

Fareham Borough Council Publication Plan Hearing

Matter 1: - Statement of Community Involvement

Inspector's questions 7 & 8

7. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement at the relevant time and met the minimum consultation requirements in the 2012 Regulations? What evidence is there that representations submitted in response to the Draft Local Plan have been taken into account as required by Regulation 18(3)?

8. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?

Having read the Council's responses to the Inspector's initial questions, I feel the following points need to be made:-

- The Council made a decision not to update its Statement of Community Involvement until the plan has been through this examination. This will take place too late to benefit the local community
- Some of the suggested amendments made by members of the public regarding the purpose and methodology of this consultation have been taken on board by this Council, which is good to see. However, these minor improvements will also be too late for the majority of the local community who either have already submitted their comments or decided they were unable to grapple with the huge amounts of documentation and complex process.
- I note the many references in the Council's response which refer to the Fareham Today magazine which took two attempts to reach the whole Borough.
- I note also the many references made to the use of an online consultation form and supporting evidence via the website, downloading online a hard copy, an online virtual exhibition, use of the Council's Facebook and Twitter accounts. This balance of online access, late receipt of the magazine and Covid, all contribute to unfairly discriminating against those members of the public without access to either.
- The Council highlights its meetings and exhibitions across the Borough. These resulted in attendance of a total of 50 people at 5 exhibitions and 90 people at 4 meetings. 3 people arranged to visit the Council offices. Is this sufficiently proportionate compared to the total number of residents across the borough to make this plan legally compliant?
- Many of the comments received on the Publication Plan refer to the complexity of the documentation and more importantly, the difficulty in using the restricted drop down options when they wished to comment on other aspects of the plan. I don't believe we were "encouraged to focus on the revisions" as claimed by the Council. We were prevented. I also disagree that "consultees were not dissuaded from commenting on unchanged elements of the plan" The comments from the local community on the very limited specific options given to us, confirm this. I don't recall any "other boxes" being available on the online survey for commenting on all elements of the plan.

Matter 1 - Habitats Regulations Assessments (HRA)

Inspector's questions 11 & 12

11. Is the Plan legally compliant with respect to the Habitats Regulations¹ and Habitats Directive, as interpreted by recent case law², and any requirement for appropriate assessment? Does the Habitats Regulations Assessment (HRA), ensure compliance? Are further main modifications to the Plan necessary to ensure it would not have any likely significant impacts in the light of the HRA?

12. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the plan?

It is both reassuring and appreciated by the local community that Natural England are updating and improving its guidance in response to new evidence and responding to the challenges raised by this group, amongst others, regarding the robustness of the application of the HRA by this Council.

Natural England's comments on one of the sites within HA1 on 25 November 2021: *"As no in-combination assessment of impact from the development with other plans/projects either within the authority area or in neighbouring areas, appears to have been carried out and in light of the recently published research and analysis, Natural England consider that a level of uncertainty remains regarding the level of additional impacts from the proposed development and do not concur with your conclusion of 'no likely significant effect'".*

The Inspector's initial questions and the Council's response on the HRA, refer to the availability of the potential nutrient mitigation schemes and the impact on sites being granted consent. The more important question on the mitigation is whether it is robust enough to fully meet the requirements of the HRA. This group believes it is not and our view is influenced by QC Opinions and Mr Justice Jay's comments at Judicial Review in May 2021. Whilst the specific grounds against the Natural England advice in relation to the HRA were inconclusive, permission has now been given by Judge Lord Justice William Davis to challenge these at an imminent Court of Appeal Hearing on 5th and 6th of April 2022. See attached Appendix A.

It is the view of the local community that this plan should not be considered sound and therefore not adopted until the outcome of the Court of Appeal Hearing is known.

The Habitats regulation assessments on protecting a European site states: This guide applies to European sites in England and Wales and their inshore waters (within 12 nautical miles of the coast). This equates to 22.22 kms. Can the Council and Natural England explain why 5.6km is applied for identifying sites subject to HRA?

The use of off-setting as a large-scale mitigation strategy is totally unproven. Some experts have used calculations that support this approach and demonstrated its theoretical justification to support the approach. However, many people are sceptical that this will prove effective, particularly when the areas chosen to re-wild are up to 14 miles away from the centre of Fareham (Whitewool Farm (East Meon)) and 12 miles for Warnford Park in the Meon Valley.

When agricultural land is taken out of action, no new nitrates will be created as no fertiliser is being used. However as with all farming nitrate build up is historic and will take time to seep through to water courses such as the Solent. It is difficult to say exactly how long historic nitrate will take to clear from land into water dependent on rock and soil types but even on sandy soil which drains more quickly it will take a few years, certainly not days or hours. This information was confirmed by the HIWTT.

Bearing in mind the seriousness of Nitrate Pollution, nitrate neutrality is simply not enough! Fareham Borough Council should be much more ambitious & be looking at achieving significant nitrate reduction/net gain.

What does not seem to have been taken in to account is that in rewilding agricultural land there is an impact on food production. If we reduce the amount of food we produce in the UK it is then produced overseas and we are only sending our nitrate problem somewhere else!

A local fly fisherman and lover of chalk streams, has fished many of these including the river Meon for over 30 years and has noticed the reduction in natural insect life and fauna on the Meon along with the deterioration of other chalk streams in Hampshire. A local sea fisherman has first hand evidence of the impact that eutrophication has had on the Solent and the fishing industry.

Over the last 4 years, this group has been actively reviewing and commenting on the dozens of planning applications for the Western Wards. On many occasions this group pointed out to the LPA that the 'in combination effect' was not being assessed for the many planning applications. Indeed how could the cumulative effect be assessed, when the number of sites for HA1 constantly changed and were regularly tagged onto the original site? These objections were ignored by this Council and brushed aside as irrelevant but consistent with this Council ignoring residents' views for years.

The Strategic Environmental Assessment (SEA) demonstrates there are 30 Potentially incompatible Strategic priorities compared with Local Plan Objectives.

Matter 1 - Recreational impacts on the New Forest

Inspector's initial question 6. What progress has been made with the interim mitigation strategy and has a programme of work and timetable been set out?

The local community would like to draw the Inspector's attention to the mitigation measures for the Council's Interim Mitigation Scheme for recreational impact on the New Forest referred to in this plan and highlighted in the interim questions. The interim plan has now been approved by the Council. The effectiveness of the interim plan is being measured on

- Providing alternative recreational opportunities (to deflect potential visits away from the New Forest protected sites)
- access management and wardening in the New Forest protected sites themselves
- accompanied by monitoring of the impacts and effectiveness of mitigation measures (to provide a better understanding of the impacts of recreation on the New Forest protected sites and enabling future refinements of mitigation policies and measures).

The interim strategy at Paragraph 21 describes new green spaces being created, improving existing open spaces to divert Fareham residents who might otherwise visit the New Forest. Can the Council tell us where these open spaces are being created as most, if not all, said green spaces across the borough are earmarked for development.

The use of the new or improved green spaces will be monitored for this interim strategy. The measurement of this 'behavioural change' approach replicates the approach taken for monitoring the Strategic and Mitigation Partnership (Bird Aware) which is covered under Matter 10 and is totally inadequate in tackling the impact of recreational disturbances on the New Forest SAC/SPA and RAMSAR.

To answer the Inspector's question, the programme of work and timetable in this interim strategy are both non specific and consist of a timetable simply described as 'up to March 2025.' The interim solution for NEW FOREST is also unproven and lacks significant certainty.