

**From:** Development Management

**From:** Wilson, Alexander <Alexander.Wilson@naturalengland.org.uk>

**Sent:** 23 September 2020 09:39

**To:** Development Management <devcontrol@fareham.gov.uk>

**Subject:** NE Response - 326821 - P/20/0912/OA : Land to the East of Down End Road Fareham

**Our Ref :** 326821

**Your Ref :** P/20/0912/OA

**Planning consultation :** Outline Planning Application With All Matters Reserved (Except The Means Of Access) For Residential Development, Demolition Of Existing Agricultural Buildings And The Construction Of New Buildings Providing Up To 350 Dwellings, The Creation Of New Vehicular Access With Footways And Cycleways, Provision Of Landscaped Communal Amenity Space, Including Children's Play Space, Creation Of Public Open Space, Together With Associated Highways, Landscaping, Drainage And Utilities

**Location :** Land to the East of Down End Road Fareham

Dear Sir/Madam,

Thank you for your consultation on the above dated 02 September 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.

#### **Internationally and Nationally Designated Sites**

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the European designated sites listed below:

Portsmouth Harbour Special Protection Area (SPA) and Ramsar, Solent and Southampton Water SPA and Ramsar and Chichester and Langstone Harbours SPA and Ramsar, and the Solent and Dorset Coast SPA and the .

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Adherence to policy DSP15 of the adopted Fareham Borough Council Plan and contribution to the Solent Recreation Mitigation Partnership (SRMP).

Securing the water usage at the development of 110 l/per person/day

We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

## **Further advice on mitigation**

### Recreational disturbance on Solent Special Protection Areas

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 – Solent internationally designated sites**

### Nutrients

The supporting habitats Regulations Assessment (Terence O'Rourke, Aug 2020) includes an assessment of the impact of nitrogen on the European designated sites as a result of the proposals and concludes the proposals would result in a negative nutrient budget, and therefore no mitigation is required. Natural England would concur with the findings, however we advise that the water usage at the development of 110l/pp/day is appropriately secured with any planning permission.

### Surface run-off

The application is supported by a Flood Risk Assessment and Drainage Strategy (Odyssey, July 2020) that outlines the surface water run-off will be primarily dealt with via infiltration at the site, with the possible addition of further features such as permeable paving.

Due to the site's close proximity to Portsmouth Harbour protected sites, it is Natural England's advice that 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 your authority's 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.

### Air Pollution

The application is supported by an Air Quality Assessment (Ensafe, July 2020), the findings of which are incorporated into the supporting HRA. The HRA concludes no adverse effect on integrity on European sites from post-construction emissions. However the AQA and the HRA refer to process contributions of the 'Environmental Quality Standards' as opposed to the critical levels or loads of relevant pollutants for protected habitats or species.

It is our advice that the assessment is carried out in line with [Natural England guidance](#) on the assessment of road traffic emissions under the Habitats Regulations, which is used to inform your authority's appropriate assessment.

### **Construction Phase**

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by, the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

1. Storage of construction materials/chemicals and equipment;
2. Dust suppression
3. Waste disposal
4. Noise/visual/vibrational impacts

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

### **Sites of Special Scientific Interest (SSSI)**

The application site is situated adjacent to Downend Chalk Pit SSSI, notified for supporting features of national geological interest. The supporting Phase I Ecological Survey report (Ecosupport, Aug 2020) makes a brief assessment of this site and concludes the proposals will not increase recreational impacts on this site during both construction and operational phases, however no detail is provided as to exactly how this risk will be addressed. It is advised that your authority seeks confirmation from the applicant as to how access to the protected site will be adequately restricted.

The above advice relating to impacts on European designated sites may also affect the SSSIs on those sites. Therefore please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Protected Species and Biodiversity Net Gain**

The supporting Phase I Ecological Survey report (Ecosupport, Aug 2020) makes a series of mitigation and enhancement recommendations for habitats and species.

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](mailto:consultations@naturalengland.org.uk).

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

report that have been agreed by the HCC Planning Ecologist, plus detailing how the proposals achieve a net gain in biodiversity.

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

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07584 475 804.

Should the proposal change, please consult us again.

Alex Wilson  
Natural England

07584 475804

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

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