly feeding in the centre of the site. Waders such as oystercatchers and curlews were also recorded mainly to the west, as these areas were recorded to be flooded in the winter. It is understood that the

entire application site measures 12.55ha, whilst the allocated Bird Conservation Area is approximately 2.8ha. This equates to a 78% reduction in 'Primary Support Area'. No justification has been provided in the submitted ecological reports as to how the area of habitat for Brent Geese and Waders was calculated. If the proposed habitat for the Bird Conservation Area is considered to be of higher quality, how will this increase its carrying capacity to the extent to compensate for the loss of the majority of the existing suitable habitat? How will an area of 2.8ha support over 300 individual Brent geese and a smaller number of waders?

- Timing and availability of habitat – the submitted ecology report states that '*Construction of the Bird Conservation Area will commence at the earliest opportunity to enable this area to be in place prior to first occupation of the housing development*'. This is not acceptable. The proposed Bird Conservation Area should be operational 'in time' to offset the adverse effects, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site. Therefore, the Bird Conservation Area should be available prior to any habitat disturbance/loss in the eastern section of the site. This means the Bird Conservation Area should be functional from October, with surveys informing if the provided habitat is functioning in supporting similar numbers of Brent geese and waders, prior to any works damaging or destroying the habitats in the eastern section of the site.
- Geographic location – this criteria is met as an onsite off-setting area has been selected. However, I have concerns in relation to the presence of housing in the north and east of the proposed Bird Conservation Area and the impact this would have on the suitability of the proposed area.

### **Impact Assessment**

Paragraph 6.1.2 of the EclA report fails to provide a meaningful impact assessment on the construction phase generated noise. It is worth noting that noise during construction phase is not solely related to vegetation clearance but also construction activities (e.g. piling, drilling, excavations, etc.) and machinery will also be producing noise. Therefore, impact assessment on the sensitive receptors of the site, of most note SPA birds using the Primary Support Area should be included in this section.

Operational Phase impacts on the retained annex badger sett has not been included in the EclA report.

### **Cumulative Impacts**

The submitted EclA lacks a Cumulative Impact Assessment section. For instance the east of the habitats immediately to the east as part of a separate planning application (Cranleigh Road). Reasonable effort should also be made to identify any likely future developments in the area. For instance, it is understood that the land to the south of the application site may come forward for planning which is also a Primary Support Area. Therefore any further future reductions in the available area to Brent geese and waders as part of the network of the sites supporting the SPA birds should be assessed.

### **Designated Sites**

Portsmouth Harbour Special Protection Area (SPA), Ramsar and Site of Special Scientific Importance (SSSI) is located 180m to the south-west of the site. In April 2018, the Court of Justice of the European Union published a ruling in the Case C323/17 ('People Over Wind') with regards to the Habitats Directive. Therefore, I have considered this application in light of this ruling which must be interpreted as meaning that provision of mitigation measures intended to avoid or reduce the harmful effects of the plan on a European designated site at the screening stage is no longer appropriate.

Due to the large scale of the proposed works and the entire site being classed as a SW&BG 'Primary Support Area', recreational disturbance on the European designated sites and loss of a primary supportive habitat for SPA birds is considered to be the main two Likely Significant Effects (LSE) at the Screening Stage and therefore it is necessary to proceed to the Appropriate Assessment Stage. Whilst I can confirm that the LSE as a result of increased recreational pressure can be mitigated through the SRMP (Solent Recreation Mitigation Partnership) and securing the appropriate financial contribution from the developer, sufficient information has not been submitted to enable the LPA to confidently conclude that the impact on SPA birds as a result of the partial loss of Primary Support Area for SPA birds can be mitigated.

Please do contact me if you need any further information.

Kind regards,  
Maral

Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Fareham Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.

**Maral Miri (MSc, CEnv, MCIEEM)**

**Senior Ecologist  
Ecology Team**

Economy, Transport and Environment Department

Hampshire County Council

Elizabeth II Court, 1<sup>st</sup> Floor West, Winchester, Hampshire SO23 8UD

E-mail: [Maral.Miri@hants.gov.uk](mailto:Maral.Miri@hants.gov.uk);

<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity>

Telephone: 01962 832265

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**APPENDIX 2: HAMPSHIRE COUNTY COUNCIL CONSULTATION RESPONSE,  
27<sup>TH</sup> AUGUST 2020**

**From:** Miri, Maral [<mailto:Maral.Miri@hants.gov.uk>]  
**Sent:** 27 August 2020 16:27  
**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>  
**Subject:** P/18/1073/FP - Land to the South of Romsey Avenue

Dear Richard,

**P/18/1073/FP - Land to the South of Romsey Avenue Fareham - Outline Planning Application For Residential Development Of 225 Dwellings, Bird Conservation Area And Area Of Public Open Space With All Matters Reserved Except For Access**

Thank you for re-consulting me on this planning application. In my previous consultation responses, I had raised concerns in relation to the loss of a Solent Waders and Brent Goose Strategy 'Primary Support Area' and the lack of detail within the submitted EclA report, particularly in relation to the delivery of the reptile receptor site, operational phase impacts on badgers, construction phase noise impacts and cumulative impacts. No revised EclA report has been submitted and since then a number of changes (e.g. location of the bird reserve) has been made, which would necessitate the revision of this document. Therefore, I maintain my concern in relation to impacts on protected species and mitigation measures required to offset these impacts.

A Bird Mitigation Reserve Strategy by Lindsay Carrington Ecological Services Limited (August 2020) has now been submitted. It is understood that Natural England's Discretionary Advice Service was used to design the bird reserve. The location of the bird reserve is in the southern section of the site and will cover approximately 4.2ha, with approximately 3.7ha of the reserve designated to support Brent geese. Justification has been provided in relation to the location of the bird reserve in the south and its size. A comparison has been made with the size of other available Brent geese sites in the wider landscape. It has also been confirmed that the bird reserve will be established prior to the commencement of any development, with the grassland sown with a white clover and perennial ryegrass seed mix. Information has also been provided in relation to the management of the bird reserve and monitoring for an initial ten-year period. Furthermore, a SuDS in the south-western corner is proposed, with new habitat incorporated for sand martin and kingfisher.

Overall, provided that Natural England are satisfied with the proposed bird reserve area, I raise no concerns and recommend that the necessary implementation, management and monitoring of the bird reserve is secured through a S106.

Please do not hesitate to contact me if you require any additional information.

Kind regards,  
Maral

*Coronavirus (Covid-19)*

*Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).*

*In line with Government advice to reduce non-essential travel and work from home where possible, Ecology officers are now working remotely. Whilst we will endeavour to conduct our services in a timely manner and to meet statutory timescales where we can, there may be some impact to the services we deliver. We will ensure that we keep all*

*applicants / interested parties informed of any further impacts to our services should they arise. The Council's response also means that no non-essential site visits or face to face meetings will be undertaken until further notice. Essential and contractual surveys may continue take place where there is no risk to the surveyor or the public, and in line with Government advice. This will be reviewed on an on-going basis.*

**Maral Miri (MSc, CEnv, MCIEEM)**

**Senior Ecologist**

**Ecology Team**

Economy, Transport and Environment Department

Hampshire County Council

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Mob: 07784261735

E-mail: [Maral.Miri@hants.gov.uk](mailto:Maral.Miri@hants.gov.uk);

<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity>

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**APPENDIX 3: APPENDIX F6 BIODIVERSITY NET GAIN ASSESSMENT PLAN  
REV B (JULY 14<sup>TH</sup> 2021 UPDATE)**

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### Key

- Site Boundary
- Proposed Habitats**
- Urban - Developed land; sealed surface 60% and Urban - Vegetated garden 40%
- Urban - Developed land; sealed surface
- Grassland - Modified Grassland
- Grassland - Other neutral grassland, moderate condition
- Grassland - Other neutral grassland, moderate condition
- Grassland - Other neutral grassland, poor condition
- Wetland - Reedbeds
- Lakes - Ponds (Non-Priority Habitat)
- Lakes - Temporary lakes, ponds and pools
- Meadow Grassland
- Retained hedgerow
- Enhanced hedgerow
- Newly planted hedgerow

Habitats On-site Baseline = 28.87  
 Habitats On-site post intervention = 31.77  
 Habitats On-site Total Change = +2.90 (+10.04%)

Hedgerows On-site Baseline = 4.70  
 Hedgerows On-site post intervention = 10.92  
 Hedgerows Total Change = +6.23 (+132.56%)

7m wide verge of meadow grassland along the northern and western boundary of Brent Goose mitigation areas to meet 10% net gain requirement.



client  
Foreman Homes Ltd.

project  
Land South of Romsey Avenue,  
Fareham

drawing title  
F6: BIODIVERSITY NET GAIN ASSESSMENT  
PLAN rev B

scale  
1:1,750

drawing / revision number  
F6

DATE  
14/7/2021

DATE  
14/7/2021

DATE  
14/7/2021

DATE  
14/7/2021

**APPENDIX 4: NITROGEN BUDGET CALCULATION SPREADSHEET (JULY 15<sup>TH</sup>  
2021 UPDATE)**

## Nitrogen Budget Calculation

<b>Planning Application Reference No.</b>	P/18/1073/FP
<b>Site Name:</b>	Land to the South of Romsey Avenue Fareham
<b>Additional Information:</b>	
Please note that this Nitrogen budget calculation has been updated on the request of the Ecologist acting on behalf of Fareham Borough Council. Therefore the calculation in Stage 3 step one for land classed as nature reserve, uses the leaching rate for lowland grazing as requested. It is not possible to change the text to reflect this in the spreadsheet.	
<b>Date:</b>	15.07.2021

<b>Stage 1</b>	<b>Calculate total Nitrogen in kg per year derived from the development that would exit the Wastewater Treatment Works (WwTW) into Solent catchments after treatment</b>	
<b>Step 1</b>	<b>Calculate additional population</b>	
	Enter the number of units proposed	225
	Net population increase per housing unit	2.40
	<b>Total net population increase generated by the development</b>	<b>540.00</b>
<b>Step 2</b>	<b>Calculate wastewater volume generated by the development</b>	
	Water use in litres per person per day	110
	<b>Total wastewater volume generated by the development (litres per day)</b>	<b>59,400</b>
<b>Step 3</b>	<b>Confirm receiving WwTW and permit limit</b>	
	Select the wastewater treatment works the development will connect to	Peel Common
	<b>Wastewater treatment works' permit limit (mg per litre)</b>	<b>9.0</b>
	<b>Wastewater treatment works' discharge level (mg per litre)</b>	<b>8.1</b>
<b>Step 4</b>	<b>Calculate total nitrogen in kg per year discharged by the WwTW</b>	
	<b>Deduct acceptable Nitrogen loading in wastewater (mg per litre)</b>	<b>6.1</b>
	<b>Total Nitrogen discharged by WwTW (mg per day)</b>	<b>362,340.0</b>
	<b>Total Nitrogen discharged by WwTW (kg per day)</b>	<b>0.3623</b>
	<b>Total Nitrogen discharged by WwTW (kg per year)</b>	<b>132.3</b>

<b>Stage 2</b>	<b>Calculate existing (pre-development) nitrogen from current land use of the development site</b>	
<b>Step 1</b>	<b>Total area of development site</b>	
	Enter the total area of the development site (hectares)	12.60
<b>Step 2</b>	<b>Identify current land uses of the development site</b>	
	Enter area currently used for urban development (hectares)	0.00
	Enter area currently used for open space / greenfield (hectares)	0.00
	Enter area currently used for woodland (hectares)	0.00
	Enter area currently used for community food growing / catchment average (hectares)	0.00
	Enter area currently used for cereals (hectares)	12.60
	Enter area currently used for dairy (hectares)	0.00
	Enter area currently used for general cropping (hectares)	0.00
	Enter area currently used for horticulture (hectares)	0.00
	Enter area currently used for pig farming (hectares)	0.00
	Enter area currently used for lowland grazing (hectares)	0.00
	Enter area currently used for mixed farming (hectares)	0.00
	Enter area currently used for poultry farming (hectares)	0.00
	<b>Check to help ensure that sum total of land uses in Step 2 equals site area in Step 1</b>	<b>12.6</b>
<b>Step 3</b>	<b>Calculate nitrogen load from current land usage</b>	
	<b>Total Nitrogen load from current land usage (kg per year)</b>	<b>393.1</b>

## Nitrogen Budget Calculation

<b>Stage 3</b>		<b>Calculate nitrogen load for the non-built land uses proposed for the development site</b>		
<b>Step 1</b>	<b>Identify proposed land uses of the development site</b>			
	Enter the total urban area to be created (hectares)		6.70	
	Enter the total designated open space / SANG area to be created (hectares)		1.40	
	Enter the total nature reserve area to be created (hectares)		12.00	
	Enter the total woodland area to be created (hectares)		0.00	
	Enter the total community orchard area to be created (hectares)		0.00	
	Enter the total community food growing / allotment area to be created (hectares)		0.00	
	<i>Check to help ensure that sum total of proposed land uses equals site area in Stage 2</i>		20.10	
<b>Step 2</b>	<b>Calculate total Nitrogen load from proposed land uses</b>			
	<i>Total Nitrogen load from future land uses (kg per year)</i>			162.81

<b>Stage 4</b>		<b>Calculate the net change in Nitrogen load from the proposed development</b>		
<b>Step 1</b>	<b>Identify Nitrogen load from wastewater (Stage 1)</b>			
	<i>Nitrogen leaving wastewater treatment works (kg per year)</i>			132.25
<b>Step 2</b>	<b>Calculate net change in Nitrogen load from land use changes</b>			
	<i>Total Nitrogen load from future land use (kg per year)</i>			-230.31
<b>Step 3</b>	<b>Calculate total Nitrogen budget for the development site</b>			
	<i>Nitrogen budget for the site (kg per year)</i>			-98.06
<b>Step 4</b>	<b>Calculate precautionary buffer if Nitrogen budget exceeds zero</b>			
	<i>Precautionary Nitrogen buffer (kg per year)</i>			0.00

<b>Total Nitrogen budget for the proposed development (kg per year)</b>		<b>-98.1</b>
<b>Development will be Nitrogen neutral - no mitigation will be required</b>		