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Our ref: 259356
Your ref: P/18/1073/FPHybrid



Richard Wright
Fareham Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Richard,

Planning consultation: P/18/1073/FPHybrid 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.

Location: Land to the South of Romsey Avenue Fareham

Thank you for your consultation on the above dated 19 September 2018 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the Portsmouth Harbour Special Protection Area. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation:

- Further evidence to assess the suitability of the Bird Conservation Area, specifically its shape and size
- Confirmation of the timing and availability of the habitat and agreement of the management body
- Calculation of a nutrient budget for the development.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

SPA Supporting Habitat

The planning application includes the provision of a Bird Conservation Area (BCA) to mitigate the loss of supporting habitat for brent geese. A costed management plan has been submitted for a 2.8 hectare area with details of the proposed future management, subject to agreement with the appropriate organisations. We advise that you request further information on the BCA to inform the Habitats Regulations Assessment with respect to:

- Area of habitat
- Management
- Timing and availability.

Area of habitat

The development site is classified as a Primary Support Area in the latest update of the Solent Waders and Brent Goose Strategy (SWBGS) and is 12.55 hectares. Guidance is available on the offsetting and mitigation requirements should sites identified in the Strategy come forward for development and the latest version is attached for your information. This has been prepared by Natural England and the SWBGS Steering Group.

With regard to Primary Support Areas, there will be a requirement for the off-setting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds. The guidance includes criteria to assess the suitability of replacement sites, namely habitat type, disturbance, area of habitat, timing and availability of habitat, and geographical location.

With respect to the area of habitat, the guidance states that:

'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.'

It is accepted that there is an opportunity to improve the habitat quality for brent geese in this locality through the provision of suitable grassland available every year, rather than on a crop rotation. However, Natural England has concerns with regard to the shape and size of the proposed area. As stated in the BCA proposal, clear sight and flight lines are important to brent geese and we request further information on the suitability of the proposed shape of the BCA. The northern area of the proposed BCA will be surrounded by housing on three sides which may reduce the carrying capacity of the area due to the presence of the built form. There will also be housing along the majority of the eastern boundary which may also reduce the use of the BCA further.

Further evidence to support the overall size of the BCA is also requested to confirm whether a great capacity for the target species can be achieved.

Natural England would welcome further discussions with the applicant with regard to the potential options for the BCA.

Management

It is noted that the management of the proposed BCA will be through an appropriate organisation such as the Hampshire and Isle of Wight Wildlife Trust. This approach is supported. However, this will need to be agreed, along with a costed management plan, prior to any planning permission being granted. This is necessary in order to inform the Habitat Regulations Assessment and to ensure the required certainty in line with the Conservation of Habitats and Species Regulations 2017.

Natural England advises that early discussions are held with the appropriate organisations.

Timing and Availability

Further details on the timing of the BCA is required. The mitigation area will need to be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any

loss or damage to the original site (i.e. prior to commencement). This will need to be secured with any planning permission.

During construction, mitigation measures to ensure there are no adverse impacts on the BCA will need to be identified and secured with any planning permission. The development may need to be phased to avoid the construction of the most sensitive housing areas during the over-wintering period. The use of acoustic and visual screens may also be necessary. It is recommended that this detail is included in a Construction Environmental Management Plan.

Water Quality

The waste water from the new development will introduce an additional source of nutrient loading (Total Nitrogen) to the Portsmouth Harbour SPA, Ramsar catchment. There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites.

An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty as to whether housing development in the later stages of the plan period would require mitigation.

In light of this uncertainty, Natural England advises that a nutrient budget is calculated for this development. For confidence that the development will be deliverable, Natural England recommends that the proposals achieve nutrient neutrality. Natural England would be happy to advise on the calculation methodology further as part of our [Discretionary Advice Service](#).

Other Advice

Solent Recreation Mitigation Contributions

Natural England is aware that Fareham Borough Council has adopted a planning policy to mitigate against the adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure for the 225 residential dwellings.

Biodiversity Mitigation and Enhancement Plan

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the [Hampshire Biodiversity Information Centre](#) and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist. We suggest it includes mitigation and enhancement measures for reptiles, badgers and bats as well as additional

measures to secure net biodiversity gain.

Please note provided that the Hampshire County Council Ecologists' are satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

Water Resources

Natural England encourages all new development to adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

Construction Environmental Management Plan

We advise that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority as a condition of any planning permission. This should identify the steps and procedures that will avoid or mitigate impacts on the ecological interests and sensitivities at the site. The CEMP shall ensure best working practices are maintained during the construction phase.

Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage further incorporation of GI into this development.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Yours sincerely

Rachel Jones

Lead Advisor Solent

Dorset, Hampshire and Isle of Wight