

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 REGARDING COSTINGS
BY NICHOLAS SIBBETT CEcol CMLI CEnv MCIEEM
ON BEHALF OF FAREHAM BOROUGH COUNCIL

19th 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, a Supplementary Proof was provided dated 2nd August 2021, and notes were provided to the Inspector on 6th and 9th August 2021.
- 1.2 After the end of day adjournment of the Inquiry on 17th August, I received from the appellant a 'Winter Bird Mitigation Technical Note' by Tetra Tech and a Note prepared by Foreman Homes, both dated 17th August 2021. The Tetra Tech note provides indicative management prescriptions and costings for the management of the Bird Conservation Area, and the Foreman Homes note states that the funds are available for the management and that the scheme is viable. These two notes were provided following the examination of ecology witnesses.

Costings

- 1.3 The management prescriptions and costings in the Tetra Tech Note are a start to understanding future management, although certain items are omitted and costs seem to be unfeasibly low.
- 1.4 The costs are based on either 80 years or 125 years of management and it is unclear how this relates to the life of the development.
- 1.5 The costs of repair seem to be based on RSPB staff rates, rather than commercial contractor rates. They are unlikely to reflect the true costs to a management body which could be double or treble the figures quoted.

- 1.6 There are no costs provided for the management body to provide coordination of management and monitoring, administration, Council liaison or resident liaison. Cost of payment to the Council for review of such monitoring is similarly not included.
- 1.7 Other financial aspects of the costs are uncertain. I am not sure if these prices are before VAT is added. It is not clear how inflation is taken into account. It is not clear whether there is an assumption that the invested money will provide an income rising by inflation for 125 years and, if so, how that is calculated.
- 1.8 Fence repair seems very underpriced to me. I doubt that any more than very minor repair can be done in one visit for £150 especially for a 2m high secure fence in an area of high recreational demand. Monthly fence monitoring is not priced.
- 1.9 Depreciation / replacement of features is not included e.g. when the fence or sand martin / kingfisher structures go beyond repair and need replacement, or when grassland needs reseeding. For example, the life of a fence might reasonably be 20 – 30 years and so it would need to be replaced perhaps four times in 125 years.
- 1.10 A significant contingency for unexpected or rare management needs, such as arson or vandalism harming habitats features, or climate change impacts resulting in more intensive management, would be required.

Omissions from management and costings

- 1.11 Hedge management, the 7m meadow grass verge management, and cleaning / repair / replacement of the interpretation signage is missing from the management prescriptions. No costs are provided for these.

Monitoring

- 1.12 Monitoring for ten years is too short a period of time and needs to be extended to the life of the Bird Conservation Area. Winter bird survey and habitat condition surveys are of most value, although habitat condition survey is not explicitly mentioned. Habitat condition survey might be implicit in the proposed Phase 1 habitat survey but this has not been made clear.

Viability

- 1.13 The Foreman Homes Note relies on the Tetra Tech Note, the costings of which I view as too low. It asserts that the scheme would be viable with “considerably more” than the sums reported in the Tetra Tech Note, but does not provide evidence on this beyond the asserted position.

Conclusion

- 1.14 It is noted that the appellant has started to consider management and costs of the Bird Conservation Area. However, there is much more work needed to finalise these matters.
- 1.15 In my Supplementary Proof I explained (para 2.4) the need for a detailed and costed design for the installation of the Bird Conservation Area (and I noted that Natural England

had also drawn attention to the need for a “costed management plan” [Core Document CDB.9a at page 2]. This has not been adequately provided in the Notes or otherwise. I also indicated that I would expect an exact sum to be specified in the Unilateral Agreement and properly evidenced (para 2.9(d)) but this has not been done.

- 1.16 The appellant’s approach (now in the Bird Conservation Area Unilateral Undertaking and conditions) remains vague and generic and the approach is to postpone the detail to reserved matters stage, which is not acceptable in my view and cannot lead to the requisite certainty.
- 1.17 In my Supplementary Proof I explained the need for detail on the proposed management including by whom it would be carried out (para 2.8). I also noted my and Natural England’s views of the need for discussion and agreement with an appropriate management organisation at this stage as a key prerequisite to ensuring the bird reserve will be effective for the lifetime of the development (para 2.9). I am not aware that there have been any such discussions or agreement since my Supplementary Proof, and I therefore remain of the view that there can be no confidence that the long-term management of the land has been or will be secured by a suitable body.
- 1.18 Even if the design of the Bird Conservation Area were acceptable (which for the reasons already give in evidence I do not think it is) there is not yet sufficient certainty on the details of the Bird Conservation Area Scheme or Bird Conservation Area Monitoring Scheme, or that the Bird

Conservation Area can be managed for the life of the development or that its management is fully funded.

- 1.19 For those reasons (as well as the in principle reasons I have already given in evidence) I remain of the opinion that the Inspector is unable to ascertain beyond a reasonable scientific doubt that the development would have no adverse affect upon the integrity of the Portsmouth Harbour SPA (and the associated SSSI and Ramsar). Consequently I remain of the opinion that the appeal should be dismissed under reason for refusal (b).