



Foreman Homes Ltd

Land East of Posbrook Lane, Titchfield, Hampshire

PINS Ref: APP/A1720/W20/3254389

LPA Ref: P/19/1193/OA

WBP Ref: 7796

**Addendum: Ecology Statement of Common Ground
Prepared by FPCR and Fareham Borough Council
13 December 2021**

Rev	Issue Status	Prepared / Date	Approved / Date
1a	Draft 1	DJC / 13.12.21	DJC / 13.12.21
1b	Final	DJC / 14.12.21	DJC / 14.12.21
1c	Final	DJC / 14.12.21	DJC / 14.12.21

1.0 INTRODUCTION

- 1.1 This Ecology Statement of Common Ground (ESoCG) Addendum relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Woolf Bond Planning LLP on behalf of Foreman Homes Ltd for Land East of Posbrook Lane (LPA Ref: P/19/1193/OA). This addendum is a summary of the Habitat Regulations Assessment (HRA) position for the European protected sites within the zone-of-influence of the proposed development.

Stage 1 Screening – “Test of Likely Significant Effect” Summary

The Solent SPAs

- 1.2 All likely ecological pathways were screened for the Solent SPAs within the Shadow HRAs and through consultation with Fareham Borough Council and Natural England. The majority of pathways were straightforward to screen out due to the small size and low impact of the proposed development. A Likely Significant Effect could not be ruled out for the following pathways, so each was taken to a Stage 2: Appropriate Assessment:
1. Increased recreational pressure in-combination with other plan or projects.
 2. Loss of land used by qualifying features functionally linked to the SPA alone.
 3. Changes in water quality from increased nutrient enrichment known to contribute to algal blooms.

New Forest SPA/SAC & Ramsar

- 1.3 A fourth ecological pathway was raised for the New Forest Protected Sites (NFPS) during the appeal process at the request Fareham Borough Council, due to emerging advice from Natural England (NE) via consultation on other applications in the Borough, based on Footprint Ecology’s work (CDH.46) on behalf of NE. Paragraph 5.13 of CDH.46, however, recommends that some Boroughs, including Fareham, should be excluded from the Zone-of-Influence (Zoi) although all developments of “around 200 units” outside of the ZOI but within 15km of the FFPS, should be assessed on a case-by-case basis. The proposal site does not meet the requirement to be in this Zoi and so it was screened out by FPCR within the shadow HRA (CDAA.3 2.13-2.16).
- 1.4 Natural England recently advised FBC, based on the same Footprint Ecology study, that interim measures should be in place to secure a financial contribution from new residential developments in the Borough and consultation on this matter from October 2021 between FBC and NE can be found within CDH.36 and CDH.37. If the Inspector agrees with Natural England’s view, it is required that this pathway is screened in and also taken to Appropriate Assessment as mitigation through financial contribution is required.
4. Recreation Pressure in-combination New Forest.

Stage 2 Appropriate Assessment - “The Integrity Test” Summary

1. Increased recreational pressure in-combination with other plan or projects: Solent SPAs

- 1.5 The parties agree that as the proposals are within the 5.6km zone-of-influence under the Bird Aware Solent Recreation Mitigation Strategy, that a financial contribution following the per unit contributions detailed within the strategy are required. This is to be secured through a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act (1990) in favour of Fareham Borough Council (sHRA CDAA.2 4.30, and SoCG 2.2-2.3).
- 1.6 An Appropriate Assessment can conclude, with the above contribution secured, no adverse effect on the integrity of the Solent SPAs from increased recreational pressure in-combination with other plan or projects.

2. Loss of land used by qualifying features functionally linked the SPA alone: Solent SPAs

- 1.7 The majority of the site is a Primary Support Area for the waders and Brent Geese ecological network under the Solent Waders and Brent Goose Strategy (SWBGS: CDH.5). A 6.50ha enhanced Bird Conservation Area has been proposed (CDAA.6), and the parties agree that the mitigation is acceptable and in line with the SWBGS guidance in relation to Primary Support Areas (CDH.4). This is further assessed in the shadow HRA (CDAA.2, 4.23 - 4.28). To secure the Bird Conservation Area, the appellant will enter into an agreement with Hampshire and Isle of Wight Wildlife Trust, to manage the BCA for the in-perpetuity period (125 years or the lifetime of the development) secured financially through the UU under a S106 for a sum of £718,000.
- 1.8 An Appropriate Assessment can conclude, with the above mitigation secured, no adverse effect on the integrity of the Solent SPAs from a loss of land functionally linked with the Solent SPAs alone. A residual likely significant effect in-combination with other plans or projects can be screened out.

3. Changes in water quality from increased nutrient enrichment alone: Solent SPAs

- 1.9 Natural England's advice on achieving nutrient neutrality for new development in the Solent region was used (CDH.1). This advice suggests removing uncertainty by ensuring the proposed development has nutrient neutrality. This is done through a Nutrient Budget calculation (CDAA.5, 5a and 5b). It is predicted that there will be a -27.7 kg year reduction in nitrogen compared to the baseline conditions at the site through the cessation of grazing in the redline, and with meadow management and low intensity grazing with no supplementary feeding in the BCA (CDAA.6). Management will be secured as part of the UU agreed for the Bird Conservation Area as per paragraph 1.7 above. The blue land to the south will be enhanced with a species rich meadow grassland seed mix and managed the same as the Bird Conservation Area and this is included within the UU.
- 1.10 An Appropriate Assessment can conclude, with the above mitigation secured, no adverse effect on the integrity of the Solent SPAs from increased nutrient discharged into with the Solent SPAs alone. A residual likely significant effect in-combination with other plans or projects can be screened out.

4. Recreational Pressure in combination - New Forest SPA

- 1.11 The parties have agreed a contribution through the UU to the New Forest National Park Authority Scheme (£351.20 per unit), if the Inspector concludes that a Likely Significant effect on the NFPS is uncertain, in order to ensure no adverse effect on the integrity of the NFPS from increased recreation in combination with other plans or projects.
- 1.12 In order for the Appropriate Assessment to be conducted that takes account of Natural England's current position in CDH.37, the appellant considers that there needs to be further information provided by Natural England and/or their partner Footprint Ecology as to the justification for including Fareham Borough contrary to their published assessment (CDH.46).
- 1.13 Natural England in CDH.37 state the following reason for the change in the recommendation in paragraph 5.13 of CDH.46:
- "... after further consideration as to the difficulties and potential for confusion in deploying the recommendation, Natural England have taken a precautionary approach and have applied a straight-line distance or 'as the crow flies' from the New Forest."*
- The appellant asks if potential confusion is reasonable ground to reconsider the recommendation?
- 1.14 Natural England in CDH.37 state:
- "... 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 areas of Fareham and it is Natural England's view that they are likely to contribute to an in-combination effect on the sites."*
- 1.15 The Footprint Ecology assessment CDH.46, is based on three separate studies; a visitor survey, a car park assessment and a telephone study. Footprint Ecology describe the limitations for the three pieces of work, and their assessment combines the three to form robust conclusions. Natural England appear to be using only data from the telephone study, and it is not clear to the appellant what evidence has led Natural England to make this assessment as the appellant considers that they have not presented the data or evidence with their view, only made reference to an element of the study of which there is limited detail in the published report. The appellant considers that Natural England should produce credible evidence that there is a real, rather than hypothetical, risk which should have been considered.
- 1.16 Fareham Borough Council has entered into correspondence with Natural England over this issue at a strategic level (CDH.35, CDH.36, CDH.37). At present, Fareham Borough Council does not wish to disregard Natural England's advice. Fareham Borough Council considers that there could be a cumulative recreational impact arising from the appeal development. The Council considers that payment of the mitigation sum in the UU will demonstrate beyond reasonable doubt that there would be no adverse effect on the integrity of the New Forest SAC, SPA and Ramsar site.
- 1.17 The appellant and the Council therefore disagree on the possibility of cumulative recreational impact and the need for a mitigation payment.

2.0 CONFIRMATION SIGNATURES

Signed on behalf of the appellant Foreman Homes Ltd, by representing Ecologist Adam Day of FPCR Environment and Design Ltd;

Adam P Day

Signed on behalf of Fareham Borough Council by Principal Planner Richard Wright;

R Wright