

FBC-Ueec Joint Response to Complaint from Mr Matthews

Re: Letter of complaint from the Warsash/Southampton Estuary Fishermen's Group against the Fareham Local Plan Hearing Session, Matter 10 Natural Environment.

The Council wishes to reiterate its view that the Plan and its HRA has followed all the required steps and is fully compliant with relevant legislation (notably the Conservation of Habitats and Species Regulations 2017 (as amended)). This view is consistent with the Council's hearing statements on Matter 1 Legal Compliance and Matter 10 Natural Environment, and views expressed by Council officers and its consultant Mr. Nick Pincombe of Urban Edge during the hearing sessions on those two matters.

The following comments regarding the letter of complaint from the Warsash/Southampton Estuary Fishermen's Group dated 11th April 2022 have been jointly prepared by the Council in consultation with Mr Pincombe.

Matter 1

The Council contends that the scope of the HRA (CD004) included all qualifying features of the designated sites it had screened into the assessment process.

The bivalve shellfisheries referred to in the letter are not a qualifying feature of the Solent Maritime SAC. However, *Mudflats and sandflats not covered by seawater at low tide* and *Sandbanks which are slightly covered by sea water all the time*, which support the bivalve shellfisheries, are qualifying features and are duly addressed within the scope of the HRA as listed in Table 3.1 of CD004 and further described at section 4.3.

Solent Maritime SAC and its qualifying features are screened into the HRA in chapter 6 of CD004, and subject to appropriate assessment in chapter 7. Table 7.2 states that "*developments allocated in the plan will lead to a surplus of [nitrogen pollution], exacerbating the macroalgal blooms which smother the intertidal mudflats (reducing the availability of epifaunal prey) and increasing their vulnerability to erosion.*" It goes on to refer to policy NE4's requirement for nutrient neutrality for applicable developments.

The Council therefore maintains that the HRA is complete and provides a sufficient and robust level of detail at the strategic scale to enable the Council, as competent authority, to be satisfied the Fareham Local Plan 2037 will not result in adverse effects on the qualifying features of Solent Maritime SAC.

Matter 2

The Council would like to make the point that the inshore fisheries regulator Southern IFCA is not a statutory consultee for the Local Plan nor the Habitats Regulations Assessment process. However, the Fareham Local Plan 2037 has been consulted on numerous times throughout its preparation (and publicised through various mechanisms in accordance with the Statement of Community of Involvement) and there has been no response from the inshore fisheries regulator despite opportunities to do so.

It is not for the Council to comment on the liaison between Natural England and the fisheries regulators.

It is perhaps worth noting that the Marine Management Organisation responded to the consultations on the Local Plan and raised no objection.

Matter 3

Much of this issue relates to processes outside of the planning system, including the volume loadings at wastewater treatment works and raw sewage overflows following high rainfall events. These are not matters for the Local Plan examination.

However, the Council would like to highlight Policy CC2 within the Fareham Local Plan 2037 which, in accordance with national policy, requires SuDS for major development and on the advice of the Lead Local Flood Authority (Hampshire County Council) is to be strongly encouraged for minor development unless demonstrated not to be appropriate. We see this as a point that in part address Mr Matthew's concerns about the mandatory nature, or otherwise, of rainwater soakaways for developers.

Matter 4

The Council considers that Natural England are best placed to provide comments with regards to this particular point.

In summary, the Council appreciates and is sympathetic to the wider concerns of the Warsash/Southampton Estuary Fishermen's Group and the impacts being felt on their industry however, the Council strongly believes that this complaint is not directly relevant to the examination of the Fareham Local Plan 2037.

22nd April 2022

Gayle Wootton

Fareham Borough Council