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Your ref: N/A



Planning Strategy Team
Fareham Borough Council

BY EMAIL ONLY

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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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Natural England- Thames Solent Team