



**Statement of Common Ground  
Between Natural England and  
Fareham Borough Council on  
Biodiversity and the Natural  
Environment**

**February 2022**

## 1.0 Introduction

### What is a Statement of Common Ground?

- 1.1 The Duty to Cooperate, introduced by the Planning and Compulsory Purchase Act 2004 (amended by Section 33A of the Localism Act) places a legal duty on local planning authorities, county councils in England and other prescribed bodies to engage constructively, actively and on an ongoing basis to develop development plan documents, including activities that prepare the way or support the activities of preparing development plan documents, in respect of strategic matters.
- 1.2 The Duty to Cooperate specifically relates to 'strategic matters' which are defined as follows:
  - Sustainable development or use of land that has or would have a significant impact on at least two planning areas, (in particular) in connection with sustainable development or use of land for or in connection with strategic infrastructure which has or would have a significant impact on at least two planning areas, and
  - Sustainable development or use of land in a two-tier area if the development or use— (i) is a county matter, or (ii) has or would have a significant impact on a county matter.
- 1.3 Paragraph 20 of the National Planning Policy Framework (NPPF) also outlines strategic priorities that a local plan should have strategic policies to cover. They include:
  - Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 1.4 In accordance with the NPPF (paragraph 24), public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out above. This forms part of each local planning authority's evidence for their respective emerging Local Plans.
- 1.5 This SoCG has been prepared in accordance with paragraph 27 of the NPPF and the section of the Planning Practice Guidance on Maintaining Effective Cooperation. It has also followed guidance prepared by the Planning Advisory Service (PAS) on this matter. It has been prepared in parallel with the Publication Local Plan (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup>). This Plan, upon adoption, will supersede the existing Fareham Local Plan Parts 1 and 2. The new Local Plan will cover the period to 2037 and sets out the vision, objectives and policies to guide future development in the Borough over the plan period.

### What does this document include?

- 1.6 Section 2 outlines the strategic geography of the Borough including a brief description of the area with regards to biodiversity and the natural environment.
- 1.7 Section 3 sets out the Regulation 18 and 19 Representations received from Natural England which forms the background to this SoCG.

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/19/made>

- 1.8 Section 4 sets out the cross-boundary matters which need to be considered by this SoCG. It then sets out where agreements have been reached on issues.

What parties are involved with this Statement of Common Ground?

- 1.9 This Statement of Common Ground (SoCG) is an agreed statement between Natural England (NE) and Fareham Borough Council (FBC) as the Local Planning Authority in relation to issues and matters associated with biodiversity and the natural environment for the emerging Fareham Local Plan.

## **2.0 Strategic Geography**

- 2.1 Fareham Borough is located in the south-eastern corner of Hampshire, bounded to the north by the chalk hills of the Hampshire and South Downs and to the south by the coastal waters of the Solent, with the estuary landscapes of the River Hamble and Portsmouth Harbour enclosing the Borough's to west and east. Fareham is a Borough of 7,780 hectares (30 square miles) and is the fourth smallest district in Hampshire.
- 2.2 It has many areas which are highly important for biodiversity and nature conservation. At an international level, the Borough is adjacent to and in some parts within areas designated as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). This is in recognition that the Borough and the wider Solent is internationally important for bird species and habitats. At a national level, there are 6 Sites of Special Scientific Interest (SSSI) within the borough designated for wildlife or geological value, a National Nature Reserve at Titchfield Haven and several areas of Ancient Woodland. There are also 6 Local Nature Reserves (LNR) and approximately 110 local Sites of Importance for Nature Conservation (SINC).
- 2.3 In addition, there are many other areas of the Borough which contain many valuable priority habitats and species. All statutory and non-statutory designations combined make up the Local Ecological Network in Fareham.

## **3.0 Background**

- 3.1 Paragraph 179 of the NPPF states that "to protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
  - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

- 3.2 A key objective of the emerging Fareham Local Plan 2037 has been to ensure that important wildlife sites and habitats across the Borough are protected and enhanced whilst directing development to appropriate and less sensitive areas.
- 3.3 Paragraph 180a states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 3.4 Given the number of nature conservation designations there are within the Borough (particularly those internationally designated sites) new development proposed within the Fareham Local Plan 2037 has the potential to result in likely significant effects. However, the Local Plan 2037 has been accompanied by a Habitats Regulations Assessment and proposes a variety of policies and mitigation measures which avoids and mitigates any identified likely significant effects.

### **Regulation 18 Representations from Natural England**

- 3.5 Natural England responded to all three Regulation 18 consultations, the most recent conducted in January to March 2020. Natural England's responses include recommendations and comments on the key environmental issues that will need to be addressed and considered for the development of the Fareham Local Plan 2037. The key themes raised include:

- Protecting and enhancing valued landscapes;
- Local Ecological Network;
- Biodiversity Net Gain;
- Protection of Irreplaceable habitats, such as ancient woodland and veteran trees;
- Revised Solent Wader and Brent Goose network;
- Recreational impacts on the Solent SPAs;
- Water quality and eutrophication Impacts on the Internationally designated sites within the Solent;
- Water Resources;
- Green Infrastructure and Open Space;
- Climate change including flooding and coastal change.
- Air Quality;
- Agricultural Land and Public Rights of Way.

### **Regulation 19 Representations from Natural England**

- 3.6 Natural England responded to both of the Regulation 19 consultations, the most recent conducted in June to July 2021. Natural England's responses include recommendations and comments on the key environmental issues that will need to be addressed and considered for the development of the Fareham Local Plan 2037. The key themes raised include:

- Further consideration of wording for policies relating to development in the countryside
- Comments on protection given to soils
- Support for policy designating Special Areas of Landscape Quality
- Support for policies relating to climate change, flood risk and the natural environment with some minor wording additions and tweaks proposed.

- Support for policy NE2 on net gain and recommends the development of a Biodiversity Net Gain SPD to accompany the policy.
- Recommends use of latest Solent Wader and Brent Goose mapping for policy NE5 and that suitable projects are identified which funds can be directed to ensure the protection and enhancement of the wider SWBG network
- Specific comments in relation to proposed development allocations

3.7 In addition to the key environmental themes above, Natural England also provided feedback to the Council in relation to the various stages of the Strategic Environmental Assessment/Sustainability Appraisal and Habitats Regulations Assessment that accompanies the Plan. Particular environmental issues raised by Natural England against the HRA such as water quality (nutrients), New Forest Recreational disturbance and Solent Wader and Brent Geese network impacts are covered in detail in the next section.

3.8 Whilst the majority of the issues raised were relatively minor recommendations and considerations for the Plan, there are several key topic areas/issues that have been singled out for special mention and discussion. These are set out in section 4 below.

## 4.0 Strategic Matters

### Nutrient Neutrality

4.1 Because of recent case law and evidence creating uncertainty around the contribution of new development in Fareham to deteriorating water quality (eutrophication) in the Solent and the effect this is having on the internationally designated sites, it is the advice of Natural England that the Council produces a nutrient budget to accompany the Local Plan. The purpose of the nutrient budget is not necessarily to demonstrate that the Local Plan is nutrient neutral but to highlight the extent of nutrient loading and the amount of mitigation offsetting (in kgs/TN/yr) that would be required to ensure that development proposed within the Plan would not result in a likely significant effect on designated sites, through deteriorating water environment.

4.2 The Council has produced a nutrient budget for the Local Plan in accordance with the assumptions set out in Natural England's most recently available methodology<sup>2</sup>. The Local Plan Nutrient Budget includes all sites included in the Local Plan that are being proposed for allocation. It therefore includes some allocations where elements or all have already received permission. However, it does not cover outstanding permissions that do not form part of an allocation in the Plan or the strategic development at Welborne, which has permission and is nitrate neutral. It should be noted that for sites with permission or Resolution to Grant Planning Permission allocated in the plan or otherwise, the issue of nutrient neutrality is covered by the project level HRA.

The Council in consultation with Natural England has agreed the following assumptions that are contained within the Local Plan Nutrient Budget.

- 2.4 occupancy per dwelling.

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<sup>2</sup> Advice on Achieving Nutrient Neutrality for New Development in the Solent Region. June 2020.

- Receiving WwTW environmental TN permit limit of 6.1 mg/l TN. Based upon 90% Peel Common WWTW Nitrogen Consent Limit with deducted acceptable TN loading at 2 mg/l TN (as defined in the NE Methodology).
  - Current and future land uses for each allocation and their specific nitrogen loading figures
  - The use of a 20% buffer as a precautionary approach for future land use for each allocation.
- 4.3 In relation to determining current land use, the Council has used available information on existing and future land use from any planning applications that have been submitted on the allocation/site. Where no such information was available to determine existing land use, Officers' knowledge of the site, aerial photography and tools such as google streetview was used.
- 4.4 In relation to determining future land use (urban and open space coverage), the Council used available information from any planning applications that were submitted on the allocation/site where relevant or any proposed master plan drawn up by the Council for the site. Where no such information was available to identify future urban and open space/Green Infrastructure (GI) coverage, the following assumptions were used:
- For sites <0.5ha 100% assumed to be developed (urban).
  - For sites between 0.5ha and 1ha 80% of the site assumed to be developed and 20% of site open space/GI and
  - For sites of 1ha or greater 60% of site to be developed (urban) and 40% assumed to be open space/GI.
  - For Completely urban brownfield sites within Fareham Town Centre, complete future urban coverage is assumed as a precaution.
- 4.5 Housing yields from planning applications were used where available. Where not available, housing numbers estimated based on either promoted yield at the time of site submission or an applied density reflecting the density of the surrounding residential area was used.
- 4.6 For windfall assumptions the following process and assumptions were used:
- Multiply total windfall projections by 2.4 to get the amount of people arising from the development.
  - Based on previous 3 years windfall data the ratio of greenfield to brownfield future windfall was worked out. (as an approximate 60 brownfield :40 greenfield split).
  - All brownfield windfall assumed no land use change i.e urban land to urban land.
  - All windfall expected to have no open space provision and will be all urban coverage.
- 4.7 Information on whether greenfield windfall sites are in agricultural use or not is not easily available so a precautionary approach has been used whereby it has been assumed that greenfield windfall sites will be on non-agriculture land. Therefore, for the purposes of the Local Plan nutrient budget the value for nutrients from Open Space (5kg/tn/yr) was used when calculating the existing input.

- 4.8 To estimate the area of land that windfall will cover in the Borough, the average density for the whole borough (15.7 people per hectare) was calculated then divided by the windfall dwelling numbers to give an overall area of these windfall developments will cover.
- 4.9 The information is presented as a scenario or sensitivity test, however the Council recognises that project-level HRAs (including nutrient budgets) undertaken at the planning application stage may have greater detail and the calculations will be done in line with the latest evidence and guidance.
- 4.10 In summary, the nitrogen budget as published in the HRA (2021) was 2,182.62kg/TN/yr (see Table 1 below).

<b>Table 1. Fareham Local Plan 2037 Nutrient Budget</b>	
	Kg/TN/yr
Total Nitrogen from Fareham Local Plan 2037 Housing Allocations	1,072.04
Total Nitrogen from Windfall	1110.58
<b>Total</b>	<b>2,182.62</b>
Overall N budget for Local is a Positive figure which indicates surplus N and hence mitigation is required. A negative figure would indicate a deficit and so no mitigation required.	

- 4.11 Mitigation for each individual development allocation in the Plan is identified through two main pathways, onsite and offsite.
- 4.12 Onsite mitigation can be achieved in the form of providing additional open space which has a very low nutrient value compared to urban land which is higher. This can ensure that development on existing agricultural land has a greater overall nutrient value than the development itself, thus resulting in a nutrient deficit.
- 4.13 Offsite mitigation is achieved through offsetting the nutrient value of the development against a specified parcel of agricultural land which has a greater nutrient value. Taking the identified parcel of agricultural land out of intensive use enables the savings in nutrients to be balanced against development. There are currently at least two schemes which development in the Local Plan can utilise to achieve nutrient neutrality.
- 4.14 The Fareham Local Plan 2037 contains a policy (Policy NE4: Water Quality Effects on the Special Protection Areas, Special Areas of Conservation and Ramsar Sites of the Solent) which specifically deals with ensuring development is nutrient neutral and does not affect the integrity of the internationally designated sites in the Solent in this regard.

**Solent Recreation Mitigation Partnership (SRMP)**

- 4.15 The Solent is internationally important for its wildlife with over 90,000 waders and wildfowl and 10 to 30 per cent of the global population of Brent Geese. This has led to the creation of four Special Protection Areas. Many birds overwinter in the Solent, feeding and resting before migrating large distances north for the summer. An increase in new residential development in the Solent region is likely to lead to

an increase in the number of visitors to the coast. With an increase in visitors comes an increase in the likelihood of bird disturbance.

- 4.16 Fareham Borough Council is a member of the SRMP. It has worked collaboratively with neighbouring authorities and other organisations such as Natural England to produce, identify and implement a programme of mitigation measures which form part of a Solent Recreation Mitigation Strategy (SRMS). The SRMS counteracts the likely significant effects of recreational disturbance, (either alone or in-combination) associated with residential development within a 5.6km zone of influence on the Solent SPAs.
- 4.17 The SRMS is designed so that new residential development within the 5.6km zone of influence pays a financial contribution towards the funding of mitigation measures contained within the strategy. Such mitigation measures include:
- A team of seasonal and permanent rangers
  - Site specific visitor management projects
  - Communications and Education Post
  - Dog walking initiatives Post
- 4.18 The approach taken in the Fareham Local Plan 2037 (covered under Policy NE3: Recreational Disturbance on the Solent Special Protection Areas SPAs) is that development pays the financial contribution to the SRMS as the primary mitigation measure ensuring new residential development in Fareham does to not have likely significant effects through recreational disturbance. However, the Plan recognises that this is not the only means of concluding no likely significant effects and that developers can develop their own suit of mitigation to deal with recreational disturbance if they wish to. Any measures separate to the SRMS would have to be agreed by Natural England and still satisfy the tests set out in the Conservation of Habitats and Species Regulations (2017).
- 4.19 Due to the scale of development and under the advice from Natural England, there was a need for a bespoke mitigation package for recreational impacts for HA55 Land South of Longfield Avenue. As part of the Council led master planning process for this site, land to the east of Peak Lane and to the south of the proposed development area is identified as mitigation for the recreational disturbance impacts from the development on the Solent SPAs. The Council has liaised and involved Natural England in the master planning process particularly with regards to impacts involving designated sites. Natural England also indicated a bespoke GI strategy for the development that suitably addresses both SPA supporting habitat (see below) and recreational disturbance impacts at the Solent & Southampton Water SPA and the New Forest SPA/SAC/Ramsar may be achieved within the red line boundary.
- 4.20 NE notes that the Council has entered into a Statement of Common Ground with the site promoters where it has been agreed that land to the east of Peak Lane and to the south of the proposed development area is to be retained and enhanced as mitigation for recreational impacts on the Solent & Southampton Water SPA and the New Forest SPA/SAC/Ramsar and included in the masterplan for that purpose. Contributions to Bird Aware Solent and measures at the New Forest designated sites will also be required to address in combination residual effects in line with the current approaches. Both parties (NE and FBC) agree that the approach taken to mitigating the recreational impacts on designated sites



proposed through the masterplan for the site is appropriate and acceptable, with the detail of such mitigation to be refined at project level HRA.

### **Solent Wader and Brent Goose (SWBG) Strategy**

- 4.21 The Special Protection Areas (SPAs) of the Solent rely on a network of terrestrial sites which are not designated themselves but are important for maintaining the integrity and functionality of the designated SPAs. These are termed 'network sites'.
- 4.22 The network sites are used by wading bird species and Brent Geese to roost and forage outside of the SPA boundaries. These sites will contribute to the achievement of the SPA's conservation objectives and are therefore protected as a result. Each site is classified separately depending on its importance within the network and how they support the designated SPA network.
- 4.23 The Fareham Local Plan 2037 contains a specific policy (Policy NE5 Solent Wader and Brent Goose Sites) which applies to any application for development that is on or may impact on, the Solent Wader and Brent Goose Network. In addition, the Council has produced a Local Solent Wader and Brent Goose Mitigation Solution (LMS) document which sets out 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 Council have consulted with Natural England in the formulation of the LMS and NE are content that this forms a suitable way forward to enable requirements to be dealt with at the project level through the planning application process.
- 4.24 Development that could result in direct loss of, or impacts to, a network site will require proportionate mitigation and/or offsetting. The Solent Wader and Brent Goose Strategy Guidance on Mitigation and Offsetting Requirements provides the information and context for mitigating and/or offsetting impacts to network sites. Supplementary to this, the Council is in the process of producing a local mitigation strategy which will be consistent with the wider Solent Strategy but will provide the context and rationale for mitigating impacts to the SWBG network within Fareham, and assist developers identify potential mitigation options for development sites. The local strategy is likely to identify cluster areas of network sites across the Borough such the Portchester Wicor Coastal Plain, the Meon Valley, Fareham-Bridgmary/Stubbington-Lee on the Solent Strategic Gap, Chilling Farmland and Warsash/ Hamble River.
- 4.25 As part of the strategy, any impacts of development on sites identified in these cluster areas should be avoided in the first instance. However, where this is shown to not be possible, adequate onsite mitigation should be achieved. Where onsite mitigation is not possible, mitigation shall be expected within the immediate cluster area where the impact is occurring. For example, if a particular network site within the Portchester Wicor Coastal Plain is being impacted and the impact cannot be avoided or mitigated onsite, mitigation should be sought within the Portchester Wicor Coastal Plain cluster area. This way the integrity of the SWBG network across the Borough is maintained and possibly, enhanced.
- 4.26 The Local Plan 2037 proposes to allocate two sites for residential development (HA55 Land South of Longfield Avenue and HA54 Land East of Crofton Cemetery) on designated Low Use sites for Brent Geese and waders and allocates two

employment sites (E3 Faraday Business Park and E4 Swordfish Business Park) on a designated Secondary Support site for Brent Geese and waders.

- 4.27 To mitigate the loss of Low Use sites associated with development at HA55 Land South of Longfield Avenue and HA54 Land East of Crofton Cemetery, the Council will seek the suitable provision of on-site mitigation land as part of a council-led masterplan. For HA55 Land South of Longfield Avenue, the allocation policy suggests that land to the west of Peak Lane will be retained, enhanced and managed for this function (identified as 'Green Infrastructure' on the strategic land use framework plan for the site) and including land already identified in the SWBG network (F17G). The Council has been working with the site promoter on a masterplan to agree the high-level details for the provision of mitigation for this allocation. The Council has entered into a Statement of Common Ground with the site promoters where it has been agreed the land west of Peak lane will be retained, enhanced and managed for wildlife including SWBG. The masterplan has been shared with Natural England who have provided feedback throughout the masterplan process. Natural England agree that the masterplan provides sufficient reassurance that the requirements can be dealt with within the redline boundary of the allocation, and the detail of which can be provided and secured at the project-level HRA stage.
- 4.28 For HA54 Land East of Crofton Cemetery, mitigation land will be provided within the allocation boundary on land identified in the SWBG network as F17C in between Oakcroft Lane and the new Stubbington Bypass. Both areas of mitigation land will be managed in perpetuity for Brent Geese and wading bird species, secured as part of the planning permission.
- 4.29 To mitigate the partial loss of the Secondary Support site at Daedalus associated with the employment allocations E2 (Faraday Business Park) and E3 (Swordfish Business Park), At an executive meeting of the Council in December 2021, approval was given to the acquisition of land to be used if necessary, as mitigation for the partial loss of the Secondary Support site as a result of the employment allocations. Mitigation secured, shall be off-site 'broadly close to the site', in accordance with NE5 and within the identified cluster area in accordance with the Council's Local Mitigation Solution.
- 4.30 Any financial contributions sought will be consistent with the approach detailed in the Solent Wader and Brent Goose Strategy Guidance on Mitigation and Offsetting Requirements and agreed by Natural England.
- 4.31 In all instances, mitigation for impacts to the SWBG network shall be in place in advance of development commencing onsite in order to comply with recent changes in case law (known as the Dutch case). Therefore, at the planning application stage, the Council will require the applicant to demonstrate there is an appropriate mitigation solution (either onsite or if justified, an offsite contribution to the Council's Local Mitigation Strategy) in place at the point of determining the application.

### **Biodiversity Net Gain**

- 4.32 In line with national policy and emerging legislation, the Fareham Local Plan 2037 contains a policy requirement for development to provide net gain for biodiversity (Policy NE2 Biodiversity Net Gain). In the absence of guidance from national policy

or legislation, the Local Plan proposes a targeted exemption for development that is:

- Permitted development; or
- Householder application; or
- Certain brownfield sites which do not contain priority habitats and face genuine difficulties in delivering viable development.

- 4.33 Although Natural England have raised the issue of prematurity in specifying exemptions to biodiversity net gain at this Regulation 19 stage, the Council has referenced in the supporting text of Policy NE2 the target exemptions from the Government's response to the Defra consultation on Biodiversity Net Gain in 2019. This has been done to be helpful for applicants and provide clarity. The Environment Bill, once enacted, will be a material consideration in relation to biodiversity net gain.
- 4.34 In line with the emerging Environment Bill, the Local Plan proposes to use the figure of 10% as the minimum amount of biodiversity net gain to be achieved by development. 10% net gain is to be achieved onsite where possible however, where this is not achievable, a combination of on-site and off-site provision, or wholly off-site provision is acceptable.
- 4.35 The Local Plan proposes that applicants use the Defra Biodiversity Metric as the calculation tool to evidence that 10% net gain is achieved by development. However, it is recognised that for small schemes such as for a single dwelling house it may not be possible to use the metric calculation tool due to a very low ecological value. In these circumstances, the Local Plan makes provision for the Council to accept a deviation from the standard approach to calculating net gains however, some net gain such as swift/bird bricks and bat boxes are still expected to be provided by development.
- 4.36 The Environment Bill suggests that net gain should be maintained for a minimum of 30 years. However, the Council recognises that if maintenance funds are invested prudently this can amount to funding in perpetuity. As such, the aim is to have net gain measures maintained and managed for the lifetime of the development. If net gain measures are included as part of a broader mitigation package for protected species or habitats (such as the SPA), then measures will need to be maintained and provided in perpetuity anyway.
- 4.37 The Council will continue to keep a watching brief on the development of the Environment Bill and any changes to biodiversity net gain metrics and make necessary amendments to policy NE2 and its supporting text if required.
- 4.38 The Local Plan proposes that the Local Ecological Network map of the Borough and wider area and/or the use of habitat banks to be used as a guide to target net gains and secure biodiversity improvements.
- 4.39 Paragraph 9.44 in the supporting text of Policy NE2 states the Council may prepare and adopt further guidance in the form of a Supplementary Planning document to assist the determination of applications in accordance with Policy NE2. This provides the Council some flexibility in case the Environment Bill and national policy provides insufficient guidance on securing and delivering biodiversity net gain.

- 4.40 It is recognised that there is now a small sites metric for biodiversity net gain which is subject to a Defra consultation, this was published in July after the Council had started its Revised Publication Local Plan. There is also a wider “Environmental Benefits from Nature” tool. Both the small sites metric and the environmental benefits tool are in the draft ‘beta’ stages of development.

### **New Forest Recreational Disturbance**

- 4.41 The administrative boundary of Fareham Borough falls within a 25km radius of the New Forest SAC/SPA/Ramsar (straight line distance), with the most westerly sections of the Borough are located approximately 30km (travel distance) from the New Forest National Park boundary using the M27 motorway route. The Local Plan Habitats Regulations Assessment (HRA) identified air quality and recreational disturbance as potential impacts on the New Forest SAC/SPA/Ramsar. However, during the Habitats Regulations Assessment process, the Council has been able to rule out likely significant effects from air quality impacts on the New Forest SAC/SPA/Ramsar in its Local Plan HRA, because of modelled minimal and insignificant contribution both alone and in combination. However, there is still uncertainty as to the extent that new development in Fareham may contribute to recreational disturbance impacts on the New Forest SAC/SPA/Ramsar. As a result, this impact has been screened into the Local Plan HRA for further consideration.
- 4.42 A partnership of authorities (which currently excludes Fareham Borough Council) has begun work assessing the impacts of recreation on the New Forest SAC/SPA/Ramsar. A Footprint Ecology study<sup>3</sup> carried out on behalf of the partnership demonstrated that the number of visits to the New Forest diminishes significantly with distance/journey time. Therefore, as shown by the study, visits to the New Forest SAC/SPA/Ramsar associated with increased housing development in Fareham Borough contributes a small proportion of overall visits to the designated sites. An additional report by Footprint Ecology<sup>4</sup> has been produced looking in greater detail at the zone of influence for recreational disturbance impacts. The report recommends that new residential development within 13.8km straight line distance from the New Forest SAC/SPA/Ramsar should provide mitigation to account for their in-combination effects on the New Forest. The Footprint Ecology report recognises that a straight-line distance from the New Forest SAC/SPA/Ramsar would include the majority of Fareham Borough. However, an exception is made due to the presence of Southampton Water which forms a barrier to access; meaning that residents in Fareham have to travel around and through parts of Eastleigh and Southampton in order to visit the New Forest.
- 4.43 Despite this, Natural England recommends on the basis of the Footprint Ecology report, that net new overnight accommodation in Fareham which falls within the 13.8km zone of influence of the New Forest SPA/SAC and Ramsar is likely to contribute to an in-combination effect on the sites. In addition, Natural England also advise that relevant EIA development in the 13.8km- 15km zone should also be subject to HRA for this impact pathway.

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<sup>3</sup> <https://www.newforestnpa.gov.uk/conservation/managing-recreation/future-forest/research-into-recreational-use-of-the-new-forests-protected-habitats-footprint-ecology-2020/>

<sup>4</sup> Liley, D & Caals, Z. 2020. Discussion and Analysis Relating to the New Forest SAC/SPA/Ramsar and a Zone of Influence for Recreation.

- 4.44 This issue was raised as part of Natural England's representation to the Revised Publication Local Plan and therefore it is not specifically addressed in the Local Plan nor the current HRA for the Plan. The Council has agreed to join the New Forest project steering group to work with other affected authorities and Natural England to identify appropriate mitigation solutions. In advance of any strategic solution, the Council has produced an Interim Mitigation Solution setting out the mitigation measures required to ensure no adverse impacts on the New Forest SPA/SAC/Ramsar. The Interim Solution has been approved by Natural England and the Council and has been implemented in the Borough since December 2021. From a plan-making perspective, Policy NE1 guards against the Council from granting permission where adverse impacts are identified and Policy TIN4 is the policy which secures mitigation for a wide range of impacts including the New Forest SPA/SAC/Ramsar. Natural England will continue to be consulted on project-level HRAs, through which the issue can be raised and addressed.
- 4.45 As described above, the Council has been able to screen out impacts from air quality in its Local Plan HRA. This is on the basis of a study on air quality<sup>5</sup> undertaken by Ricardo, as part of the Habitats Regulation Assessment. The Air Quality HRA confirms that the maximum modelled contribution from the Fareham Local Plan to all pollutants of concern in the study is less than 0.025% of all the relevant Critical Levels, which is considered to be nugatory. Therefore, the HRA indicates that pre-mitigation there is no threat to the ability of the New Forest SAC/SPA/Ramsar sites to achieve their conservation objectives or maintain their integrity as a result of the FLP. Moreover, the study concludes there are no issues in relation to air quality and therefore there is no requirement for the Council to work with New Forest District Council or the New Forest National Park Authority in this respect.

### **Sustainability Appraisal/ Strategic Environmental Assessment**

- 4.46 A Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) accompanies the Fareham Local Plan 2037. Natural England, as a statutory consultee, provided comments and input to ensure that the SEA/SA covered the key strategic issues relating to the Local Plan. At each stage of the Local Plan making process the relevant SEA/SA output which has influenced the development of the Plan and has been made available for public consultation.

### **Habitats Regulations Assessment**

- 4.47 A Habitats Regulations Assessment (HRA) accompanies the Fareham Local Plan 2037. An initial screening report was produced in September 2017 which identified the scope of the assessment and key impact pathways for the Local Plan. It concluded that the Plan without appropriate measures and mitigation is likely to result in significant effects and should proceed to the Appropriate Assessment stage. An Appropriate Assessment was carried out and a report was published in September 2020 and a revised version published in June 2021 to accompany the latest Regulation 19 version of the Fareham Local Plan. The Appropriate Assessment concluded that with the specific avoidance and mitigation measures in place, the Fareham Local Plan 2037 would not result in any likely significant

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[https://www.fareham.gov.uk/PDF/planning/publicationplan/Ricardo\\_Fareham\\_Local\\_Plan\\_HRA\\_air\\_quality-FINAL.pdf](https://www.fareham.gov.uk/PDF/planning/publicationplan/Ricardo_Fareham_Local_Plan_HRA_air_quality-FINAL.pdf)

effects. The relevant HRA reports have been made available for public consultation at each appropriate stage of the local plan making process.

## **5.0 Areas of Agreement**

5.1 Natural England and Fareham Borough Council as Local Planning Authority have reached common ground on aspects of the emerging local plan relating to biodiversity and the natural environment.

5.2 In respect of the Local Plan's effect on the deteriorating water environment of the Solent, agreement has been reached on:

- The assumptions used in the calculation of the Local Plan nutrient budget and the overall; and
- The overall nutrient budget deficit; and
- The proposed mitigation measures including Policy NE4 will ensure that development will not adversely affect the integrity of the designated sites in the Solent.

5.3 In respect of the Local Plan's effect on recreational disturbance on the Solent SPAs, agreement has been reached on:

- Level of onsite mitigation being provided as part of the masterplan for HA55 Land South of Longfield Avenue is appropriate to mitigate for recreational disturbance on the Solent SPAs and that the mitigation land can also be used for New Forest recreation mitigation purposes.
- Notwithstanding the first bullet point above, the receipt of payments towards the Solent Recreation Mitigation Strategy; and
- Notwithstanding the first bullet point above, only accepting alternative mitigation options if in taking account of any advice from Natural England, the Council as competent authority, agrees that they meet the tests set out in the Conservation of Habitats and Species Regulations 2017.

5.4 In respect of the Local Plan's effect on the Solent Wader and Brent Geese Network agreement has been reached on:

- The approach being taken within the Council's Local Solent Wader and Brent Goose Mitigation Solution.
- In accordance with the SWBG Strategy Guidance on Mitigation and Offsetting and policy NE5, mitigation for Housing Allocation HA55 Land South of Longfield Avenue shall be provided in accordance with a Council-led masterplan in particular to the west of Peak Lane. Natural England have been involved and have indicated that the current masterplan is capable of providing a suitable scale of mitigation to address recreational impacts on European sites and loss of SPA supporting habitat, with the detail of such mitigation to be refined at project level HRA;
- In accordance with the SWBG Strategy Guidance on Mitigation and Offsetting and policy NE5, mitigation for Housing Allocation HA54 Land East of Crofton Cemetery shall be provided on-site (on part of identified SWBG Site F17C)
- Natural England have been kept informed and are supportive of the Council's approach to securing mitigation broadly close to and within the identified cluster area for the two employment allocations E2 Faraday

Business Park and E3 Swordfish Business Park. This being carried out in accordance with the SWBG Strategy Guidance on Mitigation and Offsetting, the Council's Local Mitigation Solution and policy NE5 in the Local Plan. mitigation for the two employment allocations E3 Faraday Business Park and E4 Swordfish Business Park shall be provided on site, or broadly close to the site

- The Council will continue to work with, and update Natural England on the development of its Local SWBG Mitigation Strategy.
- Policy NE5 Solent Wader and Brent Goose Sites within the Fareham Local Plan 2037 provides the wider policy basis for dealing with applications for development that are on or may impact on, the wider Solent Wader and Brent Goose Network.

5.5 In respect of the inclusion of biodiversity net gain within the Local Plan, agreement has been reached on:

- The overall approach to biodiversity net gain as set out in the Local Plan including possible development exemptions; and
- A 10% net gain minimum requirement for qualifying development.
- The use of the Defra Biodiversity Metric as a calculation tool to evidence biodiversity net gain; and
- Under limited and special circumstances, the exemption of small-scale development (such as a single dwelling house) from using the Defra metric calculator to attain 10% minimum net gain; providing there is still some noticeable improvements for biodiversity (bat boxes, swift bricks etc.) secured; and
- Maintenance of biodiversity net gains for a minimum of 30 years with the expectation that gains will be maintained for the lifetime of the development; and
- Use of the Local Ecological Network map and/or Habitat Banks to identify and secure areas for biodiversity net gain improvements.  
The Council will continue to keep a watching brief on the development of the Environment Bill and any changes to biodiversity net gain metrics. The Council will consider the production of SPD if the Government guidance/Environment Bill requires further local clarification.

5.6 In respect of the Local Plan's effect on the New Forest SPA/SAC/Ramsar due to air quality impacts, agreement has been reached on:

- There is no threat to the ability of the New Forest SAC/SPA/Ramsar sites to achieve their conservation objectives or maintain their integrity as a result of the Fareham Local Plan 2037.

5.7 In respect of the Local Plan's effect on the New Forest SPA/SAC/Ramsar due to recreational impacts, agreement has been reached on:

- The approach being taken in the Council's Interim Mitigation Solution and continued work to develop the evidence base and work with other affected local authorities on a long-term definitive strategy.
- Net new overnight accommodation in Fareham that is within 13.8km of the SAC/SPA/Ramsar boundary will require a project level HRA to assess any

potential for recreational disturbance impacts on the New Forest SPA/SAC/Ramsar.

- Relevant EIA development in Fareham within 13.8km-15km of the SAC/SPA/Ramsar boundary will require a project level HRA to assess any potential for recreational disturbance impacts on the New Forest SPA/SAC/Ramsar.
- Policy NE1 in the Fareham Local Plan provides the policy framework for preventing adverse effects on site integrity of the New Forest designated sites.

5.8 In respect of the SEA/SA process carried out in support of the Local Plan, Natural England in their role as a statutory consultee agrees that:

- It has had opportunities to comment on the content and conclusions of the SEA/SA throughout its development.
- Raises no issues with the sustainability outcomes of the Fareham Local Plan 2037.
- The SEA/SA in their view, is legally compliant having been prepared in accordance with the relevant legislation.

5.9 In respect of the HRA process carried out in support of the Local Plan, Natural England in their role as a statutory consultee agrees that:

- It has had opportunities to comment on the content and conclusions of the HRA throughout its development.
- The conclusions set out in the HRA with respect to the identified likely significant effects and mitigation required are appropriate.
- The HRA in their view, is legally compliant having been prepared in accordance with the relevant legislation.

5.10 Natural England will continue to support and work collaboratively with Fareham Borough Council to ensure satisfactory outcomes for both Fareham Borough Council and Natural England are achieved.

## **6.0 Signatories**

6.1 Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon.

6.2 It is agreed that these discussions will inform the Fareham Local Plan 2037 and both parties will continue to work collaboratively in order to meet the duty to cooperate.

6.3 For Natural England the Statement of Common Ground is signed by Rebecca Aziz, Senior Advisor for Sustainable Development. For Fareham Borough Council, the Statement of Common Ground is signed by Richard Jolley, Director of Planning and Regeneration.



Signed:



Name: Rebecca Aziz

Position: Senior Advisor Sustainable Development

***Natural England***

Date: 17 February 2022

Signed:



Name: Richard Jolley

Position: Director of Planning and Regeneration

***Fareham Borough Council***

Date: 17 February 2022