

FAREHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPEAL by **Persimmon Homes South Coast** against the decision of **Fareham Borough Council** to refuse to grant planning permission for *'Development Comprising 206 Dwellings, Access Road from Peak Lane Maintaining Link to Oakcroft Lane, Stopping Up of a Section of Oakcroft Lane (From Old Peak Lane to Access Road), With Car Parking, Landscaping, Sub-Station, Public Open Space and Associated Works'* on **Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham, Hampshire**

Planning Inspectorate Reference: APP/A1720/W/21/3275237

Local Authority's Reference: P/20/0522/FP

**APPENDICES TO PROOF OF EVIDENCE OF
STEPHEN JUPP MRTPI
ON BEHALF OF
FAREHAM BOROUGH COUNCIL**

Appendices

NB: Appendices FBC.1 to FBC.12 are attached to the Council's Statement of Case.

- FBC.13 Email exchange of amended house type floor plans to address final part of refusal reason (iv)
- FBC.14 Historic England response dated 2nd September 2021
- FBC.15 Natural England response dated 31st August 2021
- FBC.16 Natural England Regulation 19 Consultation response dated 21 July 2021

APPENDIX FBC.13

Email exchange of amended house
type floor plans to address final part
of refusal reason (iv)

From: Kneen, Peter <PKneen@Fareham.Gov.UK>
Sent: 28 April 2021 13:50
To: Buczynskyj, David <david.Buczynskyj@persimmonhomes.com>
Subject: RE: Stubbington - Space Standards

Hi Dave,

Thanks for the email and the amended plans regarding the two house types (Hanbury (variations) and 4620a V2), and I can confirm that the internal changes to allow for the houses to meet the Nationally Described Space Standards, so are acceptable, and would address that element of the reason for refusal on the planning application.

I can confirm that the LPA has no objection to them being submitted to the Planning Inspectorate to address that part of the reason for refusal.

Kind regards
Peter

Peter Kneen
Principal Planner (Development Management)
Fareham Borough Council
01329824363



From: Buczynskyj, David <david.Buczynskyj@persimmonhomes.com>
Sent: 26 April 2021 13:25
To: Kneen, Peter <PKneen@Fareham.Gov.UK>
Subject: Stubbington - Space Standards

Hi Peter,

We have revised the two housetypes that did not meet the internal elements of Space Standards – Hanbury and 4620a. Externally, they are no changes to the housetypes but the standards have changed through internal alterations.

4620. 4 bed 5 person

Bed 1 – Double. 11.8m². 3.25m wide.
Bed 2 - Single. 8.7m². 2.49m wide
Bed 3 – Single. 7.5m². 2.3m wide.
Bed 4 – Single. 7.5m². 2.6m wide.

GIA – 100.74m²

Hanbury 2 bed and study.

Study -
Bed 1 – Double - 12.4m². 2.6m wide
Bed 2 – Single - 7.5m². 2.6m wide.

GIA – 70.6m2

I would be grateful if you could confirm that these plans are acceptable, meet the Space Standard requirements and can be submitted to the Inspector with your agreement to address this element of the refusal? We will also cover this off in the SoCG.

Kind regards,

Dave Buczynskyj
Senior Development Planner

Persimmon Homes South Coast
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Fax: 01329 514333

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www.persimmonhomes.com

We are proud to be an official partner of Team GB.

Persimmon Homes is proud to support local communities. Every year our Community Champions scheme donates £750,000 to local groups and our Building Futures scheme supports young people with donations of over £1 million. [Find out more...](#)



APPENDIX FBC.14

Historic England response dated 2nd
September 2021



Historic England

LONDON OFFICE

Mr Peter Kneen
Fareham Borough Council
Civic Offices
Civic Way
Fareham
Hampshire
PO16 7AZ

Direct Dial: 020 7973 3635

Our ref: P01436654

2nd September 2021

Dear Mr Kneen

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE,
STUBBINGTON, FAREHAM
Application No. P/21/1211/OA**

Thank you for your letter of 13th August 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Background

An original planning permission application for the site, including development of 261 two- to three-storey dwellings, associated infrastructures, open space and landscaping, was refused on 22nd August 2019 (P/19/0301/FP). Historic England provided written advice on that application on 25th April 2019 and on 16th May 2019.

A revision of the original application, which reduced the number of proposed two- to two-and-a-half-storey dwellings to 206 units, was refused on 18th February 2021 (P/20/0522/FP). We commented on that application on 17th July 2020.

The decision on the latter application has been appealed and the inquiry set for October 2021.



Historic England, 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 Facsimile 020 7973 3001
HistoricEngland.org.uk

*Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.*



Historic England Advice

Updated Position

The main changes of the current scheme to the latter proposals would see decrease in the layout density, as the number of dwellings is now reduced to 180 units, following the proposed allocation of the site in the emerging Local Plan 2037 (Policy HA54); reduction of units' height to two storeys with accommodation in the roof; deeper setbacks of buildings from the western and south-eastern edges of the site, allowing for a more robust landscaped buffer along the perimeter; increase of open spaces, and introduction of tree lined corridors to improve connectivity through the site and to the surrounding landscape.

These alterations will result in limited reduction of the magnitude of change on the landscape character and of the visual effects on identified sensitive receptors, compared to the previous scheme. In particular, the dwelling set-back and strengthened landscaping would partially mitigate the adverse visual and acoustic impact on the setting of the grade-II* listed Crofton Old Church and proximate Crofton Cemetery.

The Addendum to the Landscape and Visual Impact Assessment produced by ACD Environmental Ltd in June 2021, has provided a review of the potential impact of the new scheme on a number of viewpoints which were considered under the original assessment to be affected by the development proposals. With reference to Crofton Cemetery (Viewpoint 2), in particular, the document states that, while the impact will be reduced due to the introduction of a landscaped belt filtering views and sounds, the current scheme would continue to form a new and recognisable feature in the landscape altering its character from rural to suburban. Accordingly, the overall conclusions of the new assessment are the same as those of the original LVIA, where the visual effects on that sensitive receptor were considered to be major/moderate.

On this basis, our previous concerns remain. Although views of the proposed development from Crofton Church or churchyard will be limited, it would still have an adverse impact on the setting of the listed building through erosion of its wider rural setting, which is a key element contributing to its significance.

Although we consider that the level of heritage harm would be low, this needs to be assessed in the context of paragraphs 200 and 202 of the National Planning Policy Framework (NPPF 2021) which requires that any harm to a designated asset, including through development in its setting, to be clearly and convincingly justified and weighed against any public benefits accruing from the proposals.

Recommendation

Historic England has concerns regarding the application on heritage grounds.



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We consider that the revised scheme would still result in adverse, albeit limited, impact to the setting of the listed building, as illustrated above. It is for your Council to weigh the perceived harm against the public benefits ensuing from the proposals, as set out at paragraph 202 of the NPPF.

Your authority should take these representations into account and seek safeguards, as set out in our advice.

If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Luciana Gallo

Luciana Gallo RIBA PhD FSA
Assistant Inspector of Historic Buildings and Areas
London and South East Regions Group
E-mail: Luciana.Gallo@HistoricEngland.org.uk



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APPENDIX FBC.15

Natural England response dated 31st
August 2021

Date: 31 August 2021
Our ref: 364387
Your ref: P/21/1211/OA



Peter Kneen
Fareham Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
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BY EMAIL ONLY

T 0300 060 3900

Dear Peter,

Planning consultation: Outline Application for Up To 180 Dwellings (South Of Oakcroft Lane) & Ecological Enhancement Area (North Of Oakcroft Lane), All Matters Reserved Except Access
Location: Land East of Crofton Cemetery West of Peak Lane Stubbington Fareham

Thank you for your consultation on the above dated 13 August 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the New Forest SPA, SAC and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An assessment of New Forest recreational impacts with details of suitable mitigation
- An updated Monitoring and Management Plan for the proposed Enhanced Ecological Area (EEA)
- A Construction Environmental Management Plan (CEMP)

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

New Forest Recreational Impacts

As recently raised in our response to the Fareham local plan, [recent research and analysis](#) by Footprint Ecology (a national leader in this area of expertise) identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the site.

This development site falls within the 13.8km zone and we consider it is likely to contribute to recreational impacts on the sites in-combination with other development coming forward across the area. It is advised your authority's appropriate assessment is updated to include an in-combination assessment of the development with other plans/projects either within the authority area or in neighbouring areas. Competent authorities will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims.

The resultant recommendations from the recent research highlight that a package of mitigation measures will resolve the issues presented by housing growth in the area, but this will require a 'strategic, proportionate, and co-ordinated approach, [through] partnership working across a range of local authorities and stakeholders'. Natural England are committed to working with affected local authorities to develop a strategic approach to addressing recreational impacts from new development on the New Forest designated sites.

Until such a strategic approach is adopted it is advised at this time that alternative and appropriate mitigation measures are sought to address impacts on the protected sites. It is considered that a financial contribution, based on a robust and agreed methodology, directed towards measures at the designated sites e.g. via the New Forest National Park Authority's Habitat Mitigation Scheme, is a means that will enable the Authority to deliver site specific mitigation measures on behalf of the applicant. Such an approach would provide a certain and robust means to addressing the effects of recreational disturbance via direct measures at the protected sites. Some detail on how this money will be used as part of the Scheme is advised to ensure you as competent authority can be satisfied the recreational impact from this development will be appropriately addressed and secured in perpetuity. Natural England would be happy to advise further via our Discretionary Advice Service (DAS).

Nutrient Budget

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

This budget calculates a negative nitrogen burden, and therefore no further mitigation measures are proposed.

Within the nutrient budget calculation, the N loading rate of 5kgTN/ha/yr has been applied for the proposed EEA, in alignment with Natural England's suggested rate for public open space. It is understood that public access to this area will be prohibited and therefore it is advised that effective access/management measures are imposed at the site to dissuade any unauthorised use of the site, particularly for dog walking which may affect the nutrient loading of the site. It is advised that habitat management for the purposes of nutrient mitigation should prohibit the use of fertilisers, ploughing or subsoiling. Any future proposal to change the management, such as the introduction of grazing, would require consideration of nutrient loading for the site and consultation with Natural England should be sought.

It is advised the water consumption value used within the nutrient calculation of 110 L/person/day is appropriately secured with any granting of permission.

SPA Functionally Linked Land

Section 7 of the Ecological Management Plan by Ecosa, dated July 2021, sets out detail with regard to the monitoring of the mitigation delivery for the first 10 years. As the EEA forms mitigation to address impacts on European sites, including SPA functionally linked land and nutrients, it is Natural England's advice that a longer-term management and monitoring strategy will be required over the lifetime of the development, i.e. in perpetuity (usually 80-125 years).

It is understood that following the establishment of the Ecological Enhancement Area it is proposed that the land will be transferred to Fareham Borough Council for long-term management. "A commuted sum will be provided to Fareham Borough Council for the management of the land for the first 20 years pre-construction with the following 80 years being managed out of Fareham Borough Council's maintenance budget...The exact sum associated with the delivery of the Ecological Management will be secured as part of the Section 106 agreement attached to any planning consent." Ecosa Shadow HRA, July 2021. This position was agreed with Natural England as part of the previous planning application at the site (P/20/0522/FP).

The mitigation area will need to be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed. We advise these the mitigation land is implemented prior to commencement.

We advise that the above details are included in the Appropriate Assessment and appropriately secured with any planning approval.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km of the Solent and Southampton Water Special Protection Area and may lead to an increase in residential accommodation through additional bedrooms in the construction of the new dwellings. 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.

Surface Water Drainage

It is understood the development is likely to drain into Crofton Ditch, which flows into Titchfield Haven Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), approximately 500m downstream. Titchfield Haven also forms part of the Solent and Southampton Water SPA. There is potential for poor water quality in surface drainage to negatively impact on these watercourses and the features for which the protected sites are designated (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, garden chemicals such as enriching fertilisers or herbicides/insecticides, household detergents etc.).

Therefore it is our advice that best practice SuDS are designed in accordance with the requirements in the CIRIA SuDS Manual (C753) for this development. It should be noted that 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'.

This application is supported by a Flood Risk Assessment and Development Drainage Strategy by MJA Consulting, dated 9th June 2021. This outlines a number of SuDs components including:

- Deep trap gullies and Beanie kerbs for development roads
- Permeable paving for driveways
- A cellular attenuation tank
- Main attenuation basin with permanently wet area

It is noted that roof runoff will discharge to the main piped system. Driveways and parking areas will be constructed using a permeable block paving or traditional deep trapped gullies discharging into a permeable type stone sub base which will facilitate the removal of urban pollutants prior to discharging downstream to the main drainage system.

The above document includes a SuDs management and maintenance plan (dated 13th March 2019). The competent authority should satisfy itself that this plan will enable the SuDS system to operate effectively for the lifetime of the development. Also that the strategy details appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development, with consideration given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary. This plan should be agreed with the local authority.

With regards to the funding of the SuDS, your authority will need to be satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full delivery of an agreed management and maintenance plan for the 80-125 year period. If a resident service charge is to be applied then your authority will need to be satisfied that the charge is legally robust and ring fenced for the purpose of delivering the agreed management plans. Robust financial arrangements are likely to be needed to avoid any problems with claiming monies or shortfalls in payments etc. Legal step-in rights for your authority may be required where the management plan should fail.

Construction Environment Management Plan (CEMP)

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 include the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal

- Noise/visual/vibrational/lighting 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.

With regards to the adjacent SWBGS Secondary support site 'F17C', it is advised an appropriately worded condition is attached to any permission:

- Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat.

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (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.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Mary Andrew
Sustainable Development Lead Adviser
Natural England- Thames Solent Team

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175, 179 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.

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

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

APPENDIX FBC.16

Natural England Regulation 19
Consultation response dated 21 July
2021

Date: 29 July 2021
Our ref: 357301
Your ref: N/A



Planning Strategy Team
Fareham Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
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BY EMAIL ONLY

Dear Sir/Madam

Regulation 19 Local Plan Consultation (18th June – 30th July 2021)

Thank you for your consultation on the above dated 18 June 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.

Natural England welcomes the Council's approach to achieving sustainable development through its Local Plan, particularly through its suite of Natural Environment policies that include protection of internationally, nationally and locally designated sites, the enhancement of the local ecological network and the requirement for biodiversity net gain.

It is welcomed that many policies have been updated that incorporate our previous advice. Please see below for our comments on the Regulation 19 Local Plan and supporting Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA).

This response is subsequent to our comments provided on the 18th December 2020 to inform a previous iteration of the Regulation 19 consultation process, which ran from the 6th November 2020 to the 18th December 2020.

Policy CC2: Managing Flood Risk and Sustainable Drainage Systems

It is welcomed that the revised policy outlines that where a development drains to a protected site(s), an additional treatment component (i.e over and above that required for standard discharges) may be required.

It is recommended the Policy also makes clear that where SuDS are proposed as a fundamental part of Habitat sites mitigation, developments will need to demonstrate the long-term (in perpetuity) monitoring, maintenance/replacement, and funding arrangements.

Policy NE2: Biodiversity Net Gain

It is noted that section 9.32 now states that smaller wildlife features such as bat boxes and swift bricks could be included as part of a wider biodiversity enhancement and mitigation plan, separate

to biodiversity net gain commitments.

[Biodiversity Metric 3.0](#) was published in July 2021. We advise that the Policy is updated accordingly and that this metric is used to measure gains and losses to biodiversity resulting from development, and implement development plan policies on biodiversity net gain.

We recommend that the local plan policy should align as closely with the Environment Bill and anticipated framework for mandatory net gain as possible and that the Policy confirms the intention for a Supplementary Planning Document (SPD) to be developed to provide further detail within an appropriate timescale.

Policy NE5: Solent Wader and Brent Goose Sites

Solent Wader and Brent Goose mapping (as provided on the SWBGS [website](#)) may be subject to change over the plan period, therefore it is recommended the Policy ensures the latest mapping is sought in advance of determining planning applications.

We advise that developments affecting SPA supporting habitat should produce a Construction Environmental Management Plan (CEMP) to address potential impacts to these habitats during the construction phase. In particular, noise disturbance should be addressed by avoiding works over 69dB during winter months (as per our advice on applications).

With regards to collection of financial contributions to address impacts on SPA supporting habitat (specifically Secondary and Low Use sites), it is recommended that the Local Plan identifies some suitable projects to which funds can be directed to ensure the protection and enhancement of the wider SWBG network.

Employment Allocation: E4: Solent 2

It is welcomed that the wording has been updated to require development to demonstrate 'compliance with Strategic Policy NE1 with regards to impacts on the local ecological network'. We refer you to our previous advice that the Policy should also outline that where impacts cannot be avoided or adequately mitigated, a comprehensive compensation package should be required that addresses the loss of all priority habitat on site, rather than just specifying protected trees, that seeks to enhance and connect habitat in the locality.

Other Policies

Please refer to advice within our previous letter with regards to Policies DS1, CC1, CC3, NE5, D4 and Housing Allocation Policies HA9, HA29, HA31, HA37, HA38, HA42.

Please note, under Policy CC3: Coastal Change Management Areas (CCMAs) the reference to the 'English Coast Path' should be updated to the 'England Coast Path'.

Comments on the Habitats Regulations Assessment (HRA)

These comments relate to the document: Habitats Regulations Assessment for the Fareham Borough Local Plan 2037; Screening and Appropriate Assessment Report for the Revised Publication Local Plan, May 2021 by Urban Edge Environmental Consulting.

- *Recreational disturbance- New Forest designated sites*

We welcome the fact that consideration of recreational disturbance to the New Forest SPA, SAC and Ramsar sites has been updated, with sections 6.4.18 to 6.4.20 referencing recent analysis of the New Forest 'zone of influence' (Footprint Ecology, February 2021). The report is based on [recent visitor survey reports](#) published in 2020 that conclude that new residential development within a 13.8km buffer zone of the New Forest designated sites is likely to have a significant effect on the sites via recreational disturbance, alone and/or in combination with other plans or projects.

The report suggests that the borough of Fareham is excluded from the 13.8km zone based on low average visitor rates in comparison to local authorities further west, and relatively low visit rates derived from the onsite survey data. It also recommends that large developments of around 200 or more dwellings within 15km of the New Forest sites should be subject to project HRA and mitigation may be required. The revised local plan HRA reflects this recommendation.

However, although the average visit rate for the borough is lower than that for neighbouring Eastleigh, it is notable that postcode data resulting from the telephone survey show visit frequencies in the western parts of Fareham are similar to those in the neighbouring borough of Eastleigh, suggesting the visit rate from these areas are higher than the average visit rate applied to the whole borough. Clearly, visitors do originate from these areas of Fareham and it is Natural England's view that they are likely to contribute to an in-combination effect on the sites. Therefore, to ensure the necessary certainty required under the Habitats Regulations that the Plan will appropriately address the impact, it is advised that the 13.8km zone is applied within the borough of Fareham to ensure all new development coming through in that area provide appropriate mitigation. (Please note that large development within 15km should also still be subject to HRA for this impact pathway.)

It is advised that your authority works in close collaboration with other affected local authorities within and surrounding the New Forest designated sites which share a commitment to develop a strategic, cross-boundary approach to habitat mitigation for the New Forest SPA/SAC/Ramsar. Natural England recommend such a strategy incorporates a package of measures including provision of suitable alternative green spaces and networks, and direct measures on the sites such as access management, education and communication, wardening, and importantly, monitoring. Monitoring work (of visitor patterns and ecological features of the sites) will be important to further the evidence base on which mitigation strategies can be updated.

In advance of such a strategy being agreed and adopted, Natural England advise the Council to implement a suitable interim strategy that ensures adverse effects from live development coming through the local plan period will be avoided. This may include measures as described above. Financial contributions can be directed towards the New Forest National Park Authority's (NFNPA) [Habitat Mitigation Scheme](#) that will enable the authority to deliver site specific mitigation measures on behalf of developments; such an approach would provide a certain and robust means to addressing the effects of recreational disturbance via direct measures at the protected sites. It is recommended that suitable levels of contribution are agreed with the NFNPA.

Natural England are committed to continue working with Fareham Borough Council and other affected local authorities to develop a strategic approach to addressing recreational impacts from new development on the New Forest designated sites.

- *Water quality – nutrients*

The nitrogen budget arising from the Local Plan has been revised down from 2,536.99 kg/TN/yr to 2,182.62 kg/TN/yr and the HRA has been updated to reflect this.

We note that Appendix 3 of the HRA includes a Technical Note by Urban Edge Environmental Consulting prepared in May 2021. This includes a breakdown of the site allocations to calculate this total nitrogen figure. Amongst other updates, the recent decrease in budget appears to be mainly due to the following amendments as shown in Table 1:

- HA55 Land South of Longfield Avenue has been reduced from -105.80 to -672.54 kg/TN/yr
- H54 Land at Oakcroft Lane has been included, with a -134.67 kg/TN/yr budget
- HA56 Land West of Downend Road has been included, with a -142.10 kg/TN/yr budget.

Table 1 references the 20% precautionary buffer. Please note that this buffer should only be applied to sites with a positive nitrogen budget. The overall budget figure may need updating in light of this.

Section 4 of this Technical Note discusses potential nutrient mitigation schemes. With regards to the number of nitrogen credits likely to be available from these, it is recommended that latest figures are

sought in advance of further work involving these schemes. Further information can be found on the [PfSH webpages](#).

- *SWBGS 2021 Updates*

We note that section 6.8.1 now refers to SWBGS site F13 as a Secondary Support Area, in line with the published SWBGS mapping update earlier this year. This is also reflected in Figures 6.18 and 6.19 which map the SWBGS sites within the Fareham Local Plan.

It appears that site-specific impacts on SPA supporting habitat (as identified on the SWBGS mapping) have not been considered within the Appropriate Assessment for Solent and Southampton Water SPA and Ramsar site (i.e. Table 7.8), even though likely significant effects have been identified. This impact should be considered in more detail within the AA with an appropriate mitigation strategy outlined, linked to Policy NE5. It is advised that development address impacts in line with the SWBGS Guidance on Mitigation and Off-setting requirements (2018).

- *Water pollution impacts on designated sites*

In our previous response we noted that the Chichester and Langstone Harbours SPA/Ramsar sites, the Portsmouth Harbour SPA/Ramsar sites and the Solent and Dorset Coast SPA site were screened out of the appropriate assessment in relation to water pollution impacts. We welcome the fact that this impact is now screened in, and sections including 7.6.2 reference the source of potential water pollution impacts from some of the Housing Allocations.

Other Comments on the HRA

- Table 6.10 refers to 'EU Sites' which are now referred to as 'Habitats sites' in the context of planning policy.
- Section 6.3.3 refers to the Eastern Solent Coastal Partnership, that are now the Coastal Partners.

Comments on the SA

These comments relate to the document: Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037; Sustainability Report for the Revised Publication Local Plan, May 2021 by Urban Edge Consulting

SEA Objective SA5: To Minimise Carbon Emissions and Promote Adaptation to Climate Change

As per our previous consultation response, it is suggested a further monitoring parameter(s) is included to monitor the implementation of new GI/habitat that can seek to alleviate the pressures of climate change on species and the ecological network whilst also providing other benefits as described further in our advice above; e.g. percentage of new GI/ extent of priority habitat within the ecological network.

We note from Appendix B, the Analysis of Consultation Responses, that this is being considered and may be added in the Post Adoption Statement.

SEA Objective SA7: To Conserve and Enhance Biodiversity and Geodiversity

We welcome the amendment to the title of this objective to include geodiversity, as per our previous consultation response.

We previously suggested that further monitoring parameters are incorporated to ensure impacts on internationally, nationally and locally designated sites are monitored throughout the Plan period, e.g. via the number, extent and condition of sites designated for nature conservation. We would advise the use of a green infrastructure standard as an indicator, such as Natural England's Accessible

Natural Greenspace Standard (ANGSt). Parameters for measuring the implementation of net gain should be introduced, see further above for our advice on net gain monitoring. In response to this, we note that the Analysis of Consultations responses states that this is being considered and may be added in the Post Adoption Statement.

We would be very happy to comment further as the plan process progresses. If you have any queries relating to the detail in this letter please contact me on 07552 268094.

Yours faithfully

Mary Andrew
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