

**Fareham Borough Council Publication Plan Hearing****Matter 10: - Natural Environment****Question 6 – Policy NE4 and Policy NE2- Is the Policy clear and would it be effective**

The Plan is not sound nor legally compliant in that it does not set aside sufficient land (legally) for wildlife habitats. Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected and ENHANCED. Page 247 Para 9.54 indicated that proposals for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However Para 9.50 (Policy NE4) confirms permission will be granted when the integrity of designated sites be maintained but the word IMPROVED has been removed. Police D4 claims the council will seek to improve water quality” which contradicts Policy NE4. The LPA’s approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. It is unclear how any development could be contemplated in Fareham Borough without negatively impacting the SAC and RAMSAR sites and therefore based on proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hampshire and Isle of Wight Trust stated the wording used in the National Policy.2 Development proposals must protect, enhance and not have significant adverse impacts.....2. They also stated it is important that as well as having regard for the important ‘natural landscape features’ the policy seeks to enhance and reconnect ecological networks where they have been compromised.

Strategic Policy NE2: The Hampshire and Isle of Wight Trust considers a wording change to Policy NE2: Biodiversity and Nature Conservation; to ensure that the delivery of net gains in biodiversity is the minimum required to achievement. New wording to be “Developments proposal should seek to provide opportunities to incorporate biodiversity within the developments and deliver net gains in biodiversity where possible”. Natural England strongly recommends that all the developments achieve biodiversity net gain. To support this approach, they suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a biodiversity “mitigation and enhancement plan” (BMEOP) that has been approved by a Hampshire County Council (HCC) ecologist. In line with the NPPF and in order to achieve a net gain in biodiversity, the following change of wording is proposed by Natural England “Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity”. The policy states 1 or more dwellings should provide 10% net gain for biodiversity. Habitats regulation assessment (2021) NE advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated that NE advice note will need to be reviewed in light of his judgement. He added this judgement should not be interpreted as giving the advice note a clean bill of health.