

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 07 December 2021

<b>Portfolio:</b>	Planning and Development
<b>Subject:</b>	<b>Fareham Borough Solent Waders and Brent Geese Mitigation Solution</b>
<b>Report of:</b>	Director of Planning and Regeneration
<b>Corporate Priorities:</b>	Providing Housing Choices Protect and Enhance the Environment Dynamic, Prudent and Progressive Council

#### **Purpose:**

The Fareham Local Plan 2037, which is now at examination, allocates sites for housing and employment on land which is designated as important for Solent Wader and Brent Geese (SWBG) populations. Mitigation measures are therefore required to avoid adverse effects on those populations and this report seeks to brief the Executive on the mitigation solutions for those Local Plan allocations.

#### **Executive summary:**

The Solent supports a significant overwintering population of Solent Waders and Brent Geese (SWBG) and there are several Special Protection Areas (SPAs) designated throughout the region due to their legal protection. The populations of SWBG rely on the availability of a network of terrestrial feeding and roosting sites which are designated as part of the Solent Wader and Brent Goose Network. Development can result in negative impacts to the SWBG Network and as such this is a matter for consideration when preparing a Local Plan. The emerging Local Plan 2037 has been subject to the Habitat Regulations Assessment (HRA) process which identified 5 particular site allocations that would require mitigation in relation to potential adverse impacts on such designated sites. As Local Planning Authority, the Council is required to demonstrate the deliverability of the Local Plan including the site allocations. Not doing so presents a risk to the soundness of the Local Plan through the Examination process. The Local Mitigation Solutions (LMS) have been produced to demonstrate the deliverability of the Local Plan allocations through identification of the individual mitigation for those sites.

#### **Recommendation**

It is recommended that the Executive note the availability of mitigation schemes in support of allocations in the submitted Fareham Local Plan 2037, which is now at examination.

## Appendix 1

**Reason:**

To provide further evidence to demonstrate the deliverability of those Local Plan allocations which result in negative impacts to the Solent Wader and Brent Goose Network.

**Cost of proposals:**

No financial implications.

**Background papers:** Review of the Fareham Local Solent Waders & Brent Goose Mitigation Solutions, HCCET 2021

**Reference papers:** Solent Wader and Brent Goose Strategy (Solent Waders and Brent Goose Steering Group, 2020)  
[solent-waders-brent-goose-strategy-2020.pdf \(wordpress.com\)](#)

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## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	07 December 2021
<b>Subject:</b>	Fareham Borough Solent Waders and Brent Geese Mitigation Solutions
<b>Briefing by:</b>	Director of Planning and Regeneration
<b>Portfolio:</b>	Planning and Development

#### INTRODUCTION

1. The diversity of habitats and species in and around the Solent makes it one of the most important coastal zones in the UK and an internationally important wildlife resource. Brent geese and wading birds are protected under UK legislation and specially protected within designated sites, called Special Protection Areas (SPAs). The Solent supports a significant Solent Wader and Brent Goose (SWBG) population and has several SPAs designated throughout the region. However, as birds are mobile species, they are also dependent on sites outside of formal designations and rely on the availability of a network of feeding and roosting resources over the winter period. This network of feeding and roosting sites is known as the SWBG Network.
2. These sites are often located near to or adjacent to existing settlements and as a result can come under pressure. Development in such locations can result in negative impacts to the SWBG Network. As a result, at a plan and project level, the Habitats Regulations require an assessment of the impacts of development and a proposed solution to mitigating those impacts.
3. From a Fareham perspective, there are 80 designated SWBG Network sites in the Borough. These sites have varying level of importance (focused on their level of use by the bird species); Core being the most important, then Primary, then Secondary Support Areas and finally Low Use and Candidate Sites. Together they all form part of the wider network across the Solent.
4. The classifications for these sites are designated through 'The Solent Wader and Brent Goose Strategy'. This document was produced by the Solent Wader and Brent Goose Steering Group (comprised of Hampshire & Isle of Wight Wildlife Trust, Natural England, RSPB, Hampshire County Council and Coastal Partners) to provide a basis and rationale for the identification, protection and mitigation of the SWBG Network. The Local Mitigation Solutions (LMS) have been produced to provide further evidence to the Local Plan approach taken

towards protecting and enhancing the SWBG Network within the Borough, ensuring the approach taken towards Local Plan sites is consistent with the wider SWBGS.

5. As Local Planning Authority, the Council must be able to demonstrate the deliverability of the Local Plan including all site allocations. This includes how any mitigation required will be delivered. The availability of mitigation is likely to be considered as part of the examination process for the Fareham Local Plan 2037, which has now technically begun, and any inability to show deliverability could risk the Plan being found unsound.
6. For clarity, members will be aware of the Bird Aware scheme which collects financial contributions from developments in the Borough as mitigation for recreational disturbance on sites protected for Solent Waders and Brent Geese along the coastline, i.e. from people and dogs walking and disturbing over-wintering birds. The money pays for wardening, awareness raising and specific projects to ensure that the bird populations are not adversely affected. While the SWBG Network is a linked issue, as the network of sites protects additional areas of land that the same species of birds use, the potential impact is not recreational disturbance it is permanent loss of the land.

### **EMERGING LOCAL PLAN**

7. The Local Plan proposes a significant level of development in the Borough, some of which is likely to result in impacts to the SWBG Network and as a consequence, may result in likely significant impacts on the Solent SPAs. The Local Plan Habitat Regulations Assessment (HRA) process identified 5 site allocations that would require mitigation to ensure that there would be no adverse effect on the integrity of the SWBG network. Those sites are:
  - HA44 Assheton Court.
  - HA54 Land East of Crofton Cemetery and West of Peak Lane.
  - HA55 Land South of Longfield Avenue.
  - E2 Faraday Business Park.
  - E3 Swordfish Business Park.
8. As a result of the HRA process carried out on the Plan, the Council has incorporated an overarching policy for the protection of the SWBG network (Policy NE5: Solent Wader and Brent Goose Sites). Policy NE5 sets out a hierarchical approach to protecting the SWBG network. As a matter of course, applicants for sites with the potential to affect the integrity of the SWBG network sites must consider avoidance as the first approach, with on-site mitigation to be provided if that is not possible. An off-site solution should be considered if there is clear justification that onsite mitigation cannot be achieved. The mitigation hierarchy in NE5 broadly is as follows:

<b>Avoidance</b>	Any identified impacts to sites within the SWBGS network shall be avoided in the first instance where possible. Clear justification is needed if impacts cannot be avoided and onsite and/or offsite mitigation is required.
<b>On-site</b>	On-site mitigation should be explored if avoidance measures cannot be achieved. On-site mitigation shall be proportionate to the level of impact and be entirely consistent with the approach described within the Solent Wader and Brent Goose Guidance on Mitigation.
<b>Off-site</b>	<p>If there is clear justification that on-site mitigation cannot be achieved, off-site enhancement measures to an existing site or group of sites within the SWBG network shall be provided. Existing network sites should be selected first before consideration is given to the creation of brand-new sites because existing sites are already proven to be used in some capacity by the relevant species giving greater certainty that mitigation and enhancement measures will be successful. Despite this, it is accepted that with sufficient evidence gathering, planning and implementation, new network sites can be created and act as successful off-site mitigation.</p> <p>Any offsite enhancements shall also be consistent with the approach set out in the 'Guidance on Mitigation and Off-setting Requirements' (SWBG Steering Group, October 2018) and Policy NE5 of the Fareham Local Plan.</p>

### LOCAL PLAN DELIVERY

9. In applying Policy NE5 to the allocated sites with a likely significant effect, the Local Plan allocations for the following sites require the following:

- HA44 Assheton Court – **AVOIDANCE.**

The allocation policy in the Local Plan requires the provision of a Construction Environmental Management Plan which will avoid and mitigate onsite any indirect impacts.

- HA54 Land East of Crofton Cemetery and West of Peak Lane - **ON-SITE.**

The allocation policy in the Plan requires the land north of Oakcroft Lane (F17C within the allocation boundary) to be retained free from development and enhanced to provide suitable onsite Solent Wader & Brent Goose habitat.

- HA55 Land South of Longfield Avenue – **ON-SITE.**

The allocation policy in the Plan requires the land to the west of Peak Lane (as highlighted on the Land Use Framework Plan within the Local

Plan) to be retained free from development and enhanced to provide suitable onsite Solent Wader & Brent Goose habitat.

- E2 Faraday Business Park – **OFF-SITE** (Secondary Support Area).

Officers commissioned an independent review of the suitability of Faraday Business Park being included within the SWBG Network, given the level of hardstanding and development on the site. This review was undertaken by Hampshire County Council Ecology Team and concluded that no onsite mitigation solutions are suitable given the existing use and the risk to airplanes posed by any ecological enhancements. A recommendation of an offsite solution '*broadly close*' was concluded in line with policy NE5 of the Local Plan. A separate report is going to Executive to consider land acquisition as a bird mitigation solution to enable further development across the Daedalus employment sites and Solent Airport (elsewhere on the agenda).

- E3 Swordfish Business Park – **OFF-SITE** (Secondary Support Area).

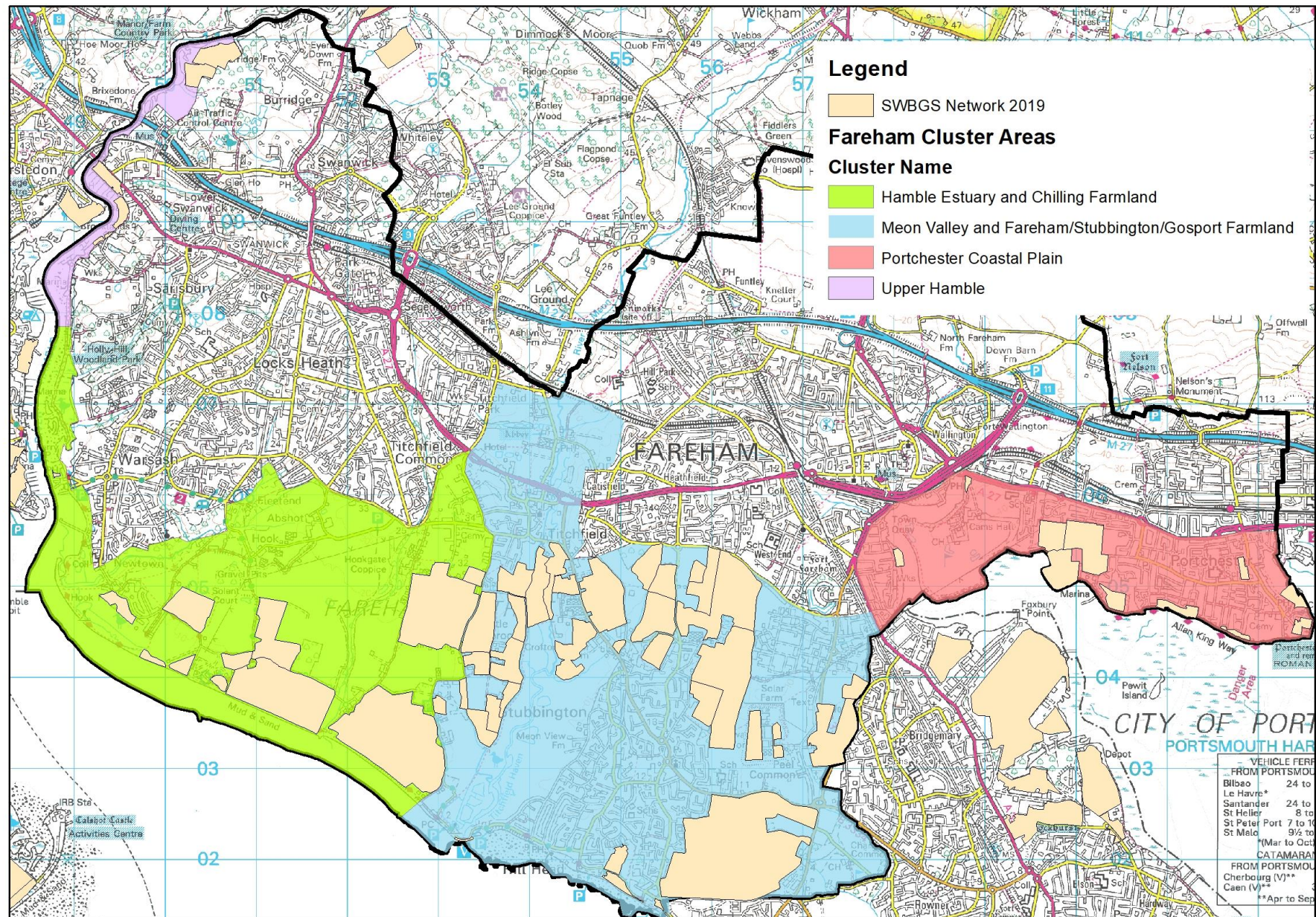
As with Faraday, the review of Swordfish Business Park also concluded that that no onsite mitigation solutions are suitable given the existing use and the risk to airplanes posed by any ecological enhancements. A recommendation of an offsite solution '*broadly close*' was also concluded in line with policy NE5 of the Local Plan. A paper is going to Executive to consider land acquisition as a bird mitigation solution to enable further development across the Daedalus employment sites and Solent Airport (elsewhere on the agenda).

### Off-site Mitigation – the Network Cluster Approach

10. For sites where it can be shown that onsite avoidance or mitigation measures are not appropriate or adequate, there is a need to provide offsite mitigation for any identified impacts to the SWBG network. Policy NE5 of the Local Plan requires that to ensure that the integrity and functionality of the whole network is maintained across the Borough, offsite mitigation should be provided '*broadly close*' to the occurring impact where possible.
11. To provide further clarity to the meaning '*broadly close*' in relation to Secondary Support Areas, the SWBG network within the Borough has been divided into four 'cluster' areas as shown in figure 1. The 'cluster' approach helps to define '*broadly close*' by recognising the local context of SWBG Network sites and will serve to maintain the geographic spread of distinct habitat types across the Borough. Therefore, impacts on SWBG sites within a specific cluster area are expected to be mitigated within that particular cluster area. A pragmatic and flexible approach will be taken to those impacted sites that are on the edge of, or close to, an adjacent cluster area where off-site enhancement could be provided in either of the neighbouring cluster areas.



**Figure 1: Fareham Local Mitigation Solution Cluster Areas**



12. In relation to Local Plan sites E2 Faraday Business Park and E3 Swordfish Business Park the requirement of Local Plan Policy NE5 will require an offsite solution to be provided somewhere within the Meon Valley and Fareham/Stubbington/Gosport Farmland Cluster Area.

#### Suitability of the Cluster Approach

13. The principle of a cluster area approach was proposed to Natural England (NE) and gained their support. The Council committed in the Statement of Common Ground signed with NE earlier this year that it will continue to work with, and update NE on the development of the cluster approach. In all cases, the Council will consult NE, when determining any applications for development that could result in adverse impacts to the Solent Wader and Brent Goose network.
14. Officers also commissioned an independent review of LMS and in particular the cluster approach to test its suitability and likely effectiveness. This review was undertaken by Hampshire County Council Ecology Team. The review concluded that the cluster methodology and the general approach to mitigation specified through Policy NE5 is both a logical and commendable approach to the strategic protection of SWBG sites. The implementation of the cluster approach will allow resources to be directed at the areas most suitable to provide effective mitigation for certain assemblages of bird species.

#### **CONCLUSION**

15. The Local Mitigation Solutions provide a logical approach to the strategic protection of SWBG sites through the Local Plan. By focussing mitigation measures towards specific areas, known as 'clusters', the approach provides for the retention of key habitat types across Fareham Borough. The solutions, taken as a whole with Local Plan policies, identifies and demonstrates deliverable solutions for the five site allocations contained within the Local Plan, where impacts on the SWBGS network have been identified.

#### **Enquiries:**

For further information on this report please contact Gayle Wootton. (Ext 4328)