

Date: 30 July 2021  
Our ref: 360203  
Your ref: P/18/1073/FP



Richard Wright  
Fareham Borough Council

**BY EMAIL ONLY**

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Dear Richard,

**Planning consultation:** Revised Environmental Statement with Shadow HRA, provided ahead of a PINS appeal, further to proposed residential development of 225 dwellings with bird conservation area and public open space.

**Location:** Land South of Romsey Avenue, Fareham

Thank you for your consultation on the above dated 09 July 2021 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.

### **Comments in advance of Planning Inspectorate Appeal**

We have reviewed the following documents provided to Natural England ahead of the appeal scheduled for the 10<sup>th</sup> August 2021:

- The Environmental Statement Volume 2, Chapter 10: Ecology and Biodiversity by Temple Group, updated June 2021
- The Environmental Statement Volume 4, the Appendices: Appendices F1 – F7 seen (including F5, the Brent Goose mitigation plan).
- The Shadow Habitats Regulations Assessment (sHRA) by Temple Group, updated June 2021. (This forms Appendix F7 of the above)

We note that the above documents have been updated in light of Natural England's objection to the proposed development, including our most recent statutory response to this proposal dated 26<sup>th</sup> August 2020 and a more recent DAS response provided to the applicant in February 2021.

### **Primary Support Area Classification**

The application site has been identified in the Solent Waders and Brent Goose Strategy (SWBGS) as a Primary Support Area, in this case for the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site. Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the ecological network for Solent waders and brent geese. It is acknowledged that there are a number of correlating factors influencing the usage of sites by brent geese and this is taken into account in the classification of support areas. In terms of counts, data informing the classification of this site includes records of 300 brent geese at the site.

In accordance with the SWBGS methodology and data analysis techniques, this has been taken into account in the site's classification as a Primary Support Area.

SWBGS 'Guidance on Mitigation and Off-setting Requirements' report states:

*'If site classification, and the associated level of mitigation or off-setting requirements, is disputed, reclassification of a site will be considered if confirmed by 3 consecutive years of survey to the agreed survey methodology under appropriate habitat management conditions for waders and / or brent goose usage throughout the survey period.'*

The sHRA document provides details of the recent management of the proposed development and mitigation land, which together form part of the Solent Wader and Brent Goose Strategy (SWBGS) Primary Support Area F21. Between 2015-2020 the field has produced spring barley with unfavourable management for brent geese, with the field being ploughed in November and left as bare earth over the winter period. The high brent geese counts of 2012 and 2013 were recorded when the field produced winter wheat. In our view, this area of land has demonstrable potential to support high numbers of brent geese as part of the SWBGS network of sites within the Solent.

Given the above and the available data, Natural England advise that the suitability of the mitigation proposal at this site should continue to be assessed in line with the recommendations for Primary Support Areas.

### **Suitability of Bird Mitigation Reserve**

It is our advice that risks to the SWBG network resulting from the certain loss of 8.1 hectares of Primary supporting habitat as a result of this proposal should be considered in the decision making process, especially with consideration that the future management of the land is not guaranteed to be unfavourable to brent geese.

As previously advised, this proposal would result in the loss of one of the last remaining agricultural areas adjacent to the Portsmouth Harbour SPA. The site is currently adjacent to the Low Use site F22 to the west and the Secondary Support area F05 to the southwest.

It is noted that the sHRA includes a list of Primary and Core SWBGS sites with similar characteristics (size, recreational disturbance, the presence of fencing) most of which have recorded high numbers of brent geese in recent years. As per our previous advice, we are not disputing that the proposed mitigation land could be successful, simply that the level of uncertainty should be recognised under the terms of the Conservation of Habitats and Species Regulations 2017. Every SWBGS site will have unique characteristics and certainty that the continued function of the SWBG network, and an equal or enhanced carrying capacity for brent geese, should be applicable to the SWBGS site F21, should the proposal be granted permission. In all cases, the precautionary principle should be applied and it is our view that the proposed mitigation land does not demonstrate that this principle has been applied in a robust manner.

### **Scope of sHRA:**

We note that the sHRA mainly focuses on the issues raised within Natural England's objection responses. It does not include an assessment of other issues relevant to this site such as nutrient neutrality, or the potential for recreational disturbance effects on designated sites within the New Forest. The competent authority should be mindful of this should they consider adopting this document as the official HRA.

### **Additional Advice**

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares (ha) of best and most versatile (BMV) land if the land is not included in a development plan. Given this application falls below this threshold, Natural England do not have any comments on matters relating to BMV land.

For all other matters, please refer to our previous formal advice for this proposal (259356, October 2018 and 324982, August 2020).

If you have any queries relating to the advice in this letter please contact me on Amy.Kitching@naturalengland.org.uk.

Yours sincerely

Amy Kitching  
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Natural England, Thames Solent Team