

TOWN AND COUNTRY PLANNING ACT
1990
SECTION 78 APPEAL

Appeal Ref: APP/A1720/W/21/3271412

LPA Ref: P/18/1073/FP

Section 78 appeal against refusal of planning permission for:

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.

at

Land south of Romsey Avenue, Portchester

NOTE TO INSPECTOR

BY NICHOLAS SIBBETT CEcol CMLI CEnv MCIEEM

ON BEHALF OF FAREHAM BOROUGH COUNCIL

9th August 2021

- 1.1 My name is Nicholas Sibbett and I have been appointed by Fareham Borough Council ("the Council") as its ecology witness for the Public Inquiry. My Proof of Evidence was submitted to the Planning Inspectorate's Case Officer on 16th July 2021 and a Supplementary Proof was provided dated 2nd August 2021.
- 1.2 Following provision of rebuttal proofs by Adam day and Paul Whitby, and accompanying revised framework CEMP and LEMP, some of the matters leading to reasons for refusal have been addressed by the appellant.
- 1.3 The appellant has changed its plans to fence badgers inside the Bird Conservation Area, and now proposes to fence the badger sett outside the Bird Conservation Area. Paragraph 5.24 of my proof relating to the impact of badgers on the security of the Bird Conservation Area has been resolved. Paragraph 6.5 of my proof, relating to entrapment of badgers within the security fence, has also been resolved.
- 1.4 The Framework Construction Traffic Environmental Management Plan revision of 23rd July, received with Rebuttal proofs, clarifies that there will be no construction from October to February inclusive. This resolves the issue of disturbance to SPA birds in paragraph 5.28 and 5.29 of my proof.
- 1.5 Reason for Refusal H as described in Chapter 7 of my proof, the impact of recreation on European sites, has been resolved by the appellant's Unilateral Undertaking which now includes for the tariff payments to be made.
- 1.6 Nutrient neutrality calculations, in chapter 8 of my Proof, have been resolved in Mr Day's Rebuttal Proof.

- 1.7 Numerous errors appearing to come from cut-and-paste errors within the Framework Landscape and Ecology Management Plan as described in my proof, paragraphs 9.1 and 9.4, have been resolved in the revised fLEMP dated 26th July 2021. The seed mix for the Bird Conservation Area has been in the fLEMP revision, resolving paragraph 9.3 of my proof.
- 1.8 Other matters in my proof relating to Reasons for Refusal B) and D) remain unresolved and I remain of the opinion that the appeal should be dismissed.