

Rawlings, Sam

From: Andrew, Mary <Mary.Andrew@naturalengland.org.uk>
Sent: 22 December 2021 16:41
To: helen.skinner@planninginspectorate.gov.uk
Cc: Wright, Richard
Subject: Natural England Response: Posbrook Lane Appeal APP/A1720/W/20/3254389

Dear Helen Skinner,

Appeal Reference: APP/A1720/W/20/3254389 Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane (P/19/1193/OA)
Our Ref: 377185

Richard Wright from the Fareham Borough Council (copied in) has written to me with regards to the above appeal. Please find some comments below which I hope will be useful for the appeal process.

Deterioration of the water environment

It is noted that an updated nitrogen budget has been submitted dated 12th November 2021. This calculates the nitrogen budgets for the red line boundary area (4.05ha) and then the Bird Conservation Area (BCA) (5.92ha) separately. This budget has been calculated in line with England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020).

It is noted that the total area of the red line boundary (4.05ha) and BCA (5.92ha) total 9.97ha. This differs from the 12.53ha area within the earlier nitrogen budget by Foreman homes dated April 2020. It is possible that an area of open space at the south west of the development site has not been included in the later nitrogen budget, so I would recommend that clarity is sought to confirm the latest nitrogen budget.

Addendum: Shadow Habitats Regulations Assessment by Foreman Homes Ltd, November 2021

[Recent analysis](#) shows 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 impacts (including disturbance, trampling, eutrophication amongst others), alone and/or in combination with other plans or projects. Larger developments (e.g. EIA development) beyond this zone but within 15km may also contribute to recreational impacts on the designated sites.

This application is situated within 13.8km zone, and therefore Natural England advise that the Habitats Regulations Assessment includes this potential impact pathway for consideration, alone and in combination with other plans/projects, proceeding to appropriate assessment stage where likely significant effects cannot be ruled out. It will need to set out in detail any mitigation measures that will be secured in this case, along with the necessary justification of their likely efficacy so as to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Addendum report screens out recreational disturbance impacts to the New Forest and does not consider this within the Appropriate Assessment because it is within the borough of Fareham. It is Natural England's advice that the 13.8km zone of influence should also be applied to the borough of Fareham to ensure a precautionary and consistent approach is adopted that ensures in-combination effects from new development are appropriately mitigated. This is due to western parts of Fareham having similar visitor frequencies to those in the neighbouring borough of Eastleigh.

Therefore we would advise that this Addendum document is updated, and appropriate mitigation to address this impact is sought. Natural England understand that Fareham Borough Council have recently agreed an Interim Strategy to address recreational impacts to the New Forest, which may be appropriate in this instance.

Winter Bird Mitigation Technical Note, Tetra Tech, November 2021

This document has been produced to summarise the proposed Bird Conservation Area, design, capital works, management and maintenance. It supercedes earlier documents including the Shadow HRA by CSA Environmental, 2020 which is also attached to this appeal consultation.

Natural England have previously advised on the management and monitoring of the BCA within our statutory responses dated 27th February 2020 (our ref: 309057) and 7th January 2020 (301132).

In our earlier response we advised that details of the costed management and monitoring requirements for the BCA should be provided. It is noted that the latest Winter Bird Mitigation Technical Note has removed the detailed costings following discussion with HloWWT (who will manage the site), however a commuted sum would be secured by a Section 106 agreement to cover the management and maintenance costs in perpetuity. Natural England recommends that the competent authority will need to be satisfied that this will give them certainty the system and mitigation proposals will operate for the lifetime of the development. We recommend that this should be appropriately secured with any planning permission. The strategy should consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. We recommend that consideration is given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary.

I hope that these comments are helpful, and please get in touch if you have any queries about the above or I can be of further assistance.

Kind regards,

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