

**Fareham Borough Council Local Plan Examination**  
**Council's Response to Inspector's Matters and Issues**

**Matter 10 Natural Environment**

*(Policies NE1 – NE11)*

***Policy NE1- Protection of Nature Conservation, Biodiversity and the Local Ecological Network***

**1. Is the policy consistent with the Framework? Is the Policy clear and would it be effective?**

- 1.1 The Council considers Strategic Policy NE1 and its supporting text to be consistent with the Framework, in particular paragraphs 174, 175, 179 and 180. Policy NE1 refers to protecting and enhancing protected and priority habitats and species, all designated international, national sites and local sites; reflecting their status in the hierarchy of nature conservation designations (which is described in paragraphs 9.3-9.6 and Figure 9.1 in the supporting text in the Plan). The various nature conservation designations are identified on the Policies Map and the Policy identifies and refers to the protection of the Local Ecological Network (LEN) in the Borough (a map of the LEN is contained within Appendix C of the Plan). The Policy is supportive of development whose primary objective is to conserve and enhance biodiversity (including within the Local Ecological Network), geodiversity and natural resources, which is consistent with paragraph 180 d) of the Framework. Paragraph 9.11 of the Plan refers to the best practice principle of the mitigation hierarchy in line with paragraph 180a of the Framework whilst paragraphs 9.14 and 9.15 refer to development affecting SSSIs and the loss or deterioration of irreplaceable habitats in line with the Framework. Furthermore, the Council is content that the policy and the Plan as a whole, provides evidence that it meets the duty placed on it by Section 40 of the Natural Environment and Rural Communities Act, 2006 and the Conservation of Habitats and Species Regulations (2017) as amended.

***Policy NE2 Biodiversity Net Gain***

**2. Are the requirements of the policy sufficiently clear in relation to**

- i) the ability for developments to buy 'credits' where net gain on site is not achievable.**

- 2.1 The Council considers the policy to be succinct and clear, ensuring there is a net gain from development in all relevant circumstances. The Policy reflects and complies with the requirements in the TCPA 1990, as amended by the Environment Act 2021. The Council also recognises the introduction of the Environment Act. 2021 and as a result, proposes to replace all references in the Plan to the Environment Bill with the Environment Act. 2021.
- 2.2 However, to be clear to decision makers, developers and the local community on the various ways by which compliance with the policy may be achieved, the Council considers a minor modification necessary to the first sentence of paragraph 9.41 of the supporting text to make clear that development can also purchase 'credits' in addition to/or use 'habitat banks' as already stated within the paragraph, to secure off-site gains where it cannot be provided onsite or within the vicinity of the development. Proposed wording to read "The use of credits and/or habitat banks to secure off-site gains away from the development.....". The Council considers the proposed wording within the supporting text to be sufficient in providing clarity and that no change to the policy is required.

**ii) That compensation can include new habitat or restoring/enhancing existing habitats.**

2.3 To be clear to decision makers, developers and the local community on the various ways by which compliance with the policy may be achieved, the Council considers a minor modification necessary to paragraph 9.31 of the supporting text. This is to make clear that measures which include new habitat and/or restoring and enhancing existing habitats is acceptable for achieving the requirements of the policy. Proposed wording after the first sentence in paragraph 9.31 to read “They can include new habitat or restoring/enhancing existing habitats and ~~They~~ could form part of a broader package of measures designed to improve or mitigate the wider impacts of development...”. The Council considers the proposed wording within the supporting text to be sufficient in providing clarity and that no change to the policy is required.

**3. How has viability been addressed?**

3.1 The cost of complying with this policy has been considered in the Plan’s viability assessment. Viability is covered within the Fareham Local Plan Viability Assessment 2019 (VIA001) section 5.3.6 and Table 5.10 and within section 2.4 of the Viability Assessment Addendum 2021 (VIA003).

**4. What consideration has there been for of environmental off setting on a local and/or sub regional basis?**

4.1 Locally, the Council has held discussions with its internal Street Scene department which manage council owned land in the Borough to identify opportunities for using council land as off-setting sites for Biodiversity Net Gain (BNG). The Council’s Street Scene department is in the process of compiling a list of available sites and projects where offsite contributions for BNG could be made. The Council can provide an update on the progress of this process at the hearings if the inspector wishes.

4.2 At a sub-regional level, the Partnership for South Hampshire’s (PfSH) Strategic Environmental Planning Officer (SEPO) has been tasked with identifying strategic solutions to BNG as part of the priorities for the role in the short to medium term. As part of this, frequent Hampshire BNG round table meetings are being set up as an informal space for all Hampshire LPAs and relevant stakeholders such as Natural England to discuss net gain opportunities across the sub-region. The Council will attend these meetings to contribute to the development of a strategic BNG approach.

4.3 Furthermore, a newly created scheme, the Defra Solent Nutrient Market Pilot (FBC056) aims to support landowners to make long term land-use changes that reduce nitrogen pollution and deliver wider environmental benefits such as BNG. It is currently anticipated that the Market Pilot will commence operation by late 2022 however, it is to initially focus on the Test and Itchen Catchment in the west of County.

### ***Policy NE3 Recreational Disturbance on the Solent SPA***

#### **5. Is the Policy clear in relation to how it would be implemented, and would it be effective?**

- 5.1 The policy is clear development will be permitted where a financial contribution is made towards the SRMS or where a developer-provided package of measures is delivered which avoid or mitigate any negative effects from recreation. Supporting text paragraph 9.46 provides clarity over the type of development the policy applies to whilst paragraphs 9.47-9.49 detail how the type of mitigation required by the policy is implemented. As paragraph 9.48 states, it is expected that the majority of schemes will mitigate their effects by payment of a contribution to the SRMS. The SRMS has been based on over 10 years of joint working with other Local Authorities, RSPB and Natural England, all of which are members of the Bird Aware Solent Partnership Steering Group. The governance of the project is via the Partnership for South Hampshire. However, the policy also deals with proposals that do not come forward with a contribution to the SRMS and ensures alternative mitigation is provided to ensure no adverse effect on the integrity of the Solent SPA. The HRA accompanying the Local Plan (CD004) is able to conclude no adverse effects on the Solent SPA from recreational disturbance on the basis of this policy. Furthermore, Natural England have not raised any issues with the policy or the conclusions of the HRA in this regard and this has formed part of an agreed and signed Statement of Common Ground (SoCG) with Natural England (SCG006 and Revised SoCG FBC043). It is therefore considered an effective way of mitigating the recreational disturbance effects of new residential development on the Solent Special Protection Areas.

### ***Policy NE4 Water Quality Effects on the SPAs, SACs and Ramsar sites***

#### **6. Is the policy clear and would it be effective?**

- 6.1 The Council considers the policy to be clear that planning permission will only be granted provided there are no adverse effects to designated sites from the increased production of wastewater as a result of the development. Paragraphs 9.50 and 9.51 in the Plan make clear the type of development the policy applies to. The Policy is considered effective due to the amount of mitigation available and expected to become available throughout the plan period. The Council would like to refer back to its response to question 5 in the Inspector's Initial Questions Letter (FBC001) which details the nutrient mitigation schemes currently available for use by development in Fareham and explains the ongoing work of the Partnership for South Hampshire's Strategic Environmental Planning Officer who has been, and is still working on securing additional mitigation schemes within the sub-region. The Council has a Statement of Common Ground (SoCG) with Natural England (SCG006 and FBC043) which covers this issue on the effects of nutrients on receiving waters. In respect of the Local Plan's effect on the deteriorating water environment of the Solent, agreement has been reached that the proposed mitigation measures, including Policy NE4, ensure that development will not adversely affect the integrity of the designated sites in the Solent. Furthermore, the HRA accompanying the Local Plan is able to conclude no adverse effects on designated sites through increased wastewater production as a result of Policy NE4. This particular point has also been subject to agreement by Natural England in the SoCG.

## **7. Is it clear to decision makers, developers and the local community which developments are subject to this policy and how mitigation could be achieved?**

- 7.1 Paragraphs 9.50 and 9.51 in the Plan detail the type of development the policy applies to, in particular, new housing and other proposals which includes a net gain in overnight accommodation. Furthermore, paragraphs 9.51-9.52 recommends that applicants read and use the Natural England Nutrient Methodology Calculator and accompanying Mitigation Guidance (FBC057) to ascertain if development is required to demonstrate nutrient neutrality and, if required, to demonstrate that adequate measures are in place to achieve nutrient neutrality. It is the Council's view that these documents provide applicants with appropriate guidance over what types of mitigation could be employed. Detail on mitigation schemes available to developers is available on the PfSH website and many schemes have been referenced in the answer to question 5 in the Inspectors Initial Questions (see FBC001 page 7).

## **8. What progress is being made to secure strategic options for mitigation?**

- 8.1 The Council refers to its response to Question 5 of the Inspector's Initial Questions Letter dated November 2021 (FBC001) which details the strategic mitigation schemes currently available for use by developments in Fareham and to the work of the Partnership for South Hampshire's (PfSH) Strategic Environmental Planning Officer, who has been working on securing further mitigation schemes within the sub-region. The latest Strategic Environmental Planning Officer update on Nutrient Neutrality in the Solent was produced for PfSH in February 2022 (FBC058). This report provides the latest position on strategic mitigation in the sub-region.

## **9. How has viability been considered?**

- 9.1 Viability is covered within the Fareham Local Plan Viability Assessment 2019 (VIA001) under section 5.3.4 in the additional policy costs and within under section 2.5.4 of the Viability Assessment Addendum (2021). On the basis of recent schemes before the council, a mitigation cost including administration fees of between c£1,900 - c£3,775 per dwelling was factored into the viability assessment for Fareham.

## ***Policy NE5 Solent Wader and Brent Goose Sites***

## **10. Is the policy clear and would it be effective?**

- 10.1 Neighbouring authorities along the Solent Coast have policies in their adopted and emerging Local Plans regarding SWBG sites. There is an existing policy within the Council's adopted Development Sites and Policies Plan (FBC049) which has been used effectively in the determination of planning applications on SWBG sites in the Borough. Policy NE5 is based upon a long-standing strategy dating back to 2010. It uses updated terminology in relation to new guidance set out in the SWBG Strategy (2017) (NE002) and more recently a 2020 version (which was published in 2021 (FBC044)) which have both been produced through the joint working of the SWBG Steering Group. The SWBG Steering Group is made up of Natural England, RSPB, Hampshire Isle of Wight Wildlife Trust, Hampshire County Council, Coastal Partners and Hampshire Ornithological Society. The Policy is consistent the SWBG Strategy (which has been formally acknowledged by PfSH Joint Committee in February

2022) in that it distinguishes between the different classifications that make up the SWBG network and describes the criteria that development need to meet in order to be permitted on each of the different SWBG classifications. The policy is flexible in its approach to dealing with impacts on the different SWBG sites and this reflects their varying importance in the SWBG network.

- 10.2 The Policy is covered within the Statement of Common Ground with Natural England (SCG006 and FBC043) whereby it has been agreed that the Policy NE5 provides the mitigation that the HRA accompanying the Local Plan can rely upon to conclude no adverse effects and is a sound policy basis for dealing with applications for development that are on or may impact on, the SWBG network in Fareham.

**11. Do any of the sites allocated for development in the plan, or parts of sites, fall within sites used by Solent Waders and Brent Geese?**

- 11.1 Yes. The following allocations are on SWBG sites: HA54, HA55, E2 and E3. The Council has produced a Local Mitigation Solutions (LMS) (FBC019) to demonstrate the deliverability of the Local Plan allocations on SWBG sites through identification of the individual mitigation for those sites.
- 11.2 For allocations HA54 and HA55 there is specific onsite mitigation land identified as stipulated by the policy criteria for those allocations (criteria d) for HA54 and h) for HA55). It has been agreed in a revised SoCG with Natural England (FBC043) that Natural England agree to the approach to mitigation for these two Housing Allocations
- 11.3 For allocations E2 and E3, these developments have suitable offsite mitigation identified broadly close to the allocations in accordance with Policy NE5 and the Council's LMS. It has been agreed in a revised SoCG with Natural England (FBC043) that 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.

**12. Does the Policy sufficiently reflect the recommendations of the Solent Waders and Brent Geese (SWBG) Strategy?**

- 12.1 Yes. The Council considers the Policy to be consistent the SWBG Strategy in distinguishing between the different classifications that make up the SWBG network and highlighting the different mitigation criteria associated with the different classifications. As mentioned in response to question 10, the Policy is covered within the SoCG with Natural England (SCG006 and FBC043) whereby it has been agreed that it provides a policy basis for dealing with applications for development that are on or may impact on, the SWBG network in Fareham. Reference to the SWBG Strategy and mitigation guidance is made throughout the supporting text in the Plan in recognition that proposals should refer to the strategy to ensure full consideration of the mitigation requirements for each classification that make up the SWBG network is given.

**13. What is the justification for including the sites on the policies map when they may be updated and reviewed during the plan period? Should it be clearer that reference should be made to the SWBG Strategy?**

- 13.1 Paragraph 23 of the Framework states that land use designations should be identified on a policies map. The SWBG network is a land use designation and so should be indicated on the policies map to be consistent with the Framework. The Council is content that sufficient reference is made to the SWBG Strategy and the Guidance on Mitigation and Off-setting Requirements in the supporting text of the policy (evidenced by paragraph 9.59) to ensure that applicants' reference and refer to the strategy when submitting proposals that may affect the network. Direct reference to the strategy in the policy has been avoided because the SWBG is not a Development Plan Document and to future proof the Policy against any changes to the strategy name or additional strategy documents that may be produced in future.
- 13.2 The current 2020 SWBG strategy has evolved since the policy on SWBG sites in the adopted Development Sites and Policies Plan was produced (Policy DSP14 in FBC049). Despite this, applicants and Development Management Officers refer to the new strategy and designations in the process of carrying out their work, as changes to the strategy are a material consideration when determining applications. Therefore, any changes to the SWBG Strategy that are different to the policy position in Policy NE5 they would be a material consideration and the policy and policies map can be revised at next opportunity if required.

**14. Paragraph 9.55 states there are no Candidate sites in the borough, but the policy refers to them as being shown on the policies map. Is an amendment required for clarity and effectiveness?**

- 14.1 The Council agrees that a minor amendment should be made to paragraph 9.55 and 9.78 to reflect the fact that there is one Candidate site for SWBG in the Borough. This Candidate site was added to the SWBG network in the subsequent updates to the SWBG Strategy (as stated in the Council's response to Q10 of this Matter 10) and demonstrates the changing nature of the strategy dependent on updated data. Therefore, no change is required to the policy. The new wording proposed for paragraph 9.55 is as follows "At present, there ~~are no~~ is one Candidate Sites within the Borough. ~~however, this~~ The number of SWBG network sites could change with future updates to the Solent Wader and Brent Goose Strategy, and if/when new data records emerge to show an area as a possible Candidate for Brent Geese and Waders."
- 14.2 The new wording proposed for paragraph 9.78 is as follows "At present there ~~are no~~ is one Candidate Site within Fareham. Candidate sites have records of large numbers of waders or brent geese. However, the large numbers have been recorded less than 3 times from 2006/2007 to present day. Further surveys are necessary to determine the classification (i.e Low Use, Primary or Secondary Support etc.) of the site using the agreed survey methodology contained in the SWBG Guidance on Mitigation and Off-setting Requirements. ~~however this could change with subsequent updates to the Solent Wader and Brent Goose Strategy and if new records/survey data comes to light showing an area as having potential for Solent Waders and Brent Geese."~~

**15. Should part b) of the policy refer to the management of sites and should it include guidance on the expected size and proximity of replacement sites?**

- 15.1 Paragraph 9.63 of the Plan refers to the overall principle of replacement habitats and their management stating that replacement land should have *“an agreed and costed Habitat Management and Monitoring Plan with sufficient funds provided to cover the costs in full, for the lifetime of the associated development”*. However, to make it clear to decision makers, developers and the local community, the Council would accept a change to include the wording “its management” before the word *“secured”* within part b) of the policy.
- 15.2 Due to the critical importance of Core and Primary sites and their relative difficulty to be replaced in a suitable location to ensure the ecological network is maintained, there are numerous mitigation criteria that need to be met in order for impacts to be acceptable (as stated in SWBG Strategy Guidance on Mitigation and Off-setting Requirements NE003). It is for this reason the policy wording within part b) states *“...conforms entirely to the specific requirements for the Solent Waders and Brent Geese species concerned and is satisfactorily agreed by the Council and other appropriate bodies”*. To include guidance on the expected size and proximity of replacement sites within this part of the policy would make the policy overly lengthy and complex. Instead, paragraph 9.59 of the supporting text refers to the SWBG Strategy Guidance on Mitigation and Off-setting Requirements and states that any proposed mitigation should be consistent with the measures set out in that document. It is the Council’s view that the SWBG Strategy provides the best source of guidance and information for applicants in this regard. Furthermore, guidance over the appropriate size and proximity of replacement sites may change over time and is often assessed on a case by case basis. Given the flexibility associated with different approaches to mitigation when considered against the specifics of development, the policy could not remain succinct or be drafted to accommodate all scenarios and therefore, it is considered guidance should not be included within the policy.
- 15.3 The Council recognises that it is the competent authority with regards to matters affecting designated sites (the SWBG network is a supporting habitat of the designated sites in the Solent). As such, the Council proposes an amendment to part b of the Policy to reflect the Council’s role as the decision maker in habitats regulations matters. The proposed amendment to criteria b) to read *“...conforms entirely to the specific requirements for the Solent Waders and Brent Geese species concerned and is satisfactorily agreed by the Council in consultation with ~~and~~ other appropriate bodies”*.

## ***Policy NE6 Trees, Woodland and Hedgerows***

### **16. Is the Policy clear and would it be effective? In particular**

#### **i) Is it clear what is meant by ‘unnecessary’ and ‘unavoidable’ loss?**

16.1 To be clear to decision makers, developers and the local community the Council proposes the following modification to the policy to remove the wording ‘unnecessary’ and ‘unavoidable’. The proposed modified policy would read:

**Development will be permitted which:**

**a) ~~Avoids the unnecessary loss of~~ Retains protected trees, hedgerows and woodland, and non-protected trees, hedgerows and woodland, particularly those which have are of high amenity value; or**

**b) ~~Where their loss is unavoidable~~ there is clear justification for their removal, provides for the suitable replacement (in terms of number, species and size) of trees, woodland and hedgerows; their replacement in a suitable location; and**

**c) In either case and where practicable, provides for new and suitable trees, woodland and hedgerows.**

**The removal of protected trees, groups of trees (including veteran trees), woodland (including ancient woodland) or hedgerows will only be permitted in exceptional circumstances. ~~Where protected trees, woodland and hedgerows are subject to removal, a replacement of an appropriate number, species and size in an appropriate location will be required.~~**

16.2 In addition, the Council proposes a modification to the wording of the last two sentences in paragraph 9.84. The new wording proposed is as follows “There is a presumption against the that loss and damage to trees, woodland and hedgerows ~~should be avoided. Therefore,~~ Where there is clear justification for their removal, it can be demonstrated that the loss or damage to non-protected trees, woodland and hedgerows is unavoidable, the Council will seek replacement and/or ~~compensation~~ a contribution for a suitable number, species and size where appropriate”.

16.3 The Council regards the proposed rewording of the policy and supporting text to be clearer and more positively prepared. Given the substance has not materially changed, it is considered to be a minor modification. It is considered that the reworded policy is effective in that it ensures the retention of protected trees, woodland and hedgerows and those trees, woodland and hedgerows which are of high amenity value unless there is clear justification for their removal. Where removal is justified, the policy ensures a suitable replacement (in terms of number species and size) of trees, woodland and hedgerows. In either scenario (a or b) the policy provides for additional provision of trees, woodland and hedgerows where practical. The policy recognises that trees, woodland and hedgerows make an important contribution to the character and quality of urban environments, biodiversity and have wider benefits through natural capital and ecosystem services such as helping to mitigate and adapt to climate change as stated in paragraphs 131, 174b and 179b of the Framework.



- iii) **Should part b) of the policy include reference to the number, species and size of replacement tree/s in order to be effective?**

16.4 The Council has proposed a modification to the policy (as set out above) which includes reference to the number, species and size within criteria b). It is considered this modification makes the policy clearer and subsequently more effective.

### ***Policy NE7 New Moorings***

#### **17. Is the Policy clear and would it be effective?**

- 17.1 The Council considers the policy to be clear where and under what circumstances new moorings will be permitted (such as outside of Mooring Restriction Areas (MRAs)) and where there would be no adverse effects on designated sites. The policy is also clear that under certain circumstances, the replacement or relocation of existing moorings will be permitted provided the proposals meet all of the criteria listed within that part of the policy.
- 17.2 The policy has largely been carried forward from the adopted Development Sites and Policies Plan and to date, the Council has not had any problems with its implementation. Eastleigh Borough Council with whom the Council shares its western administrative border down the middle of the River Hamble have produced a very similar policy covering new moorings within the River Hamble. NE7 is covered within the SoCG with Eastleigh Borough Council (SCG002) with both Councils supporting the ongoing work of the River Hamble Harbour Authority and the neighbouring policies in each other's Local Plan in relation to the River Hamble and new moorings.
- 17.3 To be clear to decision makers, developers and the local community the Council proposes to remove the wording "of the River Hamble" from the last bullet point in the Policy. This is because the bullet points listed within the second paragraph of Policy NE7 apply to all Mooring Restriction Areas and not limited to the River Hamble.

### ***Policy NE8 Air Quality***

#### **18. Are the requirements of the policy clearly articulated and would they be effective? Is it clear what is expected in terms of good practice and principles of design in part b) of the policy?**

- 18.1 The policy is considered effective in that development cumulatively and individually will not contribute to a deterioration in air quality in the Borough. The Policy has been produced in partnership working with the Council's Environmental Health team. It makes a distinction between the requirements of major and minor development. Major development is expected to demonstrate how it has minimised emissions and contributed to the improvement of local air quality through a reduction of impacts due to design and provision of green infrastructure (as stated in paragraph 9.107 in the supporting text) as well as following criteria a- c) of the policy. Paragraph 9.106 also explains major development is also expected to carry out an Air Quality Assessment.
- 18.2 Minor development is not required to produce an air quality assessment as stated in paragraph 9.108. However as stated in paragraph 9.109, "There is a recognition that minor developments may not in themselves create an additional air quality problem but will cumulatively add to local air pollution and potentially introduce more people likely to be

exposed to existing levels of poor air quality.” Minor development is therefore expected to reduce its impacts on air quality as required by the first paragraph of the policy; in addition to following the criteria contained in the rest of the policy.

- 18.3 Paragraph 9.117 refers to the principles of good design within the Institute of Air Quality Management (IAQM) Land-use Planning & Development Control: Planning for Air Quality. The IAQM Guidance provides examples of the principles of good practice and design which part b) of the policy refers to. It is the Council’s view that this part of the policy is sufficiently clear when read with the supporting text.
- 18.4 The Council is aware of a recently published Approved Document (February 2022) relating to Infrastructure for the Charging of Electric Vehicles within Part S of the Building Regulations 2010<sup>1</sup>. The Approved Document provides technical guidance regarding the installation and charge point requirements for electric vehicles. The approved document takes effect on 15 June 2022 for use in England and it is understood to apply to the following types of development:
- New residential buildings.
  - Dwellings formed by a material change of use.
  - Residential buildings undergoing major renovation.
  - Erection of new buildings that are not residential or mixed-use buildings.
  - Buildings undergoing major renovation work which are not residential or mixed-use buildings.
  - Erection of new mixed-use buildings and mixed-use buildings undergoing major renovation.

The Council considers the requirements within Building Regulations to be broadly in line with the requirements of the policy.

### **19. Is it clear to decision makers, developers and the local community where areas of poor local air quality are located?**

- 19.1 Figure 9.2 in the Plan shows where the current identified areas of poor local air quality are. These are designated as Air Quality Management Areas. Paragraph 9.108 of the Plan also lists other sources of poor air quality such the M27 Motorway or a major A roads. Furthermore, and as stated in paragraph 9.114, the Council will consult its Environmental Health department with regards to air quality impacts on or resulting from all development which meet the criteria listed in paragraph 9.114. At this point the Council’s Environmental Health team would be able to provide an updated picture regarding areas of poor local quality and any changes to air quality levels that would be relevant and a consideration to a particular development. The Policy does not refer to any particular areas of poor local air quality to future proof the policy against any future changes that may occur.

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<sup>1</sup> The Building Regulations 2010. Infrastructure for the Charging of Electric Vehicles. Approved Document S.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1057375/AD\\_S.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057375/AD_S.pdf)

**20. What is the justification for land within the Welborne Plan being excluded for the requirement to provide EV charging facilities?**

- 20.1 The Welborne Plan includes its own policy – WEL27 – Encouraging Sustainable Choices requiring planning applications to provide a framework travel plan demonstrating how sustainable transport will be encouraged. The supporting text set out the key measures identified include electric vehicle (EV) charging points. The Outline Planning Permission for Welborne accords with WEL27 in so far as a site wide, framework travel plan was submitted. Within the travel plan there is to be the appointment of a Site-Wide Travel Plan Co-ordinator (SWTPC). The SWTPC will deal with all matters around sustainable travel including encouraging the use of EVs and to investigate the feasibility of providing EV charging points in the development’s centres.
- 20.2 In addition to the requirements of WEL27, policy WEL7 requires the submission of design codes. The last paragraph of this policy provides flexibility for the codes to be updated and ensure they remain up to date as development progresses. The site promoter is currently working on the Strategic Code and the Neighbourhood Code for phase 1 and within these there is the expectation that the need for EV changing points will be addressed.

**21. What is the justification requiring fast rather than rapid charge points? Have the viability implications been considered?**

- 21.1 Paragraph 9.117.1 of the Local Plan provides clarity by what is meant by ‘fast’ in relation to EV charging. The word ‘fast’ was included within the policy, in place of ‘rapid’ in response to comments made during the consultations on the Publication Plan and helps the policy remain flexible in light of future technological advances, as paragraph 9.117.1 explains.
- 21.2 Viability implications are covered within the Fareham Local Plan Viability Assessment 2019 (VIA001) under section 5.3.8 and table 5.10 Costs and further within paragraphs 2.5.8 – 2.5.12 of the Viability Assessment Addendum (2021) (VIA003). Fareham BC’s estimates are incorporated in the additional policy costs.

**22. What is the justification for the policy requiring major development to contribute to the delivery of green infrastructure? Does this duplicate Policy NE9?**

- 22.1 Paragraph 186 of the Framework references opportunities to improve air quality or mitigate impacts through green infrastructure provision and enhancement. The reference of green infrastructure within first paragraph of Policy NE8 was included to reflect this from an air quality perspective whilst policy NE9 covers green infrastructure provision in general.
- 22.2 However, to be more consistent with the Framework and to make it clear to decision makers, developers and the local community, the Council proposes the inclusion of minor wording to the first paragraph first sentence of policy NE8 “.... Contribute to the improvement of local air quality through the delivery and /or enhancement of green infrastructure.”

**23. Have any Clear Air Zones been designated in the borough? If not, what is the justification for their inclusion in the policy?**

- 23.1 There are currently no clean air zones in the borough. However, during the formulation of the Local Plan, the Council was identified as one of 23 Local Authorities who needed to tackle exceedances in the national air quality objectives. The measures employed to tackle exceedances could have involved the implementation of Clean Air Zones. Whilst Clean Air Zones are not currently being considered for the borough, to future proof the policy against any future implementation the Council has decided to keep references to Clean Air Zones within the Policy. Furthermore, Policy criteria c) is clear that it will only be relevant if and when there is a Clean Air Zone.

***Policy NE9 Green Infrastructure (GI)***

**24. Is the policy clear and would it be effective?**

- 24.1 Subject to the proposed minor modification as stated in response to question 25 below, the Council considers the policy to be clear and effective. The Policy ensures applicable development provides GI which is integrated within the GI network of the borough and that all development proposals do not impact on the existing GI network without suitable mitigation in place. The policy also ensures that, subject to the exceptions set out within the policy, development does not prevent the delivery of GI projects contained within the PfSH-wide GI Strategy Implementation Plan (IDP) (NE009) or Borough-wide Infrastructure Delivery Plan (TOI007), and that it ensures the integration of GI into the projects contained within the PfSH-wide GI Implementation Plan or the Borough-wide IDP.

**25. The policy states that development should provide GI 'where appropriate'. How is this defined? Is it clear in what circumstances GI would not be appropriate?**

- 25.1 In the interests of being clear to decision makers, developers and the community, the Council proposes amend the wording within the first paragraph of Policy NE9 to make clear what types of development shall provide or contribute towards appropriate GI and to remove "where appropriate". The proposed wording is in recognition of the role that green infrastructure plays in enhancing biodiversity, mitigating, and adapting to climate change, as well as enabling and supporting healthy lifestyles as stated within the Framework. The types of development expected to provide GI is consistent with other policies in the Plan such as NE2 Biodiversity Net Gain. It is recognised that development which is subject to BNG obligations can meet the requirements of Policy NE9 because GI includes things such tree planting, green corridors and other forms of habitat/wildlife creation which can be part of BNG provision. The proposed modification would read:

**Where appropriate, Development of one or more new dwelling or a new commercial/leisure building shall provide or contribute to Green Infrastructure (GI) which is fully integrated into development and maximises opportunities to connect to the wider GI Network.**

- 25.2 The Council proposes additional supporting text wording to paragraph 9.122 to explain the importance of GI and why the Council will expect most development to provide at least some GI either onsite or where not possible provided offsite. The proposed modification would read:

9.122 Green Infrastructure (GI) plays an important role in, mitigating and adapting to climate change, enabling, and supporting healthy lifestyles (through outdoor recreation and access) and enhancing biodiversity. In recognition of these multiple benefits, the Council expects development of one or more new dwelling or a new commercial/leisure building to provide GI either on-site (integrated within the development and connected to the wider GI network where possible) or as part of an offsite contribution which connects to the wider GI Network. GI should always be provided onsite in the first instance unless it can be shown to not be possible.

***Policy NE10 Protection and Provision of Open Space.***

**26. Is this Policy consistent with paragraph 99 of the Framework and is it effective?**

- 26.1 The Council considers Policy NE10 to be consistent with paragraph 99 of the Framework. Criteria a) of paragraph 99 of the Framework refers to prohibiting development on open space unless an assessment is undertaken clearly showing the open space in question to be surplus to requirements. Bullet-point 1 of policy NE10 and paragraph 9.127 in the supporting text accords with criteria a) by stating open space or the relevant part should be clearly shown to be surplus to local requirements and this should be evidenced by a detailed assessment of that open space. Bullet-point 2 of the Policy accords with criteria b) in paragraph 99 of the Framework by stating the loss of open space is to be replaced by at least equivalent or better in terms of quantity, quality and accessibility. Bullet-point 3 of the Policy accords with criteria c) in paragraph 99 of the Framework by only agreeing to the loss of open space if it is for development that is for alternative sports and recreational provision, which meets locally identified needs and clearly outweighs the loss of the current or former use.
- 26.2 In addition, the Framework recognises the benefits of access to open spaces to communities and the wider benefits for nature and climate change. Policy NE10 and its supporting text reflects this recognition by including further wording around the open space not being needed in the long term and there being no overall negative impact on open space provision as well as paragraph 9.130 highlighting the multi-functional uses open spaces have in the Borough.
- 26.3 Overall, the Council considers the policy to be effective in protecting open space from inappropriate development consistent with the relevant parts of the Framework whilst also ensuring development provides open space to meet the needs of new residents and addresses any identified deficiencies in open space where it is able to do so.

**27. Should the policy title make reference to recreation as well as open space for clarity?**

- 27.1 In the interests of being clear to decision makers, developers and the community and consistent with the heading used within the Framework, the Council would accept a change to include "recreation space" to the title of the Policy, to read "Policy NE10: Protection and Provision of Open Space and Recreation Space".

**28. Is the Policy clear to decision makers, developers and the community what would be expected in new residential development?**

- 28.1 Policy NE10 requires residential development to provide open and play spaces to meet the needs of new residents. Where the Council's Open Space Study (NE010) identifies a deficiency, development would be expected to provide open space addressing that deficiency. Paragraph 9.134 details the minimum standards for open space provision in new development in line with the Council's adopted Planning Obligations SPD (TOI006).

***Policy NE11 Local Green Space***

**29. Has the identification of areas of Local Green Space followed a robust process and following the principles of paragraph 102 of the Framework?**

- 29.1 Yes. The Background paper: Local Greenspace (NE011) details the method for assessing and identifying Local Green Space. As shown, the method utilised the criterion on designating Local Green Space as set out within paragraph 102 of the Framework.

**30. Is the Policy consistent with paragraph 103 of the Framework and is it effective?**

- 30.1 The Council considers the policy to be consistent with paragraph 103 of the Framework. In formulating the policy, the Council researched best practice examples and utilised paragraphs 149-150 of the Framework to devise the policy criterion. The Council proposes a minor modification to paragraph 9.139 to reflect the changes in paragraph numbers on publication of the Framework in 2021.