

Date: 26 August 2020
Our ref: 324982
Your ref: P181073FP



FAO Richard Wright, Fareham Borough Council

BY EMAIL ONLY

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Dear Richard

Planning consultation: P181073FP 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

Location: Land to the south of Romsey Ave, Fareham

Thank you for your consultation on the above dated 11 August 2020 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Objection

The application is likely to have a significant effect on the Portsmouth Harbour SPA and SSSI and the Council is advised to undertake an Appropriate Assessment under The Conservation of Habitat and Species Regulations 2017.

The proposal will result in a loss of supporting habitat. There is uncertainty as to whether the mitigation measures proposed are likely to protect the integrity of the designated sites.

The application site is supporting habitat to the Portsmouth Harbour Special Protection Area. European sites are afforded protection under *The Conservation of Habitat and Species Regulations 2017*, as amended (the 'Habitats Regulations'). Portsmouth Harbour is also notified at a national level as the Portsmouth Harbour Site of Special Scientific Interest (SSSI).

This application will lead to the direct loss of supporting habitat and Fareham Borough Council is advised to undertake an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017. A number of the interest features of the SSSI are also vulnerable to this impact and our advice applies equally to the SSSI.

Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

As you are aware, the development site is a Primary Support Area as identified in the Solent Waders and Brent Goose Strategy (SWBGS). The Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the waders and brent goose ecological network, supporting the special protection areas. The preferred approach is for development to be located outside the network of sites.

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

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

Whilst the development site is located on the urban fringe, it forms part of a wider countryside gap of around 40 hectares. It forms part of one of the last remaining agricultural areas adjacent to the Portsmouth Harbour SPA. We do not have certainty that the 4.2 hectare bird reserve, of which 3.7 hectares is designed for mitigation for the brent geese will replicate the same function as the existing site within this open gap. Natural England has serious doubts that the site would be used by brent geese (the qualifying features) to the same extent as the current potential.

It is noted that the bird reserve is of a similar size to other Primary Support Areas identified in the Solent Waders and Brent Goose Strategy and this has been referenced in the planning application documentation. However, there are key differences between the proposed mitigation area and the existing Primary Support Areas referenced, notably the level of openness of the other sites, their location adjacent to or in close proximity to designated sites and limited adjacent urban development.

It is noted that the development will include some public open space and there is an existing area of open space adjacent to the development site. However, there is significant existing recreational pressure in the area, which will be further added to by the development proposal. As such, it has been necessary for the design to include a high security fence to prevent access to the bird reserve given the close proximity of the new houses and existing pressure in the locality. The appropriate assessment will need to assess whether this will retain its effectiveness for the lifetime of the development. There is also a wider planning policy consideration from a design and landscape perspective.

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

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

Other advice

In addition, Natural England would advise on the following issues.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index

Deterioration of the water environment

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

A nitrogen budget has been submitted with the application which confirms that the application is neutral and no mitigation is required. Provided the council, as the competent authority, is assured and satisfied with the site areas are correct and that the existing land uses are appropriately precautionary, then Natural England raise no further concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Peel Common WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary. Natural England recommends a condition that secures the water use of 110 litres per person per day.

Sustainable Urban Drainage System

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

Please note, the pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

Due to the close proximity of the designated sites, this should be confirmed for consideration within the Habitat Regulations Assessment. Where applicable, it is advised details are provided with regards to the long-term (in perpetuity) maintenance/replacement and funding of SuDS, and which authority will have responsibility for this, for incorporation into your authority's appropriate assessment.

Please also see our advice on an earlier planning application (P/18/1073/FPHybrid, dated 12 October 2018, our ref 259356) for comments on biodiversity and protected species, water

resources, construction environmental management plan, soil and land quality, green infrastructure and landscape

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07717808691.

Yours sincerely

Rachel Jones
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Thames Solent Team, Natural England