

Rawlings, Sam

From: Wright, Richard
Sent: 05 January 2022 09:49
To: Boulton, Mark; s.brown@woolfbond.co.uk
Cc: Skinner, Helen; Ned Helme; Nick Sibbett
Subject: RE: Natural England Response: Posbrook Lane Appeal APP/A1720/W/20/3254389

Good morning Mark,

Thank you for your email which follows the advice received from Natural England below.

The Council has the following observations.

Deterioration of the water environment

We can advise the Inspector that we are content with the 12th November 2021 nutrient budget. This supersedes the previous nutrient budget in April 2020.

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

We have no argument to disagree with Natural England that there may be recreational impacts on New Forest European sites. In the Addendum Ecology Statement of Common Ground (Core Doc ID17) the disagreement with the appellant is clear. The signed Unilateral Undertaking at Core Document ID29 is available should the Inspector agree with the Council and Natural England that there may be an impact and mitigation is therefore required. The UU is based on the calculations for the 'Land east of Crofton Cemetery' scheme (Core Document CDH38) with the money to be contributed to New Forest National Park authority to be spent on visitor mitigation. Natural England comments that the Fareham borough Council's interim strategy may be appropriate in this instance. The cost of the Council's interim strategy is broadly similar to the UU costings although the interim strategy spends the money on facilities to reduce the number of visits to the New Forest. We can advise the Inspector that both approaches to the mitigation are considered satisfactory for this proposed development. The UU therefore acts as suitable mitigation for recreational impacts on the New Forest.

Winter Bird Mitigation Technical Note, Tetra Tech, November 2021

Fareham Borough Council advises the Inspector as the competent authority that the technical note gives certainty the system and mitigation proposals will operate for the lifetime of the development. The UU provides appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. Consideration is given in the UU to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary.

Kind regards,

Richard Wright
Principal Planner (Development Management)
Fareham Borough Council
01329824758
07554 415619





From: Boulton, Mark <mark.boulton@planninginspectorate.gov.uk>
Sent: 23 December 2021 09:06
To: Wright, Richard <RWright@Fareham.Gov.UK>; s.brown@woolfbond.co.uk
Cc: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>
Subject: RE: Natural England Response: Posbrook Lane Appeal APP/A1720/W/20/3254389

Richard/Steven

The Inspector has asked me to invite any final comments, on the message below, from the parties by 7 January. Please send to Helen cc all.

Kind Regards

Mark Boulton
Operations Manager – Plans, Inquiries and Costs

The Planning Inspectorate
Room 3/J Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

<https://www.gov.uk/government/organisations/planning-inspectorate>
Twitter: @PINSgov

Email: mark.boulton@planninginspectorate.gov.uk

From: Andrew, Mary <Mary.Andrew@naturalengland.org.uk>
Sent: 22 December 2021 16:41
To: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>
Cc: Wright, Richard <RWright@Fareham.Gov.UK>
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,

Mary Andrew
Sustainable Development Lead Adviser
Thames Solent Team
Natural England
4th Floor, Eastleigh House, Upper Market St, Eastleigh, SO50 9YN
Mobile: 07552 268094

<http://www.gov.uk/natural-england>



This message has been sent using TLS 1.2

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

[Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.](#)



Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

