

Date: 14 December 2017  
Our ref: 229788  
Your ref: Draft Fareham Local Plan, Regulation 18 Consultation



**BY EMAIL ONLY**

Planning Policy, Fareham Borough Council

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Dear Sir / Madam,

**Planning consultation: Draft Fareham Local Plan Regulation 18 Consultation**

Thank you for your consultation on the above dated 25 October 2017 which was received by Natural England on the same date. We welcome the opportunity to comment on the Draft Fareham Local Plan.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Policy NE 1 Landscape**

We support Policy NE 1 Landscape to conserve and enhance the landscape within Fareham Borough. Natural England advises that the Plan includes strategic policies to protect and enhance valued landscapes, as well criteria based policies to guide development, as set out in the National Planning Policy Framework (NPPF). The Local Plan's policies and proposals should be informed by [National Character Areas](#) (NCAs). NCAs divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. These should be supplemented by a more detailed Landscape Character Assessment (LCA) of the plan area and where relevant a Seascape Character Assessment. Such assessments can assist in the selection of locations for development which involve the least harm to landscape character and guide policies on the design of development.

**Policy NE2 Biodiversity and Nature Conservation**

We support policy NE2 which protects designated sites, sites of nature conservation value and priority habitats and ensures proposals will not prejudice or result in the fragmentation of the ecological network. We agree that development proposals should seek to provide opportunities to incorporate biodiversity within the development. The Plan should also set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment.

In line with the NPPF (paragraphs 9, 109 and 118) and in order to achieve net gain in biodiversity, we would recommend that the following wording ‘.....and where practical, attempt to achieve no net loss of biodiversity’ is changed to ‘Development proposals should seek to provide opportunities to incorporate biodiversity within the development and *provide net gains in biodiversity*’.

Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we 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 (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. This would encourage new proposals to incorporate biodiversity opportunities in and around developments and ensure measures to enhance biodiversity are included from the outset.

BMEPs would apply to all developments within the borough and would therefore ensure that both residential development and employment land protects and improves the local ecology by including green infrastructure and biodiversity enhancements. Retail or town centre uses would also be encouraged to seek opportunities for environmental enhancements.

By requesting a BMEP, development allocations such as the Civic Quarter (198) would be required to show the environmental enhancements that are proposed and identify links to existing areas of public open space and ecological corridors and networks. Consideration could be given to enhancements on-site, as well as off-site in surrounding areas. This may be relevant for schemes such as Market Quay (1425) and Fareham Station East (211).

Early consultation with the HCC Ecologists on the scope of the BMEPs for the strategic allocation sites across the Borough will ensure the sensitivities of each site are appropriately addressed and environmental gains secured. This could include guidance on essential considerations, as well as aspirational requirements. This would also allow consideration to be given to ecological and biodiversity networks across the Borough.

The BMEP could include measures for mitigating impacts on protected species and habitats and include biodiversity compensation measures for any residual biodiversity losses that cannot be fully mitigated on site. This might include the provision of offsite replacement habitats, or an agreed financial contribution for biodiversity enhancements elsewhere calculated using a Biodiversity Compensation Framework, Environment Bank, or similar mechanism.

Provided an HCC approved BMEP is received and secured by any permission then your authority may be satisfied that it will have met its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’, and in relation to European Protected Species Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

### ***Ancient Woodland and Veteran Trees***

Natural England advises that Policy NE2 includes reference to irreplaceable habitats, such as ancient woodland and veteran trees, to ensure their protection. Natural England and the Forestry Commission have produced [standing advice](#) on ancient woodland and veteran trees.

### **Policy NE3 Solent Special Protection Areas**

#### ***Solent Wader and Brent Goose Strategy***

As you are aware, the Solent Wader and Brent Goose Strategy (SWBGS) is currently being updated and revised maps will be accompanied by further guidance on mitigation and off-setting requirements in due course. The terrestrial wader and brent goose sites are located on land that falls outside of the Solent SPAs boundaries. However, as this land is used by SPA species

(including qualifying features and assemblage species), it supports the functionality of the designated sites and is therefore protected in this context.

A framework for guidance on mitigation and off-setting requirements has been prepared by the SWBGS Steering Group to achieve the long-term protection of the wider brent goose and wader network from land take and recreational pressure arising from new development. The non-designated sites are defined as Core Areas, Primary Support Areas, Secondary Support Areas, Low Use and Uncertain sites.

It is noted that Paragraph 0.3.5 of the HRA Screening Report states that none of the proposed allocation sites is an 'important' site, as per the 2010 strategy. For your information, the site classifications have been revised and whilst none of the allocation sites is a Core Area or Primary Support Area, some of the sites are Secondary Support Areas or Low Use sites (Allocations 207, 3028, 3114, 3113). Mitigation and off-setting requirements will be necessary for these sites as they are integral to the ecological network within the Solent. Consideration will need to be given to land take associated with all sites included within the updated SWBGS as well as recreational pressure arising from development adjacent to sensitive sites. For example, site 3014 is located adjacent to a Secondary Support Area.

The guidance is currently in its final stage of preparation and we would welcome the opportunity to discuss the mitigation and off-setting requirements with you in the New Year. We would be very keen for the approach set out in the updated strategy to be included in the policies (policy NE3) of the new Local Plan as this will ensure that the key sites are protected, whilst providing guidance and criteria for mitigating lower use sites should these come forward for development.

In addition, the plan showing the areas of least constraint for Solar energy has included some sites identified as Secondary Support Areas in the forthcoming update of the Solent Wader and Brent Goose Strategy. We would advise that this plan is updated in due course in line with the forthcoming SWBGS maps.

The long term aim is to secure permanent bird refuges across the Solent and we are keen to meet with you in the New Year to discuss this Strategy.

### ***Solent Recreation Mitigation Partnership (SRMP)***

As you are aware, the Partnership for Urban South Hampshire (PUSH) Joint Committee has endorsed the Definitive Mitigation Strategy for Bird Aware Solent. The next step is for each authority to take the strategy through their own Cabinet meetings in time to collect the increased contribution from 1<sup>st</sup> April 2018.

We note that Policy NE3 refers to the Definitive Strategy of the SRMP. The wording of the policy states that 'In the absence of a financial contribution toward mitigation, an Appropriate Assessment will be required to demonstrate that *any 'in combination' negative effects can either be avoided or satisfactorily mitigated through a developer-provided package of measures*'.

The evidence collected for the Definitive Strategy (Phase 3 report) is set out in the HRA screening report and has shown that all development within 5.6km of the Solent SPAs is likely to have a significant effect on the Solent SPAs due to in-combination impacts and will require mitigation. Natural England therefore recommends that the emphasis of the policy wording should reflect that mitigation is required for all development within this 5.6km zone. The Definitive Strategy enables a housebuilder to make a monetary 'developer contribution' instead of providing bespoke mitigation themselves. However, a developer can always provide their own mitigation through a developer-provided package of measures, and this would be determined through an Appropriate Assessment.

## **Green Infrastructure and Open Space**

We fully support Policy CF5 Green Infrastructure and CF6 Provision and Protection of Open Space. We acknowledge that open space and green infrastructure provide important health and well-being opportunities to the wider community and recognise the challenge to ensure green spaces are protected as development comes forward. We recommend the provision for redevelopment and major development includes provision of green infrastructure and we support the provision of enhancing local greenspaces in higher density areas.

We also consider that it is important to include measures for biodiversity enhancement within green infrastructure and open spaces and whether the existing management addresses the nature conservation interests of the existing open spaces. We would support enhancing biodiversity gains within the GI and open space network within the Borough. Natural England would support the use of GI to help maximise the ecological and biodiversity network across the Borough. It is noted that there are plans for enhanced public open space in the Civic Quarter and this approach is supported by Natural England.

We would also support the development of the Green Infrastructure network for the Borough to help ensure there are improved links to less sensitive open space areas by public transport, walking and cycling and look to directing recreational pressure away from more sensitive areas.

## **Water Resources**

Water companies are required by law to prepare and maintain a Water Resources Management Plan (WRMP)<sup>1</sup>. The WRMP sets out in detail how each company proposes to ensure that there is sufficient security of water supplies to meet the anticipated demands of all its customers over the long term with the 2014 plans covering the period from 2015 to 2040. These plans are reviewed every five years. The WRMP is subject to a strategic Habitat Regulations Assessment (HRA) to ensure the plans comply with the requirements of the Conservation of Habitats and Species Regulations 2017 commonly referred to as the Habitats Regulations. The WRMPs are also subject to Strategic Environmental Assessment (SEA)<sup>2</sup>. Natural England usually advises that any local plan HRA can refer to the agreed WRMP, which has assessed the potential for adverse effects arising on designated sites at a strategic level as to date these have usually avoided adverse effect upon integrity.

However, concerns have been raised with regard to Southern Water's existing WRMP14 and their emerging Draft WRMP19 options in particular with regards to impacts on the River Itchen Special Area of Conservation (SAC) and the River Test Site of Special Scientific Interest (SSSI). Changes to abstraction licences on the River Itchen have been imposed by the Environment Agency to remove the risk of adverse effect on integrity to the SAC and remove the risk of serious damage to the River Test SSSI. Southern Water has appealed the limits proposed for three abstraction licences and this is subject to a public inquiry. Until the outcome of this inquiry is known, the HRA for Southern Water's extant WRMP cannot be relied upon to ensure there will be no adverse effects on designated sites arising from future development within Southern Water's area. In addition the risk of adverse effects remains until the deficit in public water supply resultant from the licence changes is fulfilled by alternative options and or the compensatory habitat requirements are met.

As the latest WRMPs are not yet finalised, and in light of the public inquiry on Southern Water's abstraction licences, Local Plans should acknowledge the uncertainty around delivery of water resources over the plan period. Whilst it is not the LPA's remit to plan to deliver water resources,

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<sup>1</sup> Legislative changes brought about by the Water Act 2003 (and in the case of Drought Plans transposed by the Drought Plan Regulations 2005 and Drought Plan Direction 2011) made it a statutory requirement for water companies to prepare, maintain and publish Water Resources Management Plans and Drought Plans.

<sup>2</sup> Directive 2001/32/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment was transposed into English law as The Environmental Assessment of Plans and Programmes Regulations 2004 (Statutory Instrument 2004 No 1633).

policies requiring a high standard of water efficiency and re-use should be adopted within the Southern Water area. Consideration should be given to the use of grey water recycling, efficient appliances and to include policies that encourage the wise use of water in conjunction with the water companies.

It is noted that Policies D5 and D6 in the design chapter refer to Water Efficiency and Water Resources. This approach is supported and we would recommend that the Local Plan includes a holistic water environment policy that would provide a basis for the protection of the water environment in its entirety with associated biodiversity gains.

## **Water Quality**

Natural England and the Environment Agency have been working closely with the PUSH authorities with regard to the Integrated Water Management Study for South Hampshire. The purpose of this work is to provide a key strategic report to inform the preparation and soundness of the PUSH local plans with regard to both the Habitat Regulations and the Water Framework Directive.

The report is currently being finalised and has assessed the delivery of development growth in relation to legislative and government policy requirements. The assessment has identified that there is a gap in evidence and therefore some uncertainty with regard to achieving the full development growth throughout the plan period. Review of additional evidence coming forward will be necessary to ensure that growth in the later stages of the plan will not impact on the designated sites.

We therefore recommend that Local Plan Authorities acknowledge that uncertainty remains, continued joint working will be needed and that there may be a need for mitigation to accompany development during the later stages of the PUSH plan period. This may require new development to ensure it is 'nutrient neutral', which could be delivered via a Nutrient Management Plan (NMP).

At this stage, Natural England recommends that water quality issues are included within the local plan HRA screening assessment for further examination. The PUSH Report will provide further information in due course.

## **Air Quality**

As you are aware, the Partnership for Urban South Hampshire (PUSH) has commissioned detailed studies on the impacts of the new housing development on the air quality environment. It is noted that the assessment work is currently on-going and that this issue is currently screened into the Habitat Regulations Assessment for further examination in due course.

## **Access and rights of way**

Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 75 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. The plan should seek to link existing rights of way where possible, and provides for new access opportunities. The plan should avoid building on open space of public value as outlined in paragraph 74 of the NPPF.

## **Agricultural Land and Soils**

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. The plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future. Natural England would advise that a policy is included in the local plan to achieve this.


To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 112 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the [www.magic.gov.uk](http://www.magic.gov.uk) website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform plan making. New ALC surveys may be required for sites allocated in the plan.

## **General**

Paragraph 6.1.2 states that 'Allocations which are retained from the DSP Plan (adopted June 2015) have already undergone HRA during preparation of that plan are not considered again in the current HRA'. It is important to carry out a screening review of these sites to confirm if there is any new evidence that changes the conclusions and requires further consideration. One example of new evidence would be the forthcoming updated Solent Wader and Brent Goose Strategy and the Bird Aware Definitive Strategy. For example, we would recommend that housing allocation 3119 is reviewed in the HRA Assessment.

We would be very happy to comment further as the plan progresses. If you have any queries relating to the detail in this letter please contact me on 07717 808691

Yours sincerely

  
Lead Advisor Solent  
Dorset, Hampshire and Isle of Wight Team