

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: MONDAY, 27 JULY 2020, AT 10.00 AM*

Place: SKYPE MEETING - ONLINE

Enquiries to: email: karen.wardle@nfdc.gov.uk
023 8028 5588 - ask for Karen Wardle

PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Thursday, 23 July 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Site of Fawley Power Station, Fawley Road, Fawley (Application 19/10581) (Pages 5 - 198)**

Land within the New Forest District Council comprising the demolition of ancillary power station buildings and provision of 1,380 new homes, 95,300 square metres of new commercial, civic and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, C3, D1 and D2), enlargement of the dock and creation of a canal within part of the turbine hall basement, refurbishment of the remainder of the turbine hall basement to create up to 2,100 space car park, surface car parking, a boat stack, public open space, Suitable Alternative Natural Greenspace, primary access road through the site, flood defences/sea wall, raising site level, hard and soft landscaping, associated infrastructure and engineering works (Outline Application with details only of Access) (AMENDED PLANS RESUBMISSION)

RECOMMENDED:

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to; the National Park Authority also resolving to approve their related application 19/00365, the completion by of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions.

3. CONSULTATION ON APPLICATION 19/00365/OUT OUTLINE PLANNING PERMISSION - LAND ADJACENT TO FAWLEY POWER STATION, FAWLEY (Pages 199 - 200)

To consider the report seeking confirmation that the Planning Committee confirm its support for application 19/00365/OUT (Land adjacent to Fawley Power Station) (subject to the completion of the s106 agreement and relevant conditions) and that the Secretary of State be advised accordingly.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.

- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing “RTS” (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council’s Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council’s Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To:	Councillors:	Councillors:
	Christine Ward (Chairman)	Allan Glass
	Christine Hopkins (Vice-Chairman)	David Hawkins
	Ann Bellows	Maureen Holding
	Sue Bennison	Mahmoud Kangarani
	Hilary Brand	Joe Reilly
	Rebecca Clark	Tony Ring
	Anne Corbridge	Ann Sevier
	Kate Crisell	Michael Thierry
	Arthur Davis	Beverley Thorne
	Barry Dunning	Malcolm Wade

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Application Number: 19/10581 Outline Planning Permission

Site: SITE OF FAWLEY POWER STATION, FAWLEY ROAD, FAWLEY
SO45 1TW

Development: Land within the New Forest District Council comprising the demolition of ancillary power station buildings and provision of 1,380 new homes, 95,300 square metres of new commercial, civic and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, C3, D1 and D2), enlargement of the dock and creation of a canal within part of the turbine hall basement, refurbishment of the remainder of the turbine hall basement to create up to 2,100 space car park, surface car parking, a boat stack, public open space, Suitable Alternative Natural Greenspace, primary access road through the site, flood defences/sea wall, raising site level, hard and soft landscaping, associated infrastructure and engineering works (Outline Application with details only of Access) (AMENDED PLANS RESUBMISSION)

Applicant: Fawley Waterside Ltd.

Agent: Deloitte Real Estate

Target Date: 28/08/2019

Case Officer: Ian Rayner

Extension Date: 28/08/2020

19/10581

1 SUMMARY OF THE MAIN ISSUES

This is one of the most significant planning applications for development that have ever been submitted to New Forest District Council. Therefore, there are a large number and broad range of issues to be taken into account when determining this application. The key application issues to be considered are as follows:

1. Principle of Development

a) Specifically, whether the principle of redevelopment would be acceptable, having regard to Local and National Planning Policies.

2. Delivering a Sustainable New Community

a) Specifically, whether the proposed development adequately embraces all of the threads of sustainable development to create a sustainable new community; and
b) Whether the proposed phasing of the development is acceptable.

3. Quantum, Layout and Design

- a) Specifically, whether the quantum and mix of the proposed development and the location of specific uses within the development would be acceptable, having regard to relevant planning policies; and
- b) Whether the amount of proposed Town Centre Uses and their retail impact on the wider area would be acceptable, having regard to local and national planning policies.

4. Quality of Development

- a) Specifically, whether the proposed designs for the different character areas and the new access road would be of an appropriately high quality and would create a sufficiently strong and distinctive sense of place, having regard to the site's specific context and relevant policy guidance.

5. Economic Growth

- a) Specifically, whether the development would adequately promote employment opportunities to create a sustainable new community.

6. Housing

- a) Specifically, whether the proposed development would deliver an appropriate mix of housing types, size and tenure to deliver a mixed and balanced community provision; and
- b) Whether the proposed development would make appropriate provision towards affordable housing.

7. Green Infrastructure

- a) Specifically, whether the development would deliver an appropriate amount and type of public open space and allotments, in appropriate locations and of an appropriate quality.

8. Ecology

- a) Specifically, whether the recreational impacts of the development on New Forest European sites would be acceptably mitigated through the provision of appropriate areas of new SANG / ANRG and through the provision of appropriate mitigation contributions; and
- b) Whether the recreational impacts of the development on Solent European sites would be acceptably mitigated through the provision of suitable mitigation measures and appropriate contributions; and
- c) Whether the development as a whole would have an acceptable impact on internationally, nationally and locally designated nature conservation sites, and biodiversity generally, having regard to the mitigation, compensation and enhancement measures that are proposed; and
- d) Whether the proposed development would achieve required levels of Net Biodiversity gain; and
- e) Whether the development would achieve nutrient neutrality.

9. Impact of Development on the National Park

- a) Specifically, whether the development proposals would have an acceptable impact on the character and special qualities of the New Forest National Park, having regard to the development's design quality and its landscape and visual

impact.

10. Heritage

a) Specifically, whether the development would have an acceptable impact on the setting of existing heritage assets.

11. Transport

a) Specifically, whether the development would have an acceptable impact on the local highway network, having regard to the specific mitigation measures that are proposed; and

b) Whether the proposed highway works and access arrangements within the scheme would be safe, sustainable, and meet the appropriate needs of all highway users; and

c) Whether the proposed development would have an acceptable impact on existing public rights of way in the vicinity of the site.

12. Air Quality, Noise & Amenity

a) Specifically, whether the proposed development would have an acceptable impact on the environment and local receptors in terms of noise, air quality and contamination effects; and

b) Whether the proposed development would enable an appropriately high quality living environment to be achieved, whilst safeguarding the amenities of existing nearby residents; and

c) Whether the demolition methodology would be acceptable.

13. Flooding and Drainage

a) Specifically, whether the proposed development would be safe in terms of flood risk, having regard to the mitigation measures and drainage strategy that is proposed, and also whether those mitigation measures would be appropriate and sustainable.

14. Community Facilities, infrastructure and facilities

a) Specifically, whether the development would make appropriate provision towards community, education and other relevant infrastructure; and

b) Whether the proposed development would entail an acceptable amount and type of development within the Fawley Major Hazard Consultation Zone, having regard to the advice of the Health and Safety Executive.

All of these issues and all other relevant considerations are set out and considered in Section 11 of this report, after which a conclusion on the planning balance is reached.

This matter is before Committee because of the strategic significance of the proposed development and due to the application being of major public interest. Contrary views have also been expressed from some of the Parish Councils that have been consulted.

2 SITE DESCRIPTION

The application site

2.1 The application site, which covers an area of 41 hectares, comprises most of the existing land at Fawley Power Station. It is a large brownfield site that is completely surrounded by the New Forest National Park. The land is generally flat and low lying, apart from in the site's north-west corner where the land starts to rise up.

2.2 For the past 50 years or so, the site has been dominated by the massive scale of the power station buildings. These buildings are now in the process of being demolished (pursuant to a demolition prior notification application). However, the demolition process is a lengthy one, and the buildings are not scheduled to be completely demolished until at least Summer 2021.

2.3 In terms of footprint, the most significant power station structures are the turbine hall, the DA Bay and the boiler house, which form individual elements of a single building that has a length of approximately 350 metres. The DA bay, which had a height of about 54 metres, and parts of the turbine hall (33.5 metres in height) were the subject of an explosive demolition event in October 2019. The boiler house, which has a height of 45 metres is due to be the subject of an explosive demolition event during 2020.

2.4 In terms of height, the site is dominated by the power station's 198 metre high chimney, which is the tallest structure in Hampshire. The chimney was scheduled to be demolished by means of an explosive demolition event during the late Summer or early Autumn of 2020, although it is understood that the demolition programme may be delayed as a result of the current Coronavirus pandemic.

2.5 The other main structures on the site are the circular control tower and the canteen, which are scheduled to be demolished from late 2020 onwards.

2.6 A key feature of the site is a dock that wraps around the south-eastern corner of the main power station buildings. The dock enables boats to access the site from Southampton Water. A swingbridge that forms part of a public footpath extends over the entrance to the dock.

2.7 There are extensive open areas around the power station buildings that are laid to gravel / a gravel based hardcore. There are also number of tarmaced roads across the site that provide for vehicular access. Since 2017, the extensive open areas around the power station have started to be used for a number of temporary uses, by far the most significant of which is the use of areas to the north and east of the power station buildings for the storage and painting of wind turbines. 2 relatively large temporary buildings and associated infrastructure have been erected on open areas to the north-east of the power station buildings in association with this use. This particular use and the associated buildings are permitted to remain on site until December 2027.

2.8 On a part of the open area to the south of the main power station buildings and dock is another temporary use, which is the use of land for the storage of gravel within an area defined by temporary containment bunds. This use is permitted to operate until November 2023.

2.9 The site is accessed from the public highway by a private access road that enters the site in its north-western corner. There is a small gatehouse building by the site entrance.

2.10 The application site specifically excludes 8 hectares of land within the power station boundary that are leased to the National Grid (until 2041). This excluded land, which lies to the north of the main power station buildings, is dominated by a very large substation building. There is also a smaller substation building and various electrical infrastructure on this excluded land, which effectively forms an island within the application site.

2.11 Crossing the northern part of the application site, and linking in to the National Grid Substation, are a line of high voltage overhead electricity lines, which are supported by pylons, two of which fall within the application site.

2.12 Right on the site's northern boundary is the only existing greenery that is actually within the application site. This includes a line of tall leylandii trees and a strip of mainly deciduous scrub. Within the site's north-western corner to the north of the main site access road is a more significant area of greenery in the form of small copse of mature deciduous trees on land that is of a more sloping character.

The areas surrounding the application site

2.13 The areas around the site are, as mentioned above, entirely within the National Park. Most of the land surrounding the application site is also the subject of a related development application (see section 3 below).

2.14 The application site is bounded on its eastern side by the coastal landscape of Southampton Water. This is an area of coastal grassland, saltmarshes, mudflats and tidal creeks. It is a heavily protected area that forms part of the Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site and the Solent Maritime Special Area of Conservation (SAC).

2.15 To the north of the application site, abutting the protected coastal habitats, is an area of land known as the Exxon Laydown land. During the construction of the power station, this land was used for the laydown of construction materials. In recent years, the land has been left to nature. There remain a number of tracks across this land, as well as sections of pipeline from the site's previous use, but dense deciduous scrub has now taken over much of this area. Close to the north of the Exxon Laydown land is the Ashlett Creek Conservation Area.

2.16 Extending southwards from the application site is an area of land known as Tom Tiddlers. This is an area of grassland, scrub and reeds that was partly reclaimed from the sea during the construction of the power station, when spoil and dredged material were deposited on this area. Along the western fringe of this 'Tom Tiddlers' land is an area of wet woodland. This woodland and indeed the whole area known as Tom Tiddlers is designated as a Site of Interest for Nature Conservation (SINC). This area extends southwards to Calshot beach and Calshot Spit, which is notable for its collection of Heritage Assets that include a Scheduled Ancient Monument (Calshot Castle), and Grade II* and Grade II Listed Buildings.

2.17 The application site is flanked on its western side by an area of ancient woodland known as Chambers Copse, by mixed farmland, and by the active workings of Fawley Quarry. The land to the west of the power station boundary rises upwards towards the B3053, which is the main road that serves Calshot Village and the beach beyond.

2.18 The nearest residential properties to the application site are a couple of

isolated dwellings along Ower Lane, which, though a public right of way, is currently a no-through-route rural track. At the junction of Ower Lane with the B3053 is Ower Farmhouse, which is a Grade II Listed Building from which there are long distance, open views across to the power station and beyond. Badminton Farm, which fronts the B3053 a little further to the north, between the quarry and power station entrances, is also a Grade II Listed Building.

2.19 Calshot village is the nearest existing community to the application site. This is situated roughly 350 metres away from the power station's south-western boundary. The larger community of Fawley village is situated about 1km away from the north-western corner of the application site.

2.20 There are a number of public footpaths that are set in close proximity to the application site. These include a coastal public footpath that runs adjacent to the eastern boundary of the power station (including across the swingbridge referred to above), providing a link to Ashlett Creek to the north. A public footpath to the south of the power station boundary provides a link to Calshot village, whilst a route that extends southwards along the foreshore to Calshot Spit has recently assumed the status of a formal public footpath as well.

3 THE PROPOSED DEVELOPMENT

The District Council's application

3.1 The application that has been submitted to New Forest District Council forms the major element of a development proposal that extends beyond the existing power station boundaries, into the New Forest National Park. The associated development within the National Park is the subject of a separate outline planning application that has been submitted to the New Forest National Park Authority.

3.2 The application within the District Council's area of jurisdiction comprises the following:

"the demolition of ancillary existing power station buildings and provision of 1,380 new homes (Use Class C3), 95,300 square metres of new commercial, civic and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, D1 and D2), enlargement of the dock and creation of a canal within part of the turbine hall basement, refurbishment of the remainder of the turbine hall basement to create a 2,100 space car park, surface car parking, a boat stack, public open space, Suitable Alternative Natural Greenspace (SANG), a primary access road through the site, flood defences / a sea wall, raising site levels, hard and soft landscaping, and associated infrastructure and engineering works."

The application has been submitted as an outline planning application, with the only matter for detailed approval being the access to the site - i.e. the proposed primary access road.

The National Park Authority's application

3.3 The application within the National Park Authority's area of jurisdiction comprises:

"120 new homes, 1000 square metres of new civic space (Use Class D1) including provision for Early Years Learning (Use Class D1), 200 square metres of drinking establishments (Use Class A4), a two form entry primary school, flood defences / a

sea wall, raising site levels, public open space and habitat enhancement of existing land, hard and soft landscaping, Suitable Alternative Natural Greenspace (SANG), a saline lagoon, a tidal creek, reconfiguration of the existing access and creation of a new access from the B3053, an access road through the site, and associated infrastructure and engineering works.”

3.4 As with the district’s application, the National Park Authority’s application has been submitted for outline approval, with the only matter of detail to be approved being the access to the site – i.e. the proposed primary access road.

The combined development

3.5 The development across both authorities therefore comprises a total of 1500 new dwellings and 96,500 square metres of new commercial, civic and employment floorspace.

Matters for detailed approval

3.6 Although in the case of both applications, the detailed layout of the development, the access arrangements within the site, the detailed scale and appearance of the development and the detailed landscaping proposals for the site are all matters that are proposed to be reserved for subsequent approval, the application is supported by a number of detailed plans and documents which are submitted for formal approval at this stage, and which therefore will provide some certainty on the development’s final design. There are 4 key set of plans / documents that are submitted for formal approval. These comprise:

- a) Parameter Plans
- b) A Design Code
- c) A Development Specification
- d) Means of Access Plans

These are summarised in more detail below.

Parameter Plans

3.7 The Parameter Plans define key parameters to which the development must adhere. They define all of the following:

- The buildings that will be demolished
- The key character areas within the development
- The location of green infrastructure within the development and the type of green infrastructure that is proposed.
- The location of the main access routes within the development, including a hierarchy for the different types of access route
- The location of where the different types of use will be provided across the development, both at ground floor and above
- The location of all of the main building plots, including the maximum extent of the buildings within those blocks
- The maximum height of buildings across the whole development, including the maximum number of storey heights within any building, and the maximum floor to ceiling heights
- The location of underground parking
- The location of existing and proposed trees

Design Code

3.8 The Design Code is a detailed and comprehensive document that provides a set of rules and instructions to help design the layout, scale and physical fabric of the proposed community. The Design Code will ensure that there are key fixes for designing every building, structure and space within the development. The Design Code includes detailed design guidance for each of the character areas within the development. It also includes a landscape strategy, a flood defence strategy, road design details, and technical guidance. As the Design Code is for detailed approval, the detailed designs must accord with the rules and instructions within the code.

Development Specification

3.9 The Development Specification sets out the overall quantum of development within different land uses, not just across the whole development, but also within the different character areas that are defined by the Parameter Plans. Together, the Development Specification and Parameter Plans define the following key character areas:

A) Northern Quarter – The northern quarter, which is wholly within New Forest District Council’s area of jurisdiction, covers roughly the northern third of the area of proposed built development. It is an area that is intended to be developed wholly for employment related uses, with a particular emphasis on providing space for marine industries, including a boat yard. Specifically, the following uses are proposed:

- Use Class B1 – 2600 square metres
- Use Class B1(c) / B2 – 35,000 square metres
- Use Class B8 – 6500 square metres

B) Urban Forest – This is a key landscape feature (again wholly within the District Council’s area of jurisdiction) that is designed to provide a strong visual buffer between those areas to the north (the aforementioned Northern Quarter and the existing retained substation buildings) and the main areas of proposed residential development to the south.

C) Heart of the Town, Canal and Harbour – As its name suggests, this area, which is wholly within the district council’s area of jurisdiction, forms the core of the proposed new community. The existing dock area would be enlarged, and a new canal would be created that would provide a link between the dock and the marine industrial areas of the northern quarter. The canal would be over 250 metres in length and about 35 metres in width and, together with the extended harbour would provide a significant focal point at the very heart of the development. The main areas of new built development would extend either side of the new canal and would include all of the following:

- 1190 dwellings - the greatest proportion of these would be apartments, but terraced and detached townhouses are also proposed.
- Between 1125 and 1750 square metres of A1 retail floorspace
- Between 500 and 2000 square metres of A3/A4 floorspace
- 19,000 square metres of B1 office and business floorspace
- An 8300 square metre hotel
- 2500 square metres of floorspace in D1 Community uses
- 2500 square metres of floorspace in D2 Leisure related uses

The Heart of the Town would also include areas of public open space, extensive hard landscaped areas, green infrastructure, and an underground

car park for 2100 cars within what was the basement of the former power station buildings, with a further 829 underground car parking spaces to be provided in a basement car park to the east side of the canal.

Within the Heart of the Town, a number of key landmark buildings are proposed. By far the most significant of these would be a 98 metre high landmark building that would be in the same location as the existing power station chimney that is to be demolished. Other landmark buildings comprise:

- The hotel building that would have a 49 metre high tower element
- A town hall / civic building with a 38 metre high landmark element
- A 31 metre high building in the north-west corner of the Heart of the Town

D) Southern Quayside – The Southern Quayside forms a natural continuation of the Heart of the Town areas. It is almost entirely within the District Council's area of jurisdiction (bar some small areas of public open space). This area would flank the southern and south-western edges of the proposed extended harbour area. It would be a mixed-use area consisting of the following:

- 110 residential units (apartments)
- Between 500 and 1125 square metres of A1 retail floorspace
- Up to 250 square metres of A2 office floorspace
- Up to 1500 square metres of A3/A4 floorspace
- 9100 square metres of B1 office space
- A 5000 square metre boat stack that would be a large footprint building abutting the south-western corner of the extended harbour area.

The Southern Quayside would include areas of public open space, mainly in the form of hard landscaped quayside areas. Parking within the Southern Quayside would be provided within a 288 space basement car park. There would also be 178 car parking spaces provided within the boat stack building, as well as a 90 space car park in association with the development's proposed main retail unit.

Whilst the boat stack would by some margin be the building with the largest footprint in the Southern Quayside area (and indeed the Heart of the Town), the tallest building in this area would be a 42 metre high landmark building that would frame the southern end of the canal.

E) Southern Quarter – The Southern Quarter would be split between the District Council's area of jurisdiction and the National Park Authority's. This would be a largely residential area that would be much lower in scale and density than the areas to the north. In total, 200 dwellings are proposed within this area, of which 80 would be within the district Council's area of jurisdiction, and the remaining 120 within the National Park Authority's. A 200 square metres public house would be provided in the National Park area, as would 1000 square metres of D1 uses (including a church and an early years learning facility).

F) Areas of Green Infrastructure – The development as a whole would provide significant areas of green infrastructure, although aside from some of the areas of public open space, they would be largely provided within the New Forest National Park. The key areas of green infrastructure would comprise:

- The Ashlett Green SANG, an area of 11 hectares mainly within the

- National Park.
- The Fawley SANG, an area of 20.2 hectares, again mainly within the National Park.
- The Tom Tiddlers SANG, an area of 4.1 hectares, entirely within the National Park.
- A Saline Lagoon of between 8 and 9 hectares, entirely within the National Park.
- A Tidal Creek of 10 hectares, entirely within the National Park.
- Dedicated Nature Conservation Areas (that include the saline lagoon and tidal creek), all within the National Park.
- Drove ways providing links to existing access land.
- 1.1 hectares of allotments (within the National Park).
- 8.7 hectares of Informal Public Open Space (split between the authority areas).
- 0.8 hectares of children's play space, including an informal kickabout area. Some of the play areas would be within the district Council's area of jurisdiction, but the largest area would be within the National Park.

G) *Flood Defences* – A new sea wall is proposed around the development's northern and eastern edges. Along the development's landward southern edge, a softer landscaped bund is proposed.

Means of Access Plans

3.10 The means of access plans are a comprehensive suite of plans that illustrate the detailed design of the Primary Access Road. They show the precise position, width and alignment of the new access road, and the location and design of the 2 new junctions where the new access road would meet up with the existing B3053. The suite of plans that have been submitted include detailed swept path analysis plans, long-sections and cross-sections, drainage strategy proposals, and material construction details.

Other Supporting Application Plans and Documents

3.11 The application is supported by a large number of supporting plans and documents that are not for detailed approval, but which are designed to assist and inform the decision making process, and which are capable of being linked to conditions or a Section 106 legal agreement, where deemed appropriate. These supporting plans include all of the following:

- a) Illustrative Masterplan drawings
- b) Landscape Plans associated with the Primary Access Road
- c) An Ecological Mitigation Plan
- d) Phasing Plans
- e) Open Space and footpath phasing plans

The key supporting documents comprise:

- a) An Environmental Impact Assessment / Environmental Statement
- b) Information for an Appropriate Assessment
- c) A Marine Management Plan
- d) A Nature Park Management Plan
- e) A Nutrient Strategy

- f) An Arboricultural Impact Assessment
- g) A Demolition Environmental Management Plan
- h) A Design and Access Statement
- i) An Employment Strategy
- j) An Energy and Sustainability Strategy
- k) An Estate Management Plan
- l) A Flood Risk Assessment and Outline Drainage Strategy
- m) A Navigation Risk Assessment
- n) An Outline Construction Environmental Management Plan
- o) An Outline Remediation Strategy
- p) An Outline Waste Management Strategy
- q) A Planning Statement
- r) A Statement of Community Involvement
- s) A Town Centres Uses Report
- t) A Transport Assessment
- u) A Travel Plan
- v) A Utilities Statement
- w) A Water Directive Assessment
- x) Draft Section 106 Heads of Terms

4 PLANNING HISTORY

Applications affecting the power station buildings

4.1 Scoping opinion for the demolition and redevelopment of Fawley Power Station and the development of surrounding land to create a new 1,530 home community with 90,000 sq m of new commercial and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, D1 and D2); retention of the Power Station Chimney; enlargement of the dock and creation of a canal within part of the turbine hall basement; refurbishment of the remainder of the turbine hall basement to create a 2,100 space car park; a boat stack; a two form entry primary school; public open space and habitat enhancement of existing land; Suitable Alternative Natural Green Space; a saline lagoon; reconfiguration of the existing access and creation of a new access from B3053; and associated engineering and landscaping works (17/11559) - Scoping Opinion given 17/1/18

4.2 Demolition of Fawley Power Station (EIA Screening Opinion) (17/11706) - EIA not required 22/2/18 - Screening Direction by Secretary of State endorsed this opinion in July 2018.

4.3 Dismantling and removal of external structures including tanks, ductwork and bunds (Demolition Prior Notification) (18/11048) - details not required to be approved 28/08/18

4.4 Dismantling, removal and site clearance of buildings at Fawley Power Station (Demolition Prior Notification Application) (19/10131) - details not required to be approved 31/5/19

4.5 Dismantling, removal and site clearance of buildings at Fawley Power Station and remediation of the site (approval under Regulations 75 & 77 of the Conservation of Habitats and Species Regulations 2017) (19/10138) - Approval given 31/5/19

Applications affecting the wider power station site

- 4.6 2 steel portal framed industrial buildings (Use Class B2); mobile portable cabin; use of land for storage of wind turbine blades (B8); temporary permission sought for 10 years (17/10805) - temporary permission granted 8/9/17
- 4.7 Variation of Condition 2 of planning permission 17/10805 to allow amended plan numbers entailing the addition of buttresses and associated alterations to the approved blade painting facility building (17/11724) - temporary permission granted 19/1/18
- 4.8 Leading Edge Protection Building; single-storey portable cabins for welfare facilities and offices (18/10583) - temporary permission granted 11/10/18
- 4.9 Use of land to provide open storage gravel (Use Class B8) and associated works including provision on containment bunds, drainage channels and excavation, temporary permission sought for 5 years (18/11145) - temporary permission granted by County 29/11/18
- 4.10 Two-storey portable cabin for office and staff welfare facilities (19/10695) - temporary permission granted 17/7/19

Applications affecting adjacent land within the National Park

- 4.11 Extension of sand and gravel site with restoration to agriculture at a lower level (48796) - refused by Hampshire County Council 22/6/04 - allowed on appeal (Ref: APP/21700/A/94/246467).
- 4.12 Variation of Condition 3 on APP/21700/A/94/246467 to alter the order of phasing and to create a replacement silt bed in phase W10 (07/92181) - granted 26/6/08
- 4.13 Vary Condition 1 (timescale), 2 (Scheme of Working), 4 (hours of working), 11 (plant details) and 20 (restoration scheme) of application 07/92181 - granted 21/11/13
- 4.14 Vary Condition 2 of Planning Permission 13/98825 to allow revised working scheme for sand and gravel extraction (18/00140) - granted 11/5/18
- 4.15 Vary Condition 5 of Planning Permission 18/00140 to allow the restricted importation of sand and gravels (18/00437) - temporary permission granted 4/9/18

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy (Saved Policies)

- CS7: Open spaces, sport and recreation
CS19: Tourism

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM4: Renewable and low carbon energy generation
DM5: Contaminated land
DM9: Green Infrastructure linkages

DM13: Tourism and visitor facilities

Supplementary Planning Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

New Forest District Local Plan Review 2016-2036 Part 1

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The Strategy for locating new development

Policy STR4: The Settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR6: Sustainable Economic Growth

Policy STR7: Strategic Transport Priorities

Policy STR8: Community services, infrastructure and facilities

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy 15: Open Spaces. sport and recreation

Policy HOU1: Housing type, size and choice

Policy HOU2: Affordable Housing

Policy HOU3: Residential accommodation for older people

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON5: Retail development and other main town centre uses

Policy CCC1: Safe and Healthy Communities

Policy CCC2: Safe and Sustainable Travel

Policy IMPL1: Developer contributions

Policy IMPL2: Development standards

Policy Strategic Site 4: The former Fawley Power Station

6 RELEVANT LEGISLATION AND GOVERNMENT GUIDANCE

Relevant Legislation

- Town and Country Planning Act 1990
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- The Conservation of Habitats and Species Regulations 2017

Relevant Advice

National Planning Policy Framework

National Design Guide

7 PARISH & TOWN COUNCIL COMMENTS

7.1 Fawley Parish Council

Recommend permission subject to there being major improvements to the A326 and the B3053 between Long Lane and Calshot. The Parish Council query whether the improvements that have been suggested will improve the current traffic flow or mitigate the increased traffic flow expected, despite the modelling appearing to indicate that they will work.

With respect to the suggested new cycle route to Holbury, the Council would prefer that this should take the most direct route parallel to the B3053 and A326, otherwise the desire line will be to travel on the roads and not the cycle route.

7.2 Ashurst & Colbury Parish Council

The Parish Council Committee are positive about the development in principle, but have concerns about the development's impact on the wider area / road network.

There are concerns regarding the impact of increased vehicle numbers on open forest roads and the impact this may have on New Forest plants and wildlife. Feel strongly that sustainable methods of transport should be thoroughly investigated.

The Parish Council Committee request that a full traffic management report is carried out by Hampshire County Council, and that due and proper consideration is given to the impact of an increase in vehicle numbers and how this may be mitigated. Recommend also that the developer prioritises and adopts the latest environmental technologies and practices in the construction and ongoing management of the site.

7.3 Marchwood Parish Council

Objects in the strongest possible terms.

The Parish Council accepts that the principle of development is established. They also accept that the logical access and egress from the proposed development site should be onto the B3053.

However, the proposed alterations to a handful of existing junctions to deal with the expected significant increase in road traffic will do absolutely nothing to alleviate the pre-existing bottleneck at Marchwood.

Here, the A326 is already at maximum capacity during rush hours, and traffic diverts onto village roads at times of peak congestion, which has the consequence of placing school children from the adjacent infant school at an entirely unnecessary and avoidable risk.

In its current form, this proposal has made wholly inadequate transport provisions and will only exacerbate the well-known traffic issues in Marchwood.

The proposed mitigation of the effects of the extra traffic that are planned up to and including the Dibden roundabout is completely inappropriate for a proposal of this size and importance.

7.4 Totton & Eling Town Council

Recommend permission but would accept the decision reached by the District Council's Officers under their delegated powers.

This application will have a profound impact on all surrounding areas. The Town Council is of the belief that considerable infrastructure measures should be taken to enable minimum disruption and impact upon surrounding villages and towns to enable traffic to flow freely onto the main roads. The Town Council would support Hampshire County Council in any measures that would achieve this goal and allow future development to be supported by the road network.

7.5 Netley Marsh Parish Council

Cannot support until there are adequate and suitable plans for upgrading the road systems, particularly the A326. The road is currently inadequate for the volume of traffic. The application will worsen the traffic situation and encourage more traffic to use small forest roads, including the A336 and other roads through Netley Marsh Parish, to the detriment of residents and putting forest animals at even greater risk than at present.

7.6 Denny Lodge Parish Council

Although the need for additional housing is recognised, there are great concerns over capacity of the A326 and the availability of infrastructure to support the homes. Development will put added pressures on the National Park and its environment.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highways

Response Summary

No objection subject to Section 106 obligations and conditions.

The following matters need to be secured within a Section 106 legal agreement:

- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Provision of off-site highway mitigation works to 8 existing junctions between Junction 8 (Dibden roundabout) and Junction 3 (Blackfield Road);
- Provision of the 2 new proposed road junctions onto the B3053;
- Provision of a walking / cycling route between the site and Holbury based on submitted plans;
- Delivery of a public transport strategy to provide a half hour frequent bus service with full details to be agreed;
- Provision of a financial contribution of £4.5 million towards highways improvements between junction 9 Twiggs Lane/A326 and 17 Michigan Way/A326 roundabout of the A326 to mitigate the impact of development traffic on capacity and accessibility.

The following matters need to be the subject of conditions:

- Agreement of a Construction Traffic Management Plan
- Agreement of Vehicle Cleaning Measures for Construction Traffic

- Agreement of Pedestrian Crossing Points and details across the B3053.

Access Road Design

The access road design is influenced by the setting of the development, alongside objectives to manage traffic speeds and to facilitate access for different modes of transport. Within the design, carefully selected detail is proposed in the form of granite setts at specific locations. The highway authority is in a position to agree to the layout as presented and will work with the applicant to enable the access road to be offered for adoption through a Section 38 Agreement.

Trip Generation

The Highway Authority are satisfied that the applicant's assessment provides a robust forecast of the likely volume of traffic that could be expected to be generated by the development.

Off Site Junctions

The applicant has submitted mitigation plans to improve the off-site junctions along the B3053 and the A326. Having reviewed the drawings and related Road Safety Audit (RSA) reports, the highway authority is satisfied that subject to any required minor amendments identified through the Section 278 process, the mitigation design for these junctions is considered to be acceptable. The highway authority is satisfied that where possible, the proposed mitigation plans have looked to maintain or improve walking and cycling infrastructure (including crossings) along the B3053 and the A326.

The applicant has agreed that the proposed junction mitigation measures from the site access to Junction 8 Dibden roundabout will be fully funded and delivered by the applicant through the S278 process. This requirement is expected to be secured within the S106 Agreement.

However, it should be noted that a separate process for delivery of the offsite schemes is being progressed through LEP funding and co-ordinated by Hampshire County Council. It is expected that some or all off site junction works will ultimately be delivered through the LEP funded programme, albeit the S106 will ensure the off-site junction works are delivered in line with the requirements of the development. The requirements for delivery will then be secured, either through the LEP funded programme or via the S106 obligations.

The B3053 Treatment

The applicant has submitted a plan, seeking to reduce the traffic speed and improve the pedestrian crossing of the B3053 between the two site accesses. The highway authority has no objection to the principle of these proposals at the outline planning stage. However, the detail will need to be agreed and approved during the detailed design stage.

The mechanism for delivery of these proposals will be via a Section 278 agreement. A suitably worded planning condition should be attached to any planning permission securing the detail of the works to be approved by the local planning authority in consultation with the local highway authority.

Walking and Cycling

The submitted plans demonstrate that the whole route can be delivered without utilising the third party's land that runs parallel to the B3053 at Gang Warily, although it is understood discussions are taking place with the Third Party Owner concerning use of the land for this purpose.

The highway authority has no objection to the principle of these proposals, albeit recognising that the option that requires third party land would be the preferred route if achievable. Detailed design of these proposals will need to be reviewed and approved during the detail design stage.

The proposed shared use foot/cycle path will be delivered through the Section 278 process and secured through the Section 106 agreement, with an obligation to deliver the link from the site to Fawley Infant school prior to occupation of the development, and the link from Fawley Infant School to Holbury prior to 410 occupations.

Car Parking

The highway authority is satisfied that subject to approval of the detailed planning applications, the proposed parking provision is acceptable.

Impact on Road Capacity in the New Forest

The applicant's assessment shows that on the 5 forest roads considered, forecast traffic flows would remain within the design capacity of the modelled roads and the impact on junction capacity is therefore forecast to be low. The applicant's forecasts are considered to be robust. The highway authority is satisfied that the development traffic will not have a significant impact on capacity of these roads.

Proposed Public Transport Improvements

The applicant has proposed to provide funding to enable the existing bus services to be extended and increased to serve the development. This would support a half hourly service Monday to Saturday to serve the site during the build out period to allow patronage demand to increase. Details of the proposal i.e. a service level agreement will need to be secured through the Section 106 agreement setting out agreed routes and frequency of bus services to serve between the site and Southampton. The agreement needs to have flexibility to tailor services around demand during build out of the development.

Framework Travel Plan

The applicant has included an action plan, although not all costed measures have been listed. However, it is considered that these issues can be addressed when a Full Travel Plan is produced for the site. Subject to the provision of a full Travel Plan, bond and associated fees being secured within a Section 106 legal agreement if the application is granted planning permission, this approach is considered acceptable by the highway authority.

Other Mitigation

With the proposed development, many of the junctions at the north end of the A326 are expected to exceed capacity in their current form by 2036 as set out in the applicant's Transport Assessment report.

It is considered that the development impact north of Dibden and associated

mitigation should be in proportion to the scale of impact and the scale of mitigation measure and cost. The Highway Authority is developing a strategy of highway improvements to alleviate existing pressures and forecast impacts from this development and other potential development in this area. The applicant has considered potential mitigation schemes and associated costs to enable agreement to be reached on the level of financial contribution to demonstrate that the development impacts can cost effectively be mitigated in accordance with National Planning Policy Framework.

A financial contribution of approximately £4.5 million towards improvements planned to be delivered within a broader strategy of improving this section of the A326 has been agreed. The level of contribution is based on the proportional impact assessment of each junction and the costs associated with the applicant led mitigation schemes.

9.2 Hampshire County Council Education

No objection subject to appropriate provision being made towards services for young children and primary school education.

Specifically, with respect to services for young children (between 0 and 4 years), consider that the applicant's proposed provision of 138 places appears sufficient to meet expected demand. Consider that early years provision is kept under review and mechanisms put in place to monitor demand at specific points during phasing, so that it can be determined whether the demand for the full complement of early years places is required. Advise that due to a lack of existing capacity, it would be prudent to have some early years learning services available soon after the early phases of residential development are completed.

With respect to provision towards primary school education, advise that the pupil yield of the development should be monitored as the development progresses. If the yield is lower than that used in the standard forecasting model, then it may be possible to manage the primary education demand using existing local provision, either through filling surplus places or through expansion, rather than there being a need to build a new primary school. A flexible approach will be needed in agreeing an appropriate developer contribution in such circumstances. If monitoring shows the pupil yield is sufficient to justify a new two-form entry primary school, then this should be provided within the development on land reserved for such purposes. The detailed design and layout of any Primary School would need to be subsequently agreed, and a contribution of £8,671,036 would need to be made toward the provision of such a primary school.

With respect to secondary school education, it was initially concluded (and recommended) that the secondary age demand could be managed within the existing provision. However, following further review, it is considered that some of the accommodation at the New Forest Academy is no longer fit for purpose, and recommend that a contribution (to be determined) be made towards improvements to this school. Provision of a safe walking and cycling route to the Fawley / Holbury area would be essential for both primary and secondary age pupils.

9.3 Hampshire County Council Drainage

No Objection subject to conditions - the general principles for the surface water drainage proposals are acceptable, but recommends that further information be

submitted as part of a more detailed design phase. As such, recommends any outline planning permission should be subject to conditions to ensure that more detailed surface water drainage proposals are secured when reserved matters applications are submitted. A long-term maintenance and management plan should be agreed for all Sustainable Drainage Systems proposed on site. Advise that the prior consent of the Lead Local Flood Authority is required prior to any works to ordinary watercourses within the site boundaries.

9.4 Hampshire County Council Minerals & Waste

No Objection - Safeguarded minerals are located within the existing permitted Fawley Quarry. As extraction is still proposed to continue on this land for the lifetime of the permission, the Minerals and Waste Authority confirm that there are no outstanding safeguarding issues.

However, it is noted that the proposed development will include the potential importation of a significant volume of marine aggregates to land raise the site. The County Council would therefore expect to be notified as to where the minerals will be landed and this should be detailed within the Construction Management Plan alongside the consideration of recycled aggregates.

9.5 Hampshire County Council Countryside & Public Rights of Way

Do not object to the proposals.

It is recommended that there be a requirement within the S106 legal agreement to secure the making and confirmation of Public Path Orders for the diversion of Rights of Way necessary to facilitate the development, as outlined in the illustrative Footpath and Cycle Phases plans 1 – 8, including Footpath 4, Footpath 515 and Footpath 46.

It is also recommended that the S106 legal agreement should secure obligations for the owner to upgrade surfaces and any necessary furniture, footbridges etc. to Footpath 42 and Footpath 4, including the implementation for off-site improvements works on 3rd party land that provide links to SANGs and the local community.

It is further recommended that the development be obligated to improve the surface of the Right of Way for Footpath 1 and the undiverted section of Footpath 4 and Footpath 46 and enter into any Highway Agreement/s necessary to do so or provide financial contributions for the Countryside Service to undertake these works.

9.6 Hampshire County Council Extra Care and Supported Housing

No objection - given the identified need for the provision of additional extra care housing within New Forest District, would encourage and support the provision of an extra care housing scheme within the development comprising 80 Affordable Extra Care Older Person units and 20 units of affordable specialist supported housing for adults with mental health conditions and physical learning disabilities.

9.7 Hampshire County Council Economic Development

Supports the ambition for the regeneration of the most significant brownfield development site in Hampshire. The development of the site offers the potential of being both a key location for the Marine and Maritime industry and an economic asset for the region. The redevelopment of the site needs to support the growth of

more knowledge intensive business activity, both in the marine and maritime sector and across other key service sectors. Hampshire County Council welcomes the mix of B1, B2 and B8 allocations within the application and supports the focus on safeguarding marine employment space. The offer to business at Fawley Waterside needs to be considered alongside the wider marine offer, the New Forest Economic Development Strategy and the Solent LEP Local Industrial Strategy. It is important that there is early engagement with business to shape the commercial offer and ensure it meets the needs of such businesses, including the provision of shared facilities and encouraging those not requiring direct access to the waterfront to accommodate accordingly.

9.8 Hampshire County Council Public Health

Recommends the following:

- a further Health Impact Assessment be carried out during the next planning stages to aid the development of detailed plans that support health and well being;
- The provision and distribution of children's play space be reconsidered as it is felt to be sparse within the Southern Quarter;
- Clarification is sought on the safety of play areas close to the canal;
- There should be greater consideration to the provision of formal public open space at Gang Warily;
- There should be a commitment to the provision of allotments;
- NICE Quality standards on air pollution should be included in the detailed designs;
- Consideration be given to creating a healthy food environment in the planning for commercial / retail outlets;
- The West Hampshire Clinical Commissioning Group should be consulted with regard to primary care provision on site.

9.9 Environment Agency

No Objection subject to conditions in respect of the following matters:

- The approval and implementation of a detailed scheme of land raising in respect of each phase of development.
- A requirement to adhere to the Flood Risk Assessment and its mitigation measures namely raising ground levels to the specified levels, requiring finished floor levels to be raised 0.3 metres above specified ground levels, and requiring flood / sea defences to be built in their entirety as specified before development is first occupied.
- A requirement to obtain approval of a remediation strategy to deal with the risks of contamination.
- A requirement to submit a verification report in respect of the approved remediation strategy.
- A requirement to report any unidentified contamination that is subsequently identified and take appropriate action.
- A restriction on the use of piling or deep foundations using penetrative methods.

9.10 Natural England

Summary

No objection is raised to the principle of residential development at this location. In general, Natural England welcomes the comprehensive package of biodiversity and access enhancement measures proposed and that the measures outlined will be secured and delivered for the lifetime of the development. Natural England would request clarification and further information on the following point to ensure that the proposals and the package of measures proposed will provide sufficient mitigation:

- Confirmation on the final financial contribution towards New Forest and Solent mitigation funds and how payments will be phased with the development.

Recreational impacts on the New Forest SPA, Ramsar and The New Forest SAC

The commitment to provide mitigation through the delivery of SANGs is welcome. The Appropriate Assessment of the authorities should set out the level of contributions that will be collected in this case and how these would be in line with the most up to date rates in the Council's planning policy guidance.

Due to the proximity of the site to the designated areas, Natural England also welcomes the provision of the SANGs within a wider Nature Park and considers this element of the proposals key to support and better integrate the standalone SANGs with the development and the wider landscape of the area. The wider nature park also provides an additional buffer between the development and the designated sites. It is considered that if the wider accessible landscape as described within the Nature Conservation and Access Plan (NCAP) is not secured in perpetuity then the SANGs, as designed, would not be as effective at mitigating adverse impacts.

The short and longer term effectiveness of the SANGs should be assessed in the light of existing workings and the development phasing. Thought needs to be given to walking times, ease of access and quality of experience. It is noted that access to the wider Nature Park is past the gravel workings. An assessment of the accessibility of the Nature Park and the additional mitigation benefits it will bring should be considered as part of the phasing assessment.

It is noted that the Nature Park Conservation Action Plan delivery and maintenance would form part of the s106 agreement and that public access would be secured across this landscape in perpetuity. These matters are welcome. As the competent authority, the LPAs must be satisfied that the access, management and monitoring within the wider Nature Park is enforceable to maintain the quality of experience of users.

Natural England are satisfied with the level of wardening that is proposed to implement delivery of the SANGs management and Nature Park and Marine Management Plans. It is noted that a review of wardening levels will form part of the remit of the Nature Park Steering Group. The level of wardening provision and review mechanisms need to be secured.

Recreational impacts on Solent & Southampton Water SPA and Ramsar and Solent Maritime SAC

Due to the proximity of the development to the designated site, mitigation will be required to address both the alone and the in-combination impacts.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the in-combination recreational impacts of the development on the site(s). This needs to be confirmed by the

Council, as the competent authority, via an Appropriate Assessment. Any deviation from the agreed Solent Recreation Mitigation Plan would need to be fully justified and evidenced based.

To ensure no alone adverse impact, mitigation measures will need to be delivered to address impacts from increased recreation along the shoreline, on intertidal habitats and those supporting habitats used by SPA birds for resting and feeding. The measures set out in the Marine Management Plan to address these are welcome. Provided the LPAs are satisfied that these measures can be secured in perpetuity, then Natural England are satisfied with the proposals providing appropriate mitigation at this site.

Boat disturbance to SPA birds including recreation and commercial shipping movements

The expansion of the harbour and the potential increase of water-based recreation as a result of the development may, without mitigation, result in 'loss' of and or change to the fronting intertidal habitat. Increased current speeds, velocity and sediment mobility will change the habitat at the mouth of the harbour, and also at the mouth of the tidal creek.

The measures set out in the Marine Management Plan to mitigate these potential impacts are welcome and supported, as is the setting up of a liaison group to oversee and influence the work undertaken to mitigate recreational impacts.

Hydromorphological impacts

The expansion of the dock, the creation of the canal and the creation of the tidal creek could all potentially have an impact on the designated intertidal habitats of the Solent Maritime SAC which are supporting features for the Solent and Southampton Water SPA. Natural England welcomes the detail provided on this aspect of the application. Further comments on the design would be made at the detailed design application stage.

Noise disturbance to SPA birds

It is understood from the Environmental Statement that, with mitigation measures in place, the noise during construction is not expected to exceed 69.9dB. Provided the LPAs are satisfied with the measures proposed and that monitoring continues from the nearest point of the designated site during construction, Natural England are satisfied that adverse impacts to the SPA birds can be ruled out on this aspect. A condition restricting piling during the bird overwintering period is recommended.

Impacts on Solent & Southampton Water SPA and Ramsar and the Solent Maritime SAC from nutrients in waste water

Natural England is satisfied, based on the information provided, that the development can achieve nutrient neutrality for each stage of building.

For the Stone Stream wetland, Natural England are satisfied from the report produced for this scheme that the expected levels of nutrient removal could be achieved from the catchment. Within the Appropriate Assessment, the LPAs will need to be satisfied of its delivery and the impact that further planning requirements may have on the surety of its delivery.

It is recommended that the LPAs obtain legal advice on what the baseline restoration

land use is for the quarry to inform the Appropriate Assessment.

Other biodiversity related matters

Saline lagoon and tidal creek and impacts on Tom Tiddlers SINC

Natural England fully supports the proposals to create a saline lagoon and creek as part of the proposals and considers the measures will provide a significant enhancement for SPA birds within the locality. Further, provided it can be delivered and maintained in an appropriate way, and compensation for the loss of habitats within the SINC are secured, then it is considered it will contribute a substantive net gain for biodiversity. Natural England welcomes the commitment to manage and monitor the saline lagoon and tidal creek and that this will be secured in perpetuity alongside other measures within the Nature Park Management Plan.

Peregrine falcon nesting compensation

The scheme will result in the loss of a peregrine falcon nesting location on the former chimney. From the information provided, Natural England are satisfied that the proposed replacement nest location will not provide the peregrine falcons with a direct line of sight to waders' feeding and resting areas, and nor would it result in a significant adverse impact on wader numbers. Therefore, there is no objection to the delivery of a replacement nest as proposed.

Landscape impacts on the New Forest National Park

The proposed development site is within and adjacent to the New Forest National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Built form and heights within the development

Natural England consider the demolition of the chimney from the old Power Station as a significant improvement for the landscape of the New Forest National Park. It is noted from the Building Heights parameter plan that a number of tall buildings are proposed. Their appropriateness within the setting of the protected landscape of the National Park is questioned. Particular attention should be given to the visual impacts on night views of lighting on, or from, the taller buildings. Natural England also advise that the maximum height of buildings within the development is considered in relation to existing tall structures within and affecting the setting of the Park.

9.11 Royal Society for the Protection of Birds (RSPB)

There are concerns over the reliance on a diverse and extensive suite of mitigation measures to avoid harm. These will need to be successfully delivered, managed and monitored over the lifetime of the development to ensure their effectiveness and the avoidance of harm to statutorily protected sites.

The establishment of a Steering Group for the proposed Fawley Waterside Nature Park, and a Marine Management Liaison Forum to oversee the Marine Management Plan, are both welcome initiatives. These groups will be essential in ensuring the timely delivery, management and monitoring of mitigation, and for determining and securing any additional requirements.

On the specific issue of the impacts relating to the creation of the tidal creek and possible hydromorphological impacts, the further assessment work submitted by the applicant is noted and may be commented on further.

It is considered that the applicant should be contributing to the New Forest mitigation programme and the Solent Recreation Mitigation Partnership Fund.

With respect to the report entitled Information for Appropriate Assessment , it is recommended that specific advice is sought from Natural England as to its adequacy for informing the local planning authority's conclusion on whether there is an adverse effect on the integrity of the identified European and Ramsar sites, taking into account the mitigation measures and other aspects within the proposal.

9.12 Historic England

Summary

Concerns are raised on heritage grounds. It is considered that the issues and safeguards that have been identified need to be addressed in order for the application to meet the requirements of paragraphs 184, 190, 193, 194, 196 and 197 of the NPPF.

In determining this application, the Local Planning Authority must bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Specific Concerns

Historic England consider that the proposed development will cause harm to designated heritage assets, specifically those located on the Calshot Spit, through the erosion of the open space and sense of isolation which is intrinsic to the significance and setting of these structures.

Whilst the landscaping proposals to soften the edges of the development are recognised, the very existence of the development in this location and so close to the Castle and the early-20th Century hangers will constitute a harmful impact on these designated heritage assets.

It is considered that the harm caused to the significance of the designated heritage assets, has not been sufficiently offset and, as a consequence, is not fully justified. As it currently stands, the development appears to turn its back on the assets located on the Spit, and although it is important for there to be a physical separation between the two, ways should be explored to create meaningful associations so that the new development is more conscious of its place in the wider historic environment.

Historic England judge the harm to heritage assets to be less than substantial, but sufficient that this matter will need careful consideration in the Local Planning Authority's decision making process.

Historic England are also concerned that the proposed development could be harmful to undesignated buried archaeological deposits spanning a broad area of

time, but the most significant of which would likely be prehistoric and waterlogged deposits. Some of the assumptions within the Environmental Statement are questioned due to lack of evidence. Historic England would therefore like to see further evaluation carried out before determination.

Historic England consider it is essential that the Environmental Statement flags-up the need for and ideally includes an overarching Written Scheme of Investigation, which would ideally be submitted with the application (and not left to subsequent planning conditions).

Although the Power Station has been granted immunity from Listing, it is still a significant heritage asset in its own right. To that end, it is strongly recommended that a programme of recording and archiving is undertaken, ahead of any proposed demolition works.

9.13 Southern Water

No objection subject to condition - requests a condition that the means of foul sewerage disposal be agreed before development commences. Confirms that none of the proposed residential units would be within a precautionary odour buffer zone around the existing Ashlett Creek Fawley Wastewater Treatment Works. Advise that no habitable rooms should be provided within 15 metres of a public pumping station. Advise that the applicant will need to submit a formal application for connection to the public sewerage system. Advise also that there is currently inadequate capacity in the local network to provide a water supply to the proposed development, and that additional off-site infrastructure to address this matter will therefore be required.

9.14 Marine Management Organisation (MMO)

No objection - advise that activities taking place below mean high water mark may require a marine licence; any application for a marine licence will need to be compliant with the EIA Regulations. For any planning decision affecting a marine area, regard needs to be had to any relevant marine plan, as well as relevant marine policies.

9.15 Associated British Ports (ABP)

Are in full support of the application proposals. The applications collectively take advantage of some the unique potential which the Waterside offers and have the opportunity to deliver an important step in realising the long-term vision for the Waterside, which is to be an area with a world-class marine and maritime economy at the heart of a world-class natural environment.

9.16 Hampshire Fire & Rescue Service

No objection - advise that access and facilities for Fire Service Appliances and Firefighters should be in accordance with current Building Regulations. Advise that regard should be given to the needs of high-reach appliances. Recommend consideration is given to the installation of Automatic Water Fire Suppression Systems within the premises.

9.17 Health & Safety Executive

Do not advise against the granting of outline planning permission; advise that HSE's advice is obtained again before any subsequent applications relating to reserved

matters are determined.

9.18 Isle of Wight Borough Council

No objection to the proposals based on likely impacts to the island; do not consider the development would result in transboundary impacts on the island; consider the removal of the main chimney would represent a significant improvement to the setting of the Isle of Wight AONB, the Newtown nature reserve and the Conservation Areas for Cowes and West Cowes.

9.19 Archaeologist

No objection subject to conditions requiring:

- The submission and approval of a Programme of Archaeological Works including a Written Scheme of Investigation
- Adherence to the approved Written Scheme of Investigation
- Completion of the approved Programme before occupation

It is felt that the work submitted within this application has identified the majority of known archaeological potential within the proposed development area and the impact that the development will have on this. It is recognised that some of the potential for the survival of archaeological remains will have been previously destroyed or compromised. However, it is also clear that there is still potential for archaeological remains to survive and be adversely affected within each phased area of development proposed.

Due to the scale and timeframe of the project, it is requested that an overarching Written Scheme of Investigation (WSI) is produced for the whole site. This overarching WSI shall then include sub-written schemes of investigations for each phase of development. It will be important for these WSIs to be dynamic due to the length of time that this development will span.

9.20 Ecologist

Summary

The outline application is supported by professional ecological surveys and information that is generally of a suitable standard for this level of outline application. The level of importance ascribed to the habitats within the Environmental Statement and associated documents is acceptable. Species have been investigated appropriately to date, and there is opportunity to ensure measures for them are further addressed as details progress.

The Environmental Statement and associated supporting information utilise suitable methodologies to assess and summarise ecological impacts, and the weight afforded to mitigation and compensation is supported by adequate rationale.

Taken as a whole, it is accepted that proposed measures represent an opportunity to strategically enhance biodiversity in line with policy, although the quality of delivery and future management will be key in determining the degree to which benefit can be ascribed and secured for the longer term. The complexity of the various multiple uses, combined with the recreational impacts of the new population will require careful and sustained management.

In considering uplift in biodiversity value, it should be noted that there is sub-optimal management of sites currently. In addition, large proportions of the Nature Park comprise Sites of Special Scientific interest and National Nature Reserve that may already have legal requirements for management. However, the proposals do bring welcome opportunities to deliver high-quality biodiversity outcomes and strategic benefits for the Nature Park.

It is therefore considered that when taken as a whole, and on balance, the application has demonstrated compliance with national and NFDC local plan policies in respect of biodiversity. The delivery of the necessary quality to achieve this policy accord is dependent on the detail of future phases, and the necessary commitment to professional monitoring in the long term, with allied delivery on the ground that is adaptive and well-resourced for the duration of the development's impacts.

Conditions and the S106 will be important to ensure necessary resources and effective decision making at future phases.

Use of Local Wildlife Site as Mitigation Greenspace

The proposed use of the Tom Tiddlers SINC as SANG can be viewed in the context of the benefits that this will bring to the overall connectivity of the alternative greenspace, adding greater functionality to offset the harm from the substantive visitor pressure that will be created. The linkage to schemes of compensation and enhancement also offers some additional rationale that in this particular instance the use can be justified. Therefore, it is considered that policy accord has either been demonstrated, or sufficient information has been provided to justify a departure from normal expectations and thereby satisfy policy tests. In addition, sufficient compensation is capable of being secured.

It is noted that the scheme supplies the greatest proportion of the mitigation greenspace for phase 1 some way from the new development, with potentially one of the routes of access to it being impacted by active quarry operations and development traffic. The planning authority will have to carefully consider the likely impact of this on functionality. The southern area of the Fawley SANG and the Tom Tiddlers linear route may offer some welcome contribution in the early stages, and their completion prior to occupation is supported. As a result, combined with the Ashlett area, overall the mathematical area required for mitigation has been shown to be capable of being delivered.

Nutrients

With respect to nutrients, the applicant has demonstrated a budget and measures that have overall sufficient contingency irrespective of any approach that may be decided upon. The mechanism to secure delivery and functionality over the timescale of the development would be an important element of the Appropriate Assessment. Subject to those issues being robustly addressed, there seems good potential to provide mitigation.

Local Wildlife Site Compensation and related Policy

It is noted that the saline lagoon presents a strategic opportunity to create habitat of similar if not greater value which is responsive to sea level change and which offers opportunities for species of conservation concern in the medium to long term. Overall, the provision of the lagoon and associated gravel bars and islands, as well

as the creek to some extent, should offer some suitable opportunity for compensating for the loss of a SINC area that is also identified in the Solent Brent Goose and Wader Strategy.

On balance, provided there are provisions in respect of monitoring and securing appropriate resources and controls, policy accordance in respect of the Local Wildlife Site can be demonstrated.

Nature Park

It is important for decision makers to recognise that of the 275 Ha area proposed for the Nature Park, at least 50 Ha is already designated SSSI and National Nature Reserve and additional substantial areas may already be subject to legal agreement and other controls that if effectively utilised could deliver wildlife benefits. However, the proposal overall offers an opportunity to coordinate these on a landscape scale, reflecting more recent priorities and the challenges the new development will pose to the locality, bringing new impetus to the delivery for biodiversity and environmental gain that may currently be lacking. They should therefore be welcomed and can be recommended as a package that provides various functions for the development.

The Nature Park Plan demonstrates in general that a sufficient quantum of land to meet required functions is being provided and that delivery is feasible provided sufficient quality is achieved in delivery.

Biodiversity Net Gain

The applicant has undertaken an analysis of habitat losses and gains using the Defra Biodiversity Metrics (V.2) based on the application area. Whilst a range of different metrics, each with their own benefits, are available to assess biodiversity losses and gains, the metrics are the most up-to-date that have been developed by government and would be used alongside any future legal requirements via the forthcoming Environment Bill. Their use is therefore supported.

The applicant's calculations involve both survey and other evidence information but also a large degree of professional judgement. It is considered that the calculations can be supported and rationale has been provided for the scoring approach utilised.

It should, however, be noted:

- The calculations represent results at the end of the creation/restoration period and the target condition at that time. It is therefore important for the planning authorities to have effective means of controlling the management required to establish and maintain these habitats. If target condition and function is not reached, there may be significantly less net gain or even loss.
- The Metrics allows for different habitats to replace each other. This can mean that whilst there is overall biodiversity gain in terms of the metrics, some habitats are impacted more than others, both in the long and short term. This can have an impact on certain associated species. For example, there are losses of scrub and reedbed which will not be compensated for several years and there is therefore concern for birds associated with such habitats, such as nightingale/reed warbler, which will have to be carefully considered during future planning stages.
- As this is an outline application, features may differ in size following further detailed design. It would be desirable for biodiversity net gain requirements to be carried through further decision stages.
- There may be opportunities for some further detachment of biodiversity value

as more detailed plans progress - e.g. provision of small but high value features such as temporary ponds in areas such as the Nature Park, and it would be important to ensure future processes allow for planning authority input to secure such opportunities as they arise through both collaboration and approval of plans.

9.21 Environmental Health Contaminated Land

No objection subject to conditions

An Outline Remediation Strategy has been submitted with the application and covers what ground contamination has been found so far on site. The remediation proposed largely involves the removal of soil and the importation of clean material at certain locations such as areas of gardens and public open space, with further investigation required to ascertain ground gas levels, thereby determining what level of gas protection will be required in different areas on site. The report also advises that further site characterisation will be required through reserved matter submissions in areas where available data is currently limited and at a spatial density appropriate to the proposed end use.

The submitted Outline Remediation Strategy and proposals for further site investigation are both agreed. It is imperative that as reserved matters applications for each phase of development are submitted, further site investigations and risk assessments are carried out, and that the remediation strategy is updated for each phase, prior to the commencement of development of that phase.

Conditions are therefore considered necessary to ensure appropriate further detailed site investigation, remediation and validation are undertaken, thereby ensuring all phases of the development are safe and suitable for the proposed end use.

9.22 Environmental Health Noise & Vibration

Summary

Objects to one specific impact. No objection to other impacts subject to conditions. The reports accompanying the application correctly address the main concerns of existing noise sources and potential likely new sources including road traffic. Care must be taken to ensure that the cumulative impacts of noise are suitably considered. That said, much of the applicant's proposed way forward is agreed, but with one objection.

Off site impacts

During the construction stage, noise from traffic from the proposal is likely to have a small negative effect, and for most areas during the operational stage the impact of increased traffic flow on existing properties is expected to be a small negative one. There are concerns, however, that the area of the Fawley Bypass B3035 to the east of Blackfield Road is expected to have a large negative effect in the short term and a long term medium negative impact by the year 2036. This area covers the edge of the main existing village of Fawley and is significant. It includes the current school and approximately 17 houses which are situated immediately adjacent to the bypass, as well as a several blocks of flats. The applicant has considered mitigation in the form of reducing traffic speed, new surface treatments, and use of roadside acoustic barriers, screens or bunds, but these have all been ruled out. As

they are outside of the site, it is not possible to require a condition to mitigate the impact. As this is a significant impact, an objection is raised to this application on the basis of noise from proposed road traffic having a significant negative impact on the existing residents of Fawley Village for which no mitigation has been offered. This matter could not be dealt with by other legislation after the event as traffic noise is explicitly excluded from relevant legislation.

On Site considerations

Due to the commercial nature of surrounding locations including Fawley refinery, shipping traversing Southampton Water, traffic on adjacent routes and the National Grid Electricity Substation, the existing background noise levels on the proposed development site are relatively high and do not reduce notably during the night time (41dB LA90 daytime and 40dB LA90 night time). As such, due to the high background levels of the proposed development site, it is considered that the applicant needs to carefully consider appropriate design and control measures to mitigate the impact of the noise for the end users of the site.

The cumulative noise impact on the proposed residential properties from both existing and proposed noise sources could be suitably controlled by way of a planning condition limiting noise levels in internal and external residential and amenity space in line with those stated in BS 8233:2014. The applicant has shown they can meet these noise levels. However, it is noted that mechanical ventilation would be needed for Block 8 (the block closest to the substation). Care needs to be taken with mechanical ventilation, which should only be used when no other methods to minimise the impact can be used. Mechanical ventilation can be noisy in itself, so where it is possible to control noise levels within residential properties without mechanical ventilation, this must be prioritised.

The updated Noise Impact Assessment recognises that the Transformers which form part of the National Grid site are a source of noise affecting parts of the proposal. This concern could be addressed as part of the condition referred to in the preceding paragraph.

In addition, the noise level emitted from plant and equipment from non – residential properties will need to be mitigated to ensure new uses to the area do not increase the ambient noise levels such as to adversely affect residential properties. This matter should be conditioned.

The proposed marine workshop activities to the northern area of the site are an expected source of noise, particularly associated with boat building and repairs which can be significant, but it is noted that residential properties are not proposed close to this use.

In addition, there is a concern about noise emanating from use of the boat stack, particularly due to its proposed 24hr use. As a result, it is considered that a Noise Management Plan is required to cover its operation to include the consideration of all sensitive receptors and all mitigation of noise from the use.

Construction Phase

It is inevitable that noise from the construction and demolition phases will have an impact on the nearby residential properties. There is a particular concern regarding the noise levels expected to be experienced at Ower Lane, Bus Drove, Tristan Close, Calshot Close, Fawley Bypass and at occupied proposed residential development during the construction phase. In order to keep noise levels

acceptable, and within those stated in the proposed methodology, mitigation may need to be provided. Where this is not possible, shorter working hours might be required in the most sensitive areas in order to mitigate noise impact. It is noted that a draft CEMP has been put forward and consider that noise could be acceptably mitigated during the construction phase through a condition requiring the approval of and adherence to a more detailed CEMP.

Vibration

The levels of vibration during construction, detailed as part of the noise and vibration report, give a worst case scenario. Vibration experienced at this suggested worst case scenario level is likely to be sufficient to cause complaints, but can be tolerated if prior warning and explanation has been given to residents. Details of monitoring, and the notification of neighbouring properties with the potential to be disturbed is expected to form part of the CEMP, and controlled through a planning condition.

9.23 Environmental Health Air Quality

No Objection subject to conditions

The air quality assessment submitted as part of this outline application is accepted. The air quality report assesses the impact on local air quality from construction and operational traffic on the local road network, and construction plant on site. The impact is greatest at relevant receptor sites closest to the development. The impact overall is assessed as negligible with 1 site (New Forest school) predicting a moderate impact. The mitigation measures being proposed include active travel and sustainable development plans to reduce the need for vehicles to be using the local road network.

The applicant is advised (via condition) to re-assess the number of electric vehicle charging points being proposed, so as to bring the development more in-line with Government policy on increasing the number of ultra-low emission vehicles on the road network.

It is noted that additional air quality assessments will be required to be submitted by the applicant when further details of the design and end users are known. As such, proposed planning conditions are advised to ensure these air quality assessments are submitted by the applicant, and to reduce the impact of the development on local air quality.

An outline Construction Environmental Management Plan (CEMP) has been submitted as part of the outline application. However, the information supplied in the Plan is lacking and requires further detail before the Plan would be considered acceptable. As such, planning conditions are recommended.

9.24 Environmental Health Lighting

The applicant has provided a lighting report which considers the existing lighting at the site and which zones areas of the site in accordance with 2011 guidance. This guidance has now been superseded. Nevertheless, the application submissions provide enough characterisation of the site. Are satisfied, therefore, that lighting could be adequately controlled through a planning condition requiring approval of a scheme for the operational stage of the site.

Summary

A great deal of information has been produced to support the aims and aspirations for a high-quality mixed-use development. There is no question that the parameter plans, the design code and the landscape work result in this scheme achieving many of those aims. While traditional in its architecture, the streets, spaces, uses and block layouts respond well to current urban design approaches and national design guidance. Large areas of high-quality public realm are produced, with the new development including canal side spaces and a new waterfront promenade. Large verdant SANG areas are proposed which include open space and multifunctional recreation areas. Despite certain issues with the avenue design, the entire scheme has a significant element of new tree planting alongside roads, streets and throughout the wider landscape. These aspects of the scheme are therefore fully supported.

The counterpoint to this is placing this scheme in its sensitive context within a National Park, with adjacent heritage assets and on a visually prominent waterfront at the edge of the Solent. Concerns remain in areas such as: the dominant visual impact of heights and massing of buildings on the National Park; the standard vehicle dominant distributor A-road design; discouragement of mode shift; some poor connections with a lack of inclusivity and access to open spaces and the wider landscape; the proposed school area; and detrimental harm to the setting of heritage assets. At this stage, it is considered the scheme has not addressed these matters as successfully as it has the others.

This creates a balance between the benefits and the disbenefits of the scheme. Urban design and heritage comments therefore note the substantive positive elements of the proposed layouts and overall development design, while also expressing some concerns regarding certain aspects of the proposal. It would be hoped that the elements of concern could be worked on further, to achieve a more harmonious development within this unique, highly sensitive and special New Forest context.

Layout and scope of scheme

The basic layout and urban design building blocks of the scheme are well executed. The permeability, block sizes, proposed mix of uses, active edges, walkability, and enclosure are all well-handled. This leads onto well-proportioned internal street designs, open spaces, internal road layouts and envisaged landscape positions and indicative proposals. In addition to the built form, proposed new flood defences, landscape enhancements, areas of green space, SANGS and extensive tree planting all add further quality to the scheme proposed.

The detailed design code, the design and access statement and a comprehensive set of parameter plans help to lock down the design aspirations with more certainty. The way these key documents and delivery proposals are carried through into reserved matters and implementation stages will need careful and considered inclusion in conditions, Section 106 requirements and other associated processes.

The scale of structures for large parts of the site would constitute a break from the local context. Therefore, the emphasis on high quality design has a critical role in ensuring the scale of the buildings is mitigated as much as possible.

Large parts of the Northern Quarter and Heart of the Town will appear quite

dominant, and a number of taller buildings across the site will add to this impact.

While the buildings have been reduced in scale from that of the Power Station, the extent of development is much greater than the existing building. The Power Station itself is large, but this is offset by a great deal of space and open areas around it. The newly proposed development occupies the entire width of the site and pushes southwards into the National Park. This will create a visually prominent scheme which is unlikely to be just mitigated by planting for a long period of time.

The benefits of improving a currently untidy industrial site and the strategic landscape proposals and enhancements must be balanced in any assessment. These are extensive and some significant planting areas and improvements are proposed.

The landscape measures will be equally important in helping to mitigate the associated infrastructure such as flood defence proposals and the large new road, although these will need to be carefully managed. The road design itself is disappointing once it leaves the Heart of Town and still responds far too heavily on older highways design guidance rather than Manual for Streets. Provision for pedestrians and cyclists is still designed around the needs of vehicles rather than being given the priority it deserves.

General Height, Scale, Massing and Tall Building Impact.

In general, the scheme is quite tall across its entire width and depth, and when viewed across the Park and from Calshot Spit will be a dominant built form. The north edge impact is mitigated somewhat by existing industrial structures, landscape levels and potential buildings proposed for this area. It needs to be recognised that the scale and overall height of this settlement will be much bigger than any other settlement within the National Park. This though is to be balanced with the loss of the Power Station building and large chimney which currently have a dominant, imposing effect of their own.

The proposed design ethos is about creating a clear edge between town and landscape. A definitive stopping of built form that frames landscape edges rather than to present a weak and apologetic edge to the settlement.

Parameter plans set some imposing heights across the scheme. This height in most areas works well with the proportions, building scale and floor to floor heights shown on the indicative images. It does need to be noted that it may not work as well if the elevational designs were to change through reserved matters applications. The design code will be an important aspect in controlling such changes. In design terms, it is considered that with the proportions and quality set out in the indicative images, the proposed height works in a townscape context, but this would not be the case if this were to be changed or were to be intensified in any way. With additional floors and a less considered elevational proportion, the positive design aspects could easily be lost.

It is considered that some taller structures are required for a successful townscape design. The ability to create legibility through the scheme and a varied roofscape are positive attributes to any scheme. Without some height, there is a danger that the scheme will become lifeless, flat and horizontal, which could have a more damaging effect on the surrounding landscape and context.

While some of the taller buildings work successfully from a townscape and urban perspective, it is noted that these elements will have a wider impact on the landscape and coastline and raise the visual appearance of the overall scheme.

The one building which does cause some concern is the 98 metre high structure set to replace the chimney. It is not clear why a building of this significant scale is required in this location along the edge of the National Park. Its architectural design in indicative images is well considered and it is an attractive building in its own right, but its response to this particularly sensitive landscape context is questioned, and the narrative required for this building is felt to be unconvincing.

The southern part of the scheme has responded much more successfully to local character.

Landscape Comments

The landscape in terms of quality, synergy with the National Park and mitigation of some built form edge is of critical importance. The landscape proposals are, in most aspects, broadly supported.

There is a great deal of reliance on the maturity of planting around the site. Securing early planting and protection for these areas should form a key part of infrastructure delivery through the section 106.

It is unlikely that landscape will mitigate much visual impact for quite some time due to the scale and height of built form proposed. The scheme will therefore be relying solely on its architectural quality, massing and overall design.

Flood Defence Proposals

It is considered that there should be greater clarity on the plans for the swingbridge to ensure DDA compliance.

Parameter Plans and Design Codes

In general, there is a clear framework. The Code provides clarity on a number of important design issues and, in the main, provides a robust structure and a set of key principles for delivering a high quality design.

The section of the Code on adaptability, sustainability and diversity does not appear to have much coding behind it or benchmarking set out. No targets are set and much of the wording, while well intentioned, is vague and with little to enforce it.

There are concerns regarding the proposals for adaptability and inclusive access being severely compromised by the requirement for a 300mm threshold lift. This coding requirement could cause major problems if the LPAs are to ensure buildings are DDA compliant and sit on the street comfortably without the need for ramps/steps. If left to reserved matter stage with a suite of options, there could be some big retrofitting problems. This element of the scheme therefore raises some ongoing concerns and it is considered the simplest approach would be to lift all the land and not leave difficult details and key design changes to reserved matters stage.

Impacts on Heritage Assets

Some aspects of the scheme remain a concern in relation to sections 184,190,194, 196 and 197 of the NPPF.

The extent of encroachment towards Calshot Spit does not appear to have been mitigated, apart from some shoreline planting. The large grouping of designated heritage assets on Calshot Spit have a rich heritage with regard to their geographical position and the broader history of the Solent. It is important they are assessed as a

collective grouping in addition to their separate values.

There is an impact on Listed Buildings at Badminston Farm and Ower Farm regarding the loss of the field boundaries and farming landscape context, which are a key part of their landscape setting and context. While some of this is currently eroded by quarry workings, the land left still allows this former open context and historic relationship to be appreciated. Regarding Badminston Farm, greater landscape detail could potentially provide some mitigation regarding the landscape design around the immediate environment of the farmhouse and outbuildings. However, the large industrial buildings proposed to the east of Badminston Farm would have a detrimental impact on its setting. There are more significant concerns about the setting and context of Ower Farm. The proposed taller building backdrop, the potential school position and footpath proposal would lead to additional detrimental future impacts. There will be pressure for fences, landscape, lighting, land reforming for pitches and the inevitable ancillary buildings. The excessive amount of tree planting around the farm should also be scaled back a little to ensure this farmland context is maintained to a degree.

With respect to the Ashlett Creek Conservation Area, the main concern relates to the height of the proposed buildings on the northern edge of the site. The revised visuals now show mitigation has reduced the earlier concerns, but tree planting and management along the northern edge of the power station site will be critical to reducing impact. This needs to be covered in management plans for this area going forward.

It is acknowledged that the Power Station Buildings (some now demolished) also have heritage interest and this is most likely local interest in terms of a significant industrial site and set of well-designed 20th century structures. For the purpose of evaluation under the NPPF, these buildings would form non-designated heritage assets. The loss of the Power Station is, therefore, seen as the removal of a non-designated heritage asset, but it is recognised that a prior approval has already been given for the demolition of the Power Station and Chimney. Would welcome the retention of the small reception building as one enters the site from the north-west.

Applying the NPPF, it is judged that there would be less than substantial harm to the setting of designated heritage assets on Calshot Spit, Badminston Farm and Ower Farm. The authority must be conscious of the statutory presumption in favour of preservation and should demonstrably apply that presumption to the proposal it is considering. This is unless it is felt that clear public benefits arising from the submitted scheme outweigh these issues of harm.

Road and Street Design - Streets Within the Scheme

These streets are designed well and from this outline stage appear to respond very positively to the guidance set out in Manual for Streets. The design coding and landscape proposals also support this much more pedestrian friendly environment. The design of the internal streets is fully supported.

Use of a basement carpark is supported to mitigate the potentially harmful effect of large areas of car parking. The parking strategy and proposals for other elements of the scheme are shown in the technical section of the design code and again illustrate some sensible proposals. The only exception is the inclusion of large areas of parking within the base of the boat stack. It is considered this should be removed, as it will result in large areas of dead ground floor frontage on a key building within the main areas of public realm.

Road and Street Design - The Main Access Road

It is an expectation that the scheme should pick up creatively on current guidance set out within Manual for Streets (1 and 2). A great deal of work has been put into the main central section as it runs past the Northern Quarter from Halfway Road to the beginning of the bend out towards Calshot. While improvements have been made to the road design during the application process, it is considered the road is designed more to facilitate vehicle flow and access than it is to enable other modes to flourish.

The long straight run shown on the plans is likely to encourage higher speeds. One established method of mitigating this is to bring either buildings or tree planting closer to the carriageway. Enclosing the driving space reduces speeds. Highway requirements mean the proposed oak trees lining the central road section are 5 metres back from the carriageway edge, which removes that calming effect and results in a central section which no longer achieves the New Forest style avenue of trees set out in the Design and Access Statement.

There are concerns that the pedestrian crossings and junction designs are poorly detailed, with a lack of any quality materials to distinguish them from the rest of the carriageway, meaning that pedestrians would not be prioritised in line with Manual for Streets.

Away from the central section, there is the additional concern that the access road will appear as a standard distributor access road. Specifically, for the two approach sections, there are concerns in respect of the large sweeping bends and wide alignments; the long straight run in terms of traffic speeds; the lack of physical or design measures to reduce traffic speeds; the width of the carriageway in certain areas; the changing position of the cycle route relative to the carriageway; the degree to which hedges would be set back from the road; and footpath designs across junction heads. A 20mph design speed would be favoured to ensure that pedestrians and cyclists can cross the road more safely.

Ashlett Sang Access

There are concerns at the way in which the SANG would be accessed, particularly if it is not sufficiently direct or if it is through the site's main industrial areas, with the risk that if the SANG does not have inclusive and safe access, it will push residents and other pressures onto protected land to the south.

Access Across B3053

There are concerns at the lack of detailed designs for the crossing of the existing B3053. This combined with the poorly defined crossing along the new road compromises wider estate access and the associated public benefits this would bring.

9.26 Landscape Officer

Supports subject to conditions

Landscape and Visual Impact Assessment (LVIA)

It is considered that the LVIA has been prepared in accordance with all of the Landscape Institute's guidelines.

It is considered that the information includes a comprehensive survey and analysis of the site and its surrounds which forms a strong baseline of evidence.

The conclusions that have been reached in the 'Summaries of effects for landscape and visual receptors' at the demolition, construction and operational stage of the proposals are all supported. The conclusions in the 'Summary of mitigation/enhancement measures' are also supported.

Visual impact of the proposals on the landscape of the New Forest National Park and New Forest District.

There is no doubt that the proposed development will have an impact on the landscape of the New Forest National Park. The National Park as a receptor is of high sensitivity, and as the site is immediately surrounded by the National Park and part of the proposed Southern Quarter falls within the National Park, the assessment of this impact is important.

It is considered that the balance between built development and landscape infrastructure, as proposed in the Masterplan, has been successfully reached and will mitigate the visual impact that the development will have on the New Forest National Park and New Forest District. The extensive use of proposed new tree planting, vegetated bunds and green open spaces within the development contribute to creating a positive landscape visual impact in both the New Forest National Park and New Forest District. This will be enhanced over time as trees and other planting grows and matures.

It is suggested that conditions be placed on any permission given, to cover the successful establishment of all plant material, including trees, all hard surfaces throughout the development to be of sufficient design, quality and durability, and that any external lighting throughout the development is submitted for approval before installation. Such conditions would help the development to reduce its visual impact on both the New Forest National Park and New Forest District.

The proposed semi-mature tree avenue along the Primary Access Road needs to be secured, as this is a key part of the landscape infrastructure for the whole development and is an essential feature to help mitigate the visual impact of the development on both the New Forest National Park and New Forest District. In time, as the trees mature, this avenue of trees will be key to providing a transition between the urban density of the proposed heart of the Town and the New Forest National Park and its successful establishment needs certainty of delivery.

Design and Access Statement

The landscape scale benefits that would arise through the creation of a Fawley Waterside Nature Park are supported. The Nature Park would be beneficial in linking habitats and connecting people with nature via footpath networks. The aspiration to achieve a continuous woodland edge from the proposed Fawley SANG to the proposed town is supported. The proposed ranger and estate management team would be essential to the monitoring and future management of the Nature Park.

It is considered that the overall landscape benefits of the proposals outweigh the disadvantage of losing some land from within the National Park for development, with landscape scale improvements impacting positively on the special qualities, character, amenity and landscape setting of the National Park.

Landscape Strategy for the Primary Access Road

Hedgerows and grass verges are proposed alongside the northern section of the new road, which would benefit the landscape character of the road, perpetuating the existing pattern of hedges and verges seen immediately north along the road, thus giving a continuity to the landscape character.

The suggested palette of materials would complement the character of the New Forest.

Through the Heart of the Town, the proposed avenue of oak trees on either side of the road, creates one of the strongest landscape features of the whole site. The trees are spaced so that in time the intention is that the canopies will form a continuous avenue. The trees are proposed to be planted into bunds which raises their canopies, which is advantageous in increasing the impact of the trees and also their capacity to partially screen the development from the National Park, also creating a distinctive landscape feature with its own character.

It is considered that through the Heart of the Town, the design intentions shown on the illustrative landscape plans, would enhance the landscape character of this interface between the Heart of the Town and the National Park and would also benefit the landscape character of the Heart of the Town.

As a whole, the Access Road Landscape Plan illustrates an appropriate design to reflect the varying landscape character of the proposed development, with a more rural focus at the northern and southern ends of the road and a more urban feel in the central part, adjacent to the proposed Heart of the Town. The proposed tree planting, especially the avenue of oak trees and plaza of plane trees gives a strong landscape element that also helps to link the development with the National Park.

It is recommended that the landscape elements of the Access Road, planting and hard surfaces, be secured by condition or via the S106 agreement to ensure the highest standard of finish and maintenance.

Existing B3053

From a landscape point of view, the downgrading of the B3053 would benefit access to the wider Fawley Nature Park for walkers, cyclists and horse riders and also create a more tranquil atmosphere, with less traffic, travelling more slowly. The detailed design of suggested crossing points would be critical to their success.

Parameter Plans

The types of green infrastructure and open space proposed through the Parameter Plans are supported. A high standard of design will be critical, with the Design Code being the vehicle to ensure high standards of design are achieved.

The three proposed SANGs would each provide a range of recreational opportunities in a variety of landscapes. The two proposed Nature Conservation Areas, if created and maintained as described in the Design Code, will provide an essential part of the landscape and its connectivity to the wider New Forest.

Supports the removal of a long row of tall Leyland Cypress trees that are situated on the northern edge of the northern quarter, given that Leyland Cypresses are not a native tree and look out of place in this context.

The new tree planting that is proposed throughout the development, as shown on the parameter plans, will provide significant benefits and is supported.

Illustrative Masterplans

The wider masterplan is helpful in showing how landscape scale changes can benefit the whole area beyond the site boundary, offering connectivity visually and in terms of green corridors, with woodland, old and new, linking from the New Forest landscape of the wider Cadland Estate to the proposed development and the coast. Hard and soft landscape materials suggested on the illustrative masterplan drawings are considered to be appropriate.

Design Code

The proposed hard and soft landscape elements that are proposed for the Northern Quarter are supported as being appropriate to the purpose and functionality of the Northern Quarter and the location. These elements being; tarmac, permeable paving bricks, timber benches, steel litter bins plus native species trees to respect the composition of the nearby Chambers Copse Ancient Woodland.

The proposed Urban Forest at the northern boundary to the Heart of the Town area will provide a much-needed wide band of woodland and understorey. It will help to screen the existing National Grid sub-station and, in time, when trees are reaching maturity, it will help baffle noise emanating from the sub-station. The proposed Urban Forest is also designed to screen views towards the industrial buildings in the Northern Quarter from the Heart of the Town. The design intention of the Urban Forest is supported. It is essential that the trees within the Urban Forest receive high levels of maintenance and management to ensure their successful establishment and growth to maturity.

Within the Heart of the Town, it is considered that landscape and architecture will work together to provide a high quality public realm which befits the unique and sensitive location.

The Western Edge building heights have been designed to step down in height to face the boundary of the National Park, thus lowering the visual impact to this edge. The proposed planting of an avenue of oak trees, either side of the access road has the potential to form a partial screen of mature tree canopies between the building elevations and the National Park, softening the interface between the two. This approach is supported.

The top of the spire on the tallest building on the western edge is proposed to be 98 metres in height, approximately half of the height of the existing power station chimney and at the same location. The top of this spire is designed to be seen from many miles away. It is not considered that this will have an overly negative visual impact on the National Park, with the single, thin spire leading to significantly less visual impact than the industrial existing chimney.

Hard landscape materials illustrated are suitable, contributing to the high quality of design and finish that is required for a development of this nature and in this sensitive location.

The soft landscape is intended to be simple and predominantly native species but also able to thrive in the coastal urban environment. The plant species proposed are suitable for these purposes and will complement the proposed built environment and also survive in the coastal location.

As a whole, it is considered that the proposals will be successful in creating a high

quality of public realm and a strong green presence in the Heart of the Town and Southern Quayside, which will reflect the intended landscape character of the range of open spaces. This success will be dependent on the high quality of materials used, their design and also a high level of maintenance for hard and soft landscape elements. Proposed external lighting should be carefully designed and kept to a minimum.

The overall design of the Southern Quarter succeeds in creating a rural landscape character with simple landscape treatments as seen in New Forest villages.

The Tree Strategy is supported, with the details of tree sizes and planting distances being appropriate for the landscape design intentions. This also includes proposed hedges. Irrigation of trees to ensure their establishment is proposed and this is supported. This element should be controlled by condition.

The proposed Play Strategy is supported with the hierarchy of play spaces being suitably located and equipped.

The detailed design of the SANGs will be important and should reflect the rural nature of their locations, within the National Park.

Maintenance of the proposed landscape elements will be critical to the scheme's success. There will need to be some flexibility in the regimes that are applied. Dead or dying trees should be replaced as part of maintenance programmes for a period of many years.

External Lighting

It is considered that the Environmental Statement has succeeded in ensuring that light emanating from the proposed development has been considered throughout the submitted documents and masterplan, and that given sufficient control via condition or a S106 agreement, then a detailed lighting design, including the design of buildings to minimise the emanation of light, is achievable.

Flood Defences

The proposed flood defence principles are supported, which are proposed to take landscape, ecology and technical constraints into consideration.

The suggested attention to detail is supported and considered essential to ensure the highest quality of landscape infrastructure, both hard and soft, for the flood defences. The fact that the information is contained within the Design Code gives a level of confidence that the high quality of the proposals will be delivered.

The proposals for vegetation management and drainage maintenance of the flood retaining structures are supported as being best practice. The long term management of vegetation associated with the flood defences is important to ensure the softening of the engineering structures for the lifetime of the proposed development.

9.27 NFDC Trees

No objection - the belt of mature leylandii along the site's northern boundary do not have enough merit to be worthy of protection by a Tree Preservation Order.

Therefore, there is no objection to the removal of these trees as part of the scheme. Welcomes the additional tree planting that is suggested on the submitted landscape plans.

9.28 NHS West Hampshire Clinical Commissioning Group

No objection subject to a contribution of £211,600 being made towards the provision of additional capacity at existing GP surgeries. Advise that the additional level of demand for NHS services generated by the development would not warrant the commissioning of an additional GP surgery, but consider the specified financial contribution is necessary to enable the NHS to put the required capital investment into providing additional capacity within existing premises.

9.29 NFDC Housing Development & Strategy Manager

Whilst an overall commitment has been made to meet the Council's affordable housing policy requirements, the applicant has outlined a case in their submission to delay the delivery of affordable dwellings and to back-load the delivery of social rented homes between phases.

However, to be appraised and understood, this case needs to be supported and justified in greater detail by providing design, density, financial and any social/community arguments in full, and be framed within an overarching plan that sets out the actual numbers, precise tenures and by size of accommodation (bedrooms and unit size). Only then will it be possible to consider the justification for an exceptional approach, relative to the type and delivery of market housing across the scheme.

Clearly it would be of great concern if any delay in the rate of delivery or the tenure mix of affordable housing was at-odds with the principle of creating mixed communities, or if a delayed approach jeopardised later phases of affordable housing by either scale or tenure.

Having said the above, it is considered that some in-built flexibility can be achieved at outline stage for developments of this scale and type, where it has been proved and accepted that exceptional approaches are essential.

9.30 Civil Aviation Authority

No objection - aerodrome safeguarding responsibility rests in this instance with the aerodrome licence holder / operator. Advise that contact must be made with the Civil Aviation Authority if any cranes exceed 91.4 metres above ground level.

9.31 Southampton Airport Safeguarding

No objection – advise that the proposal could conflict with safeguarding criteria unless planning permission is subject to a condition requiring approval of the location, height and layout of the buildings and structures. Advice should be followed if cranes are to be used.

9.32 National Grid

Advice offered in respect of construction and working practices near existing pylons and overhead electricity lines.

9.33 Southern Gas Networks

No objection - advise of the location of gas pipelines crossing the site and in close proximity to the site.

9.34 Verderers of the New Forest

This is a very significant planning application which, if granted, has the potential to have a material and seriously detrimental impact on the New Forest. The Package of environmental enhancements and mitigation measures that the developer is putting forward is very welcome and the Verderers believe they are essential in order to give protection to the New Forest. They must be subject to a legal agreement.

9.35 Hampshire and Isle of Wight Wildlife Trust

In general terms, the quantum of housing proposed for the area surrounding the New Forest National Park and lining the Solent is firmly opposed. There are concerns that, in combination, the significant development proposals that are to come forward in the area will impact on the internationally designated wildlife of the Solent and New Forest in ways which are irreversible and cannot be effectively mitigated or compensated.

It is considered that any development requiring a high standard of flood defence is arguably in the wrong place and should not be brought forward. It is acknowledged, however, that the former Fawley Power Station is a unique situation where opportunities for coastal realignment and habitat creation at the site are limited. It is pleasing to see that the proposed designs do increase the much needed shortfall in coastal habitats, but the development of a Site of Importance for Nature Conservation and development of the scale proposed for the neighbouring National Park are opposed in principle.

It is accepted that the proposal seeks to address the requirements of the Habitats Regulations in relation to nutrients affecting Southampton Water and the wider Solent, and would deliver Biodiversity Net Gain in a meaningful way in compliance with the National Planning Policy Framework. It is also accepted that the Access & Conservation Plan seeks to address the pertinent ecological issues created by a development of this scale. Any permission should secure net gains in perpetuity through assured and accountable funding agreements.

It is considered that there is currently a shortfall in strategic recreational greenspace serving a population which increasingly uses both the Solent and New Forest because there are not alternatives. This increases the chances of recreation impacting on the ecological features of the designated sites. Whilst the provision of Suitable Alternative Natural Greenspace in the current proposal provides the generally accepted requirement, a significant overprovision should be pushed for. There are concerns about an increase in the current level of recreational boat use in the area and believe that the proposed boat stack, even with mitigation, could lead to cumulative impacts on remaining saltmarsh and marine receptors in the locality.

If the developer wishes to deliver mitigation for recreational impacts on designated sites 'in-house' rather than by using the established Solent or New Forest Mitigation schemes, then any mitigation should not only be comparable to the existing schemes but should be to an even higher standard, given the risks of uncertainty and the context of the development.

9.36 The Ramblers Association

No objection – there would be no objection to the permanent diversion of Footpath FP4 to the south-east of the current route, so long as the current route remains open until the new route has been opened. There would also be no objection to the diversion of Footpath FP46 or to a replacement swingbridge, so long as the route is kept open. Finally, there would be no objection to the realignment of Footpath FP15 to a position that would be less susceptible to flooding.

9.37 Forestry Commission

Are pleased to see that care is being taken to ensure no loss of ancient semi-natural woodland, and that further planting and enhancements of all woodland habitat types will be implemented as part of the Nature Park Management Plan. It would be preferred if Chambers Copse is not grazed so as to protect valuable ground flora. Recommend that future tree planting is with resilient species that can cope with climate change. Would be keen for any planning permission to require the use of specific certified timber, preferably locally sourced to be used in the construction of buildings and structures. Also recommend that the feasibility of installing a district woodfuel system to heat the development be explored so as to remove the need for fossil fuel driven heating systems.

9.38 NFDC Building Control

Consideration should be given to the following matters:

- B4 External Fire Spread - Full details of the building exterior finishes and construction will be needed, ensuring adequate resistance to fire and fire separation are achieved.
- B5 Access and facilities for the fire service - A satisfactory access design for the fire service should be provided together with the layout of any fire hydrants.
- C1 Resistance to contaminants - The site preparation measures will be dependent on the contaminated land survey and recommendations.
- H3 Rainwater drainage - A drainage report will be required for the storm water drainage.
- M 1-4 Access and use of building - Full details of the access provisions to the buildings to include level approach, parking areas and access paths will be required.

9.39 NFDC Waste Management

It should be noted that the NFDC waste strategy is currently under review and there could be changes to the current service. Changes could include food waste collection and further separation of recyclable materials.

As such, internal and outside bin storage should include provision for further separation of dry recyclables and also separation of food waste.

For flats, consideration needs to be given to the number of bins to accommodate the possible increase in recycling streams. The size of the bin stores may need to be increased from what is suggested in the submitted waste strategy in order to accommodate extra storage bins due to further separation of recyclables and food waste.

Further information on turning areas and possible reversing distances should be provided when the final plans are submitted.

9.40 Fareham Borough Council

No objection

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

10.1 75 Letters of objection have been submitted from local residents (68 letters to the original plans with a further 7 letters in respect of the amended plans) for the following reasons:

Principle of Development

- The size of the development is not appropriate in this location.
- There are more appropriate alternative forms of development that could be provided on the site.
- Redevelopment of the site is inappropriate and the land should be restored to nature.
- The development is not sustainable.
- The Major development that is proposed within the National Park would not meet policy tests.
- There are questions as to whether the development being promoted would be viable.
- The development would be at risk if there was a major hazardous event to occur at Fawley Refinery.

Layout and Design

- The large scale buildings would be of a size, height and massing that would appear out of character and intrusive.
- The suggested architecture would be unattractive and the design would be poor and inappropriate to the site's context.
- The density of the development would be too high.
- The chimney and control tower building should not be demolished.

Economic Growth

- The development is unlikely to deliver the jobs and economic benefits that are being promoted.

Housing

- The development would not meet affordable housing needs / the housing needs of local people, and many of the dwellings are likely to be sold as second homes or holiday homes.

Impact on Landscape

- The development would be out of place on the edge of the New Forest National Park and would be harmful to the special qualities and landscape character of the National Park.
- The development would result in a loss of peace and tranquility.

Ecology

- The development would result in a loss of protected habitat and species on Tom Tiddlers Ground.
- The development would result in disturbance to the adjacent marsh habitats and

species using those habitats.

- The development would be harmful to the adjacent designated nature conservation sites (SPA, SSSI, Ramsar site).
- The development would be harmful to wildlife and marine life.
- The development would be harmful to the natural environment.
- The applicant's nitrate strategy needs to improve upon the status quo, whereas it will simply stabilise matters.

Heritage

- The development would have no regard to the need to preserve the setting of Listed Buildings on Calshot Spit.

Transport

- The development will place unreasonable pressures on the local highway network.
- The development will result in a harmful increase in congestion and pollution along the length of the A326, with the potential for gridlock.
- The suggested junction improvements to the A326 would not adequately mitigate the development's transportation impacts.
- The development would increase highway dangers to pedestrians and cyclists.
- The development would increase traffic on forest roads, posing an additional threat to livestock.
- There are concerns about the design of the proposed new cycle route to Holbury.
- Proposed improvements to public transport would fail to offset the adverse impact of increased traffic on the local road network.
- As part of the development, the opportunity should be taken to reinstate the Waterside railway line for public use.
- The development does not propose sufficient car parking for the number of people on the site.

Community Services, Infrastructure and Facilities

- The development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc.).
- The development would have an adverse impact on the community of Calshot and its immediate surroundings.

Air Quality and Noise

- The development would generate significant noise disturbance.
- The development would cause air and light pollution.
- The construction of the development will cause years of noise, air pollution and environmental disturbance.
- Future residents of the development would be adversely affected by noise from the existing substation building.
- The amount of employment space would generate significant operational traffic, resulting in greatly increased emissions.
- The EIA has not adequately dealt with adverse air quality impacts and associated impacts on human health.

Flooding and Drainage

- The sea wall might affect tides and water levels.
- There are concerns about drainage.
- Flood risk needs to be considered against the most up-to-date climate projections.

- The development would be at significant risk of flooding, and the development would fail to comply with flood risk policies.
- The development would increase the rate of coastal erosion / retreat.
- There are concerns about the material that would be used to raise levels.
- The EIA does not adequately consider alternative sites in terms of flood risk issues.
- There is a lack of environmental assessment in respect of the dredged material that would be used for land raising.

Climate Change

- The development does not adequately promote green / low carbon technologies.

Other Concerns

- The facilities being provided (e.g. the hotel) suggest that the development may become a far from inclusive leisure destination.
- The EIA fails to adequately deal with the full impacts of demolition.
- There are concerns about the unclear way in which the application documents have been presented on the Council's website.
- Section 106 obligations could be modified in the future, so mitigation measures may not be secured in perpetuity.
- The public have not had an opportunity to comment on the Appropriate Assessment, which have deprived them of the right to participate in the planning process.
- The amendments to the application should have been the subject of a fresh planning application.
- The applications are being rushed through at a time of national emergency without regard to the rights of the community to participate fully and effectively in the planning process.

10.2 20 letters of support or non-objection have been submitted from local residents (all in respect of the original plans) on the following grounds (albeit that some of the letters raise concerns about the development's transportation impacts):

- The development will bring much needed housing and jobs to the local area.
- The development would be sympathetic and in keeping with the area.

10.3 Friends of the New Forest: Objects

10.4 Association for Industrial Archaeology: A record should be made of the power station buildings prior to their demolition. Materials should be salvaged and archived.

10.5 Go South Coast / Bluestar (local bus company): There could be potential to run buses along the development spine road, diverting from the existing route. Constructive dialogue has been had with the developer and their agents, and discussions have taken place about extending the Bluestar 9 short, which currently terminates at Fawley village centre. Extending the Bluestar 9 would require an additional resource. It is requested that the Section 106 requires contributions to this route to cover costs over 7 years amounting to £1,120,000. Such funds would assist the service becoming commercial after the funding runs out.

10.6 Solent Protection Society:- Concerns were initially raised that the proposals would not adequately meet policies for the area. In particular, there were concerns relating to the size and scale of buildings fronting the water; it was felt light pollution

would be to the detriment of the marine environment; it was considered more tree planting was needed to the coastal edge. There were also concerns about storm water overflows and the monitoring of water quality. With the amended proposals, the revisions to the landscaping are supported, but feel the visual impact on the retained national grid building could be better mitigated; consider the Marine Management Plan to be admirable; would expect dredged material to be beneficially reused; the amended designs as seen from the sea are an improvement and are sufficiently distinctive.

10.7 Waterside Cycling Action Group:- Objects due to the inadequate provision for cyclists and the impact of increased traffic on the local roads, making them more hostile to cycling. Has particular concerns about the suggested designs of some of the off-site highway works, which it is considered would increase dangers for cyclists.

11 PLANNING ASSESSMENT

11.1 The Principle of Development

11.1.1 Fawley Power Station is one of the Council's Strategic Development sites that has been allocated for development in the recently adopted New Forest Local Plan 2016-2036. Policy Strategic Site 4 applies. This policy states:

"i) The site of the former Fawley Power Station will be comprehensively redeveloped for a residential-led mixed use scheme and public open space and will comprise the following:

- Around 1380 new homes dependent on the form, size and mix of housing provided, but predominantly apartments within the central and southern parts of the site.*
- Up to around 10,000 square metres of ancillary community, retail, leisure and service uses appropriate to serve a village-scale community, site based activities and employees.*
- Offices uses and a marina may be included within primarily residential areas in the central and southern parts of the site, subject to demand and viability.*
- Around 10 hectares of land in the northern part of the site for business and industrial uses (Use Class B1 and B2) with a low environmental impact. Locations where sea access would be provided by the redevelopment to be prioritised for marine industries that require sea access, unless there is a demonstrable lack of demand.*

ii) Master Planning Objectives for the site as illustrated in the Concept Master Plan are to create a mixed-use waterside community embodying the highest standards of design and sustainability that also benefits the wider Calshot community by:

- a) Creating a landmark and contextually appropriate design that befits the prominent and sensitive location, concentrating areas of greater height and mass around the footprint of the current power station building, scaling down in height and density towards the waterfront and the southern site boundary with the New Forest National Park.*
- b) Providing public access to the waterfront and dockside areas including public spaces.*
- c) Providing a mix of commercial and community uses to enable a significant level of self-containment in facilities and employment opportunities.*
- d) Integrating planting and design features that maximise the wildlife and habitat potential of buildings and the development area, and to avoid, or where*

necessary manage and minimise, the impacts of development on the Solent foreshore and other areas of habitat value.

iii) Site Specific Considerations to be addressed include:

- a. The outputs of the SFRA Level 2 will be considered in the preparation of a detailed site specific Flood Risk Assessment demonstrating how the proposed development will be made safe over its lifetime.*
- b. To assess the need for, and to provide safe vehicular, public transport, cycle and pedestrian access for the development.*
- c. Uses proposed especially in the northern quarter must be compatible with the extent of safety hazard from the Fawley Oil Refinery complex.*
- d. The need to incorporate and facilitate appropriate measures to ensure the conservation and enhancement of the landscape and scenic beauty of the neighbouring New Forest National Park.*
- e. To ensure redevelopment is brought forward in a coordinated manner and fully mitigate its impacts, the promoter will prepare a masterplan and supporting technical assessments for the entire Fawley Power Station site, for submission as part of the planning application. Development will be phased as set out in an approved masterplan agreed with the local planning authorities.”*

11.1.2 Policy Strategic Site 4 is accompanied by a concept masterplan that shows the broad locations where residential and employment uses should be sited. It also indicates the approximate position of the Primary Access Road, Public Open Space, and ANRG Mitigation Land.

11.1.3 In the light of this recently adopted strategic site policy, the principle of a comprehensive, residential-led, mixed-use redevelopment of the power station site is clearly acceptable. The submitted application meets the relevant test of being comprehensive, residential-led and a mixed-use redevelopment.

11.2 Environmental Impact Assessment

11.2.1 In accordance with the Environmental Impact Assessment (EIA) Regulations, this report has considered the application submission which includes the applicant's Environmental Statement (ES).

11.2.2 EIA is a procedure used to assess the likely significant effects of a proposed development upon the environment. The conclusion of the EIA process results in the provision of an Environmental Statement by the applicant. The ES is required to provide the Local Planning Authority with sufficient information about the potential effects of the development before a decision is made on the planning application. The information contained in the ES must be taken into account in deciding whether to grant planning permission and reasons must be given.

11.2.3 In this case, the ES has been refreshed and updated during the consideration of the application. The ES includes a description of the current environmental conditions known as baseline conditions, against which the likely significant environmental effects of the development are assessed both during construction and once completed. Each Chapter of the ES states which effects are considered significant.

11.2.4 As required by the EIA Regulations, the application and associated ES have been publicised and consulted upon. Where necessary, the relevant consultee responses have taken account of the relevant parts of the ES.

11.2.5 The conclusions of the ES are noted and have been considered by Officers

in the assessment of the application through this report. It is considered that the applicant has undertaken the EIA process appropriately and adequately. The use of planning conditions and legal agreement(s) can secure suitable mitigation measures where significant environmental impacts would otherwise occur.

11.3 Delivering a Mixed Use Sustainable Waterside Community

11.3.1 The vision of the site is to deliver a mixed use waterside community, embodying the highest standards of design and sustainability that also benefits the wider Calshot community. To achieve this, it is essential that development is brought forward in a coordinated manner and fully mitigates its impact.

Residential development

11.3.2 The number of dwellings proposed in this application is 1380, which accords with the specified number of dwellings that policy indicates should be provided on this allocated site. As such, the proposed quantum of residential development is policy compliant.

11.3.3 All of the proposed residential development would be located south of the proposed Urban Forest landscape feature, which would be in accordance with the Concept Masterplan drawn up in connection with Policy Strategic Site 4.

11.3.3 The application has been submitted on the basis that the precise mix of proposed dwellings would be determined at reserved matters stage. However, the parameter plans, which are to be approved at this stage, and the illustrative masterplans have been drawn up on the basis of the following assumed residential mix across the whole development (i.e. including the development area within the National Park):

- 319 1-bedroom flats
- 503 2-bedroom units, comprising 446 flats and 57 houses
- 359 3-bedroom units, comprising 319 flats and 40 houses
- 319 4-bedroom + units, comprising 191 flats and 128 houses

Therefore, applying these figures across the whole development, 85% of the proposed dwellings would be flats / apartments, and in the District Council's area, the figure would be higher than this because a much higher proportion of units within the National Park are intended to be dwellings. Whilst not all of these figures should be taken to be exact, they do demonstrate that the residential development that would be provided within the district's area would be predominantly apartments, which would be consistent with the Site Allocation policy.

11.3.4 The suggested mix of units would provide a broad spectrum of different sized units, thereby meeting a variety of needs. As such, in so far as the need to create a socially balanced community is concerned, the proposed mix raises no policy concerns.

Commercial and non-residential Uses

11.3.5 Excluding the hotel, the amount of retail, food and drink, community, leisure and service uses that is proposed would be 9,500 square metres. This would be consistent with the quantum of such floorspace that is supported and promoted through Policy Strategic Site 4. The appropriateness of the hotel is discussed in further detail below.

11.3.6 The northern part of the site, (the area to the north of the Urban Forest Landscape feature) is proposed to be developed primarily for B1 (Office / light industrial) and B2 (general industrial) uses, with a limited amount of B8 (storage and distribution) floorspace, amounting to just under 15% of the total floorspace within this zone. The provision of B1 and B2 uses within the northern quarter would clearly comply with policy. The provision of some B8 use floorspace within the Northern Quarter would not be unreasonable given that this area is expected to be an industrial / business zone with a strong marine emphasis, but it is important that the quantum of such floorspace is limited to no more than the quantum that is proposed so as to ensure that B1 and B2 industrial / business uses with a low environmental impact dominate, in line with policy expectations.

11.3.7 It is considered that the applicant's employment strategy (discussed in further detail below), which has a focus on providing accommodation for the marine industry and other technological based businesses, would be consistent with the policy requirement that B1 and B2 uses within the development should have a low environmental impact. Nevertheless, to ensure that the northern quarter is not used for noisy and polluting B2 industrial uses that would have a high environmental impact, it will be necessary to impose conditions on any outline planning permission, requiring noise and odour mitigation measures to be agreed in association with any building that, through a reserved matters application, is proposed to be used for B2 Use Class purposes.

11.3.8 The application would include the provision of up to 28,400 square metres of B1 office / business floorspace within the areas to the south of the Urban Forest landscape feature. This is a fairly significant quantum of such floorspace. Nevertheless, it is considered that such provision would be consistent with policy, as residential units would still be predominant within the Heart of the Town, and because it is essential that the new community is a sustainable one, which can only be achieved by integrating a reasonable quantum of appropriate employment floorspace into the core areas of the development.

11.3.9 The proposed boat stack would provide a storage facility for approximately 600 boats in the 6-11 metre size range. It would be a significant and distinctive feature within a central part of the development. Given the policy support for a marina within the central and southern parts of the site, it is felt that the boat stack would be an appropriate use, noting that whilst it may not be a marina in the traditional sense, it would be very similar to such a use in terms of traffic generation and activity on the water. Also, there would be pontoon berthing facilities within the extended harbour for boats of 11-15 metres in length. This would be more akin to a traditional marina use and would be supported by policy.

Phasing

11.3.10 The applicants have submitted a Phasing Plan, although only on an indicative basis. This proposes 8 phases of development, together with projected completion dates for each phase. The 8 Phases (with suggested completion dates in brackets) are as follows:

- Phase 1 (2022) - Civil Engineering Works (canal & harbour)
- Phase 2 (2024) – 150 dwellings & 8400 square metres of non-residential floorspace to the south side of the extended harbour. Also, the southern section of the new access road.
- Phase 3 (2024) – 260 dwellings & 6500 square metres of non-residential floorspace immediately to the west side of the canal. Also, the northern

section of the new access road.

- Phase 4 (2026) – 290 dwellings & 18615 square metres of non-residential floorspace to the west of the canal and adjacent to the new access road.
- Phase 5 (2030) – 640 dwellings & 15,185 square metres of non-residential floorspace to the east of the canal
- Phase 6 (2031) – 40 residential dwellings & 2500 square metres of non-residential floorspace to the south of the dock entrance.
- Phase 7 (2031) – 44,100 square metres of non-residential floorspace within the Northern Quarter.
- Phase 8 (2035) – 120 dwellings and 1200 square metres of non-residential floorspace (constituting the main phase of development within the National Park).

11.3.11 The phasing of all development and supporting infrastructure will be considered and assessed in further detail later in this report.

11.4 Employment Strategy

11.4.1 The application is accompanied by an Employment Strategy which is based on a concept of the new community being an 'Intelligent Merchant City', with a focus on attracting and supporting the development of a cluster of innovation-based marine technology businesses.

11.4.2 Whilst there would be a strong focus on providing accommodation for the marine industrial sector, the employment strategy seeks to promote the provision of infrastructure in digital technology to attract and support businesses in the digital sector, including the marine sector, life sciences, computer science and artificial intelligence, composite manufacturing, additive manufacturing and sustainable food production. To help achieve their vision, the applicants have set up a technology group, with the aim that there should be reliable communications infrastructure in every building to include full fibre broadband and 5G mobile technology.

11.4.3 The types of employment facility that would be provided across the development will have a key role to play in creating a sense of place. The overall amount of employment space is also important to the type of place that is being created, and in this respect it is to be noted that the applicants believe that their proposals could support more than 2330 jobs, with the hope being that a relatively high proportion of these would be taken by residents of the new community.

11.4.4 It is considered that the specific employment uses that are being promoted are compatible with the site's waterside context and with the requirement to provide a high quality designed new development. The suggested number of jobs that would be created is actually very high relative to the projected population of the new community (about 3750-3800 residents), and inevitably there would be many employees who would live in existing communities elsewhere. However, it is considered that the employment opportunities that are being promoted would support the policy requirement to deliver a significant level of self-containment in employment opportunities, as well as helping to satisfy the economic thread of sustainable development.

11.4.5 It is important, in the interests of placemaking and sustainability, that the key elements of the applicant's employment strategy are delivered. This will therefore require employment floorspace and opportunities to be provided in an appropriate

phased manner. (See further discussion of phasing below.)

11.4.6 It is also important to note that the construction of the development will generate significant employment opportunities in the short-term (estimated to be 309 net construction employment jobs per annum), so the development will give rise to significant economic benefits, with training opportunities for apprentices, as the site develops. Securing appropriate opportunities for employment and skills opportunities and training which would benefit the local community of the Waterside is critical. Accordingly, the Section 106 legal agreement (which would be a necessary element of any outline planning permission) will require Employment and Skills Plans to be agreed and delivered through each phase of the development.

11.5 Town Centre Uses / Retail Impact Assessment

11.5.1 As has been noted in Section 3 above, the application is accompanied by a Town Centre Uses report which seeks to justify the quantum and mix of Town Centre Uses that are proposed, as well as seeking to demonstrate that the proposal will have no adverse effect on the viability and vitality of other existing town and local centres within the locality. New Forest District Council have commissioned Lichfields, who are planning consultants with a particular expertise in retail matters, to critically assess the applicant's proposals and to provide advice on whether the applicant's proposals will have an acceptable retail / town centre impact and thereby satisfy policy requirements.

11.5.2 Notwithstanding the quantum of commercial floorspace that is allowed for under Policy Strategic Site 4, it is important to consider the quantum of proposed commercial floorspace in the light of the separate Policy STR4 of the newly adopted Local Plan, which sets out a settlement hierarchy across the district, defining the Fawley Power Station site as the equivalent of a Main Village (which among other places include Fawley village, Blackfield and Holbury). Within Main Villages, the policy expectation is that they should provide 'a limited to moderate range of local services'. Policy ECON5 of the newly adopted Local Plan has the additional requirement that Main Town Centre Uses will be favourably considered on environmentally appropriate sites in the settlements identified in Policy STR4, provided the proposal is consistent with the scale and function of settlement; and that where they are provided as part of a Strategic Site Allocation, they form part of a community hub.

11.5.3 Based on the Development Specification, the development would provide up to 4700 square metres of floorspace in Use Classes A1 to A5 (which would include 200 square metres within the National Park). It is proposed that this would comprise the following:

- a single medium sized retail foodstore of 1000 square metres,
- 500 square metres of smaller convenience retail units,
- 750 square metres of smaller comparison retail units,
- 2000 square metres of food and beverages uses (Use Classes A3 and A4), and
- 250 square metres in A2 financial and professional service use.

Lichfields have estimated that the quantum of proposed A1 retail floorspace would be at the top end of the range of such floorspace that is seen in other Main Villages across the District. They have also estimated that the likely number of units (over 25) within Use Classes A1-A5 would be within the range that is seen in other Main Villages. Accordingly, it is considered that the scale and amount of proposed convenience and comparison goods retail floorspace / units would be commensurate

with the role of a village centre and would be appropriate in serving the needs of the new community.

11.5.4 However, with respect to the food and beverage uses proposed within the development, Lichfields suggest that the amount of such floorspace would be over and above that needed to serve local need, with the likelihood that such floorspace would, in part, need to be supported by leisure trips from beyond the site, having regard to the development's harbourside location.

11.5.5 Because the total quantum of floorspace in Use Classes A1 to A5 would exceed relevant policy thresholds (having regard to the status of the new community as a Main Village), Lichfields have concluded that a more detailed retail impact assessment in respect of these uses ought to be applied.

11.5.6 With respect to convenience goods retail floorspace, Lichfields agree with the submitted evidence that suggests there would be no significant adverse effect by the year 2028, provided that (at that date) such retail provision were to be restricted to 1300 square metres including the 1000 square metre retail foodstore.

11.5.7 With respect to comparison goods retail floorspace, Lichfields have again concluded that there would be no significant adverse effects provided that the quantum of such floorspace were to be restricted to 750 square metres within the completed development (excluding ancillary sales in the food store).

11.5.8 With respect to food and beverage floorspace, the impact on existing centres would potentially be greater. Sensitivity analysis suggests that the scale of food and beverage floorspace that is proposed could absorb most of the growth in this sector up to 2028 within this part of the Waterside, leaving limited growth to boost the vitality and viability of other designated centres in this area. Nevertheless, Lichfields have concluded that no significant adverse impact is envisaged provided that the quantum of such floorspace is restricted to 2200 square metres (2000 square metres within the District's application area), but also that this provision is phased so as to minimise the likelihood of any worst case scenario occurring.

The Sequential Approach

11.5.9 The Sequential approach must be applied to all main town centre uses, but because the scale and mix of proposed A1 retail floorspace would be commensurate with the role of a Main Village and Site Specific Policy Strategic Site 4, it is considered that the Sequential approach does not need to be applied to A1 retail uses in this case. Also, as policy allows for an unspecified quantum of B1(a) and A2 office floorspace, it is not considered that the Sequential approach needs to be applied to these uses either.

11.5.10 Because both the proposed hotel and the food and beverage uses would be of a scale that would go beyond what is needed to meet the needs of the proposed new community, it is considered that the sequential approach does need to be applied to both of these uses.

11.5.11 The proposed hotel is intended to have 150 bedrooms. The Town Centre Uses report accompanying the application suggests that the hotel would primarily cater for the overnight accommodation needs of business visitors and other workers in the area. It would also serve visitors using the marina and the occasional needs of employees of businesses at Fawley Waterside. The report suggests that there is a location specific need for the hotel in terms of place making and the creation of a mixed-use waterside community, and in serving the needs of the

proposed boat stack marina and existing and proposed employment uses. The food and beverage uses will also form a similar place making role, complementing and benefiting from the hotel. The Town Centre Uses report argues that the hotel would not be commercially viable if located elsewhere. Nevertheless, other sites where the hotel might be located have been considered elsewhere in Hythe but have been ruled out as being too small or unavailable.

11.5.12 Based on the evidence submitted with the application, Lichfields have concluded that there are no suitable sites elsewhere to accommodate the proposed development. The Sequential Test for the provision of new Town Centre Uses is therefore considered to be satisfied.

Retail Impact: Summary and Conclusions

11.5.13 The quantum of A1 retail floorspace would be consistent with newly adopted policy, but the quantum of Town Centre Uses as a whole would go beyond what is necessary to meet the requirements of a Main Village (albeit that there would be consistency with the amount of floorspace permitted by Policy Strategic Site 4). However, the hotel and the food and beverage uses would have an important place making role to play in the new community, helping to provide vitality that would be consistent with the development's waterside location. It is not considered that the quantum of food and beverage floorspace that is proposed would adversely affect the vitality and viability of existing centres (subject to conditions on phasing), whilst it is considered that the hotel and the development as a whole could not be provided in a sequentially preferable location. As such, it is considered that the proposed quantum and mix of Town Centre Uses would satisfy relevant policy tests.

11.6 Energy and Sustainability Strategy

11.6.1 The application is accompanied by an Energy and Sustainability Strategy that sets out the key features of the development that will support sustainability and energy efficiency. Creating a quality place, an attractive natural environment and promoting sustainable transport choices are all seen as playing an important role in delivering a sustainable new community, as are sustainable and energy efficient building designs.

11.6.2 The Design Code sets out how buildings will respond to sustainability principles and energy efficiency requirements. A pioneering "All-Electric" approach is proposed to be adopted to minimise emissions. It is stated that the use of gas will not be permitted. The use of air source heat pumps and photovoltaic roof tiles or module panels will be promoted across the town, whilst it is suggested that buildings will, as far as possible, be built using locally sourced materials. Some of the suggestions within the Design Code are simply standard policy requirements – for example, a commitment to achieving a BREEAM 'excellent' standard for commercial buildings above 1000 square metres is no more than what is required under Policy IMPL2 of the recently adopted Local Plan. Indeed, Policy IMPL2 has additional requirements that the development will be expected to adhere to.

11.6.3 Policy IMPL2 of the newly adopted Local Plan has an expectation that new development should be provided with charging points for electric vehicles. On this matter, the Local Plan reflects the NPPF which states that all new development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The submitted application documents suggest that 20% of all residential parking spaces would have 'active' rapid charging provision for electric vehicles, and that electric vehicle charging

facilities would be provided to all houses within the Southern Quarter. No specific proposals have been put forward for the employment or commercial parts of the site. Whilst the submitted details are noted, due to the development's long build out time, it is considered critical that the provision of suitable charging infrastructure is delivered throughout the development. It is felt that this can and should be secured through a suitably worded planning condition.

11.6.4 The applicant's Environmental Statement suggests that the development would be unlikely to have significant effects in terms of greenhouse emissions, which is accepted. Clearly, though, the sustainability measures set out within the Design Code and careful assessment of detailed designs will be important in ensuring that the development's impact is appropriately minimised in terms of climate change effects.

11.7 Demolition

11.7.1 The demolition of the main power station buildings and structures that are still in situ do not form part of the submitted application proposals, as the necessary consent for the demolition of these features was granted through the Prior Approval application that was determined in May 2019. Demolition works pursuant to this Prior Approval are ongoing and are expected to continue well into next year. This will include 2 further explosive demolition events, involving the Boiler House and Chimney, as well as non-explosive demolition of the control room, the canteen and remaining parts of the turbine hall.

11.7.2 Whilst demolition of the main power station structures can proceed in line with the most recent prior approval, there are a number of smaller structures that were not covered by the previous prior approvals. Therefore, this redevelopment application specifically proposes the demolition of the following remaining ancillary structures, all of which are modest in size compared to the demolition that has already been agreed:

- The entrance gate house
- The Cooling Water Outfall Building
- The Sewage Treatment Works
- Other minor Structures as shown on the Demolition Parameter Plan

11.7.3 The Environmental Statement puts forward an appropriate methodology for the demolition of the remaining ancillary power station structures, which would be consistent with the approved demolition methodology for the larger power station structures. As such, it is considered that demolition of these structures can proceed without adverse environmental effects.

11.7.4 Whilst the demolition of the more significant power station structures (including the chimney) is not a matter for determination as part of this application, it is necessary, in the interests of securing a comprehensive and environmentally appropriate development, to ensure that all demolition that has been agreed previously or which is proposed through this application does take place in a timely manner. In the case of the larger remaining buildings, including the chimney, it is considered essential that this demolition process is completed before construction of any new occupiable building takes place. This is a matter that will need to be secured by condition.

11.8 Design Considerations – Ensuring the new community is of the highest

standards of design and distinctiveness

11.8.1 The newly adopted Local Plan requires all development to be of a high quality design that contributes to local distinctiveness and quality of life, and which should enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate and attractive. The masterplan objectives for the site seek to create a landmark and contextually appropriate design that befits this prominent and sensitive location.

11.8.2 The National Planning Policy Framework highlights how the creation of high quality buildings and places is a fundamental expectation of the planning system, and how good design is a key aspect of sustainable development. The National Design Guide sets out ten characteristics of well designed places: they should enhance their surroundings through responding positively to their context; they should create an attractive distinctive identity; their built form should have a coherent pattern; they should be accessible and easy to move around; they should provide enhanced and optimised opportunities for nature; they should provide safe, social and inclusive public spaces; they should provide mixed and integrated uses; they should provide functional, healthy and sustainable homes; they should use resources in an efficient and resilient manner; and in terms of their lifespan they should be made to last. It is considered essential that the application proposals embrace these key characteristics of good design.

11.8.3 The site's sensitive location, completely surrounded by and indeed extending into the National Park, places a further emphasis on the need for the development to be of the very highest design quality. This is an expectation not just of Local Plan policy but also National Planning Policy and Guidance.

11.8.4 As the application is in outline, it means that detailed plans showing exactly what streets will look like and precisely where buildings will be placed, as well as the detailed elevational designs of buildings are not available at this time. As such, it is imperative that through this outline planning application that the fundamental 'building blocks' are in place for guiding all future approval of reserved matters applications. The Parameter Plans, the Design Code, the Development Specification, and the Means of Access Plans all play a key role in setting out the fundamentals upon which the detailed schemes will be developed.

11.9 The Design of the Northern Quarter

11.9.1 Within the Northern Quarter, the Parameter Plans and Design Code propose a collection of large scale buildings within 2 distinct building blocks (blocks 17 and 18).

11.9.2 Block 18 would form the northern edge of proposed built development. It is an important edge that has a strong visual interface with the New Forest National Park. Buildings in this block would typically have large footprints, be up to 25 metres in height, and could have up to 4 storeys of accommodation. Recognising the potential for these buildings to have a quite significant impact on the adjacent National Park, the submitted Design Code proposes some important 'fixes' to the detailed design of the outer edge buildings. These include a requirement for there to be (among a number of other things) setbacks to the uppermost elements of these buildings, varied roof forms, vertical articulation and a limitation on the amount of glazing to be provided on the outward looking facades.

11.9.3 Block 17 also forms a key edge to the west side of the development,

looking out onto the proposed new access road, with the National Park beyond. Buildings in this block have the strongest potential within the development to be used for marine industries, and would be large footprint buildings of up to 18-25 metres in height and with 1-3-storeys of accommodation. Again, recognising the potential for such buildings to have quite a dominant visual impact, the Design Code seeks to set some key 'fixes', which include active frontages, strong architectural forms and varied roof forms.

11.9.4 The key external space that is proposed within the Northern Quarter is a marine refit yard, onto which the inward facing façade of Block 17 would front. The marine refit yard would be a large space designed to facilitate marine and other employment uses, whilst also needing to function as a good quality space in its own right.

11.9.5 One other important feature of the Northern Quarter is an architectural gateway feature that will be important in creating both legibility and a sense of arrival, as well as a strong sense of place.

11.9.6 The buildings within the Northern Quarter are unquestionably of a large scale. It is considered this is justified, in part, due to the specific marine function that many of these buildings are expected to have, and also in order to provide some adaptability in the way the buildings are used. Importantly as well, the buildings within the Northern Quarter do need to have sufficient presence to offset the significant bulk of the unattractive National Grid substation building (which is approximately 25 metres in height) and to provide a robust foil to that building from the key approaches to the new community from the north-west. Together, it is considered that the parameter plans and Design Code provide the necessary certainty that the massing of these large scale buildings would be adequately articulated and broken up, that their architecture and detailed design would be of an acceptably high quality, that they would have appropriate settings, and that they would be responsive to their inward and outward facing contexts, thereby achieving a high quality industrial townscape and a strong sense of place.

11.9.7 There will be a need through planning conditions to ensure that the design quality promoted through the Design Code is adhered to, including a requirement that key architectural elements are delivered. Restrictions on types of employment use and open storage would also be necessary to ensure the external spaces around the buildings are of an appropriately high quality, commensurate with the objectives of the Design Code.

11.10 The Design of the Heart of the Town and Southern Quayside

11.10.1 The applicant's Design Code states that:

“ The Character of the Heart of the Town and Southern Quayside will exhibit a civic and urban scale drawing on the rich variety of architectural styles with inspiration taken from 18th and 19th Century buildings of Southampton and Portsmouth as well as art deco maritime architecture and more contemporary influences. The Principal Landmark Building is located within the Heart of the Town and it will, alongside the other attractive landmark buildings proposed, provide heightened architectural interest and grandeur.”

11.10.2 The Heart of the Town and Southern Quayside would be of a high density and urban scale. The parameter plans and Design Code propose buildings that would typically be between 4 to 6 storeys high with a continuous frontage to the streets and spaces, other than where buildings would adjoin access routes. Buildings

fronting the more formal and wider public streets and spaces would typically be between 19 and 28.5 metres in height, whilst buildings fronting more informal, narrower streets would typically be between 14 and 18 metres in height. The uppermost floors of buildings would typically be set back, thereby helping to break up their overall massing and reduce their perceived scale. Floor to floor heights within the proposed buildings would be generous, reflecting the proportions that one would expect to see in the styles of architecture that the Design Code has taken inspiration from: specifically, Victorian Dockyard warehouse architecture for buildings fronting the Southern Quayside, Art Deco architecture for the proposed hotel, and classical, urban scale architecture more generally throughout the Heart of the Town and Southern Quarter.

11.10.3 Key to achieving a high quality design, particularly in a high density, urban scaled area, is a high quality public realm. The Parameter Plans and Design Code seek to achieve this through the creation of a series of well designed public spaces connected by a network of streets designed to prioritise pedestrians. The canal and harbourside would be central to achieving a high quality public realm. These significant areas would give the development a distinctive, waterside character and, with the various activities that one would expect to see associated with these features, they would help to provide vibrancy and a strong sense of place. The waterside esplanade, the various squares, greens and courtyards that are proposed within the Heart of the Town would create an attractive network of public areas that would further contribute to the proposed development's distinctive character, which would be assisted significantly by virtue of the fact that a high proportion of car parking would be underground, meaning that there would be relatively few parked cars and vehicle movements across the Heart of the Town.

11.10.4 Having regard to the professional advice of the Council's Design Officer, it is considered that the layout of the Heart of the Town and the building blocks within it are well designed. It is also felt the designs are strong in terms of creating appropriate block sizes, a vibrant mix of uses, active edges, permeability, walkability, and enclosure where necessary. Internal street designs, open spaces, and internal road layouts would also be well proportioned.

11.10.5 As noted in the advice of the Design Officer, the quality of what are generally fairly large scale buildings within the Heart of the Town will be very much dependent on their detailed designs and proportions. If the generous floor to floor heights were to be materially reduced so as to allow additional storeys to be provided within these buildings, then the high design quality that is being promoted would become quickly eroded. As proposed through the parameter plans and Design Code, however, it is considered that the Heart of the Town would be a high quality urban townscape. To be clear, it would not be an area which could be said to be a typical New Forest settlement, but it is one that would have its own unique, high quality identity.

11.10.6 With respect to the taller landmark buildings that are proposed within the Heart of the Town, it is felt important within a new community to have some buildings that rise above the main development height, so as to provide legibility and visual interest. As such, in townscape terms, the landmark buildings do complement the design of the development as a whole. These buildings, however, will clearly have an impact on the wider landscape beyond the development and this is discussed in further detail below.

11.10.7 A concern has been raised by the Council's Design Officer that the parking within the Boat Stack would create something of a dead frontage to what is a fairly important building. By its very nature, a boat stack would not be a building with

significant fenestration. However, it is felt that, even with parking inside, there is scope to add appropriate interest to the elevations, and that this matter could be reasonably addressed at reserved matters stage, noting that the Design Code does provide some assurance with its instruction that there should be variation of detailing and that 'blank un-articulated facades will not be permitted'.

11.11 The Design of the Southern Quarter

11.11.1 Whilst a large proportion of the Southern Quarter would be within the National Park (and therefore not a matter for approval as part of this application), roughly 80 dwellings within the Southern Quarter would fall within New Forest District Council's area of planning jurisdiction.

11.11.2 Moving Southwards from the larger scale buildings fronting the dock within the Southern Quayside area, the character of development would change quite significantly. Buildings here would in most cases be no more than 2-3 storeys in height, with the scale and character of the buildings at the northern end of the Southern Quarter (i.e. those that would be within the District Council's planning jurisdiction) intended to be reminiscent of traditional residential streets in Lymington Town Centre.

11.11.3 It is considered that the Southern Quarter would be the part of the development that would respond most recognisably to a local context in terms of both scale and character. Whilst there would be some larger buildings facing out onto the harbour, it is felt that with their more open setting, the larger scale of building here would be justified in townscape terms. It is felt that the proposed transition in scale within the Southern Quarter is well-handled and would be appropriate. The Design Code and parameter plans together provide the necessary certainty that buildings and streets within the Southern Quarter would be of an appropriately high design quality.

11.12 Landscape Design

11.12.1 The Parameter Plans define the key areas of green infrastructure within the development, whilst the Design Code includes a much more detailed Landscape Strategy that seeks to place the proposed development into its Forest Context.

11.12.2 The importance of achieving a high quality design and public realm have been stressed above. The submitted landscape strategy provides much more detail on how this will be achieved. It provides a hard landscape material palette, setting out how high quality materials such as Granite / cobble setts will be used across the development. It also seeks to demonstrate how the landscape characteristics of the New Forest will be the key driver on the selection of the soft landscape materials. Green infrastructure will be provided through a network of green squares and courtyards, podium gardens, and also through vertical greening (green walls) in appropriate defined locations. A tree strategy sets out where and how new trees will be planted across the development to create a strong green infrastructure.

11.12.3 The proposed Urban Forest is considered to be an absolutely critical landscape feature within the development. It would provide a very necessary visual buffer to the National Grid substation and the employment areas within the Northern Quarter. The Design Code suggests this area would be planted with large, native woodland species such as oak and beech, as well as smaller native species such as

hazel, hawthorn and holly. The Urban Forest would also be beneficial in providing a strong green corridor between the coastal landscape to the east and the forest landscape to the west.

11.12.4 The Landscape Officer acting for the Council is supportive of the green infrastructure and landscape quality for both the public realm and the more private areas of the development. The Council's Design Officer is also supportive of the submitted landscape designs, and both their professional views are endorsed. It is considered that the landscape quality and detail that is being proposed through the Design Code would ensure that the new community has a strong, attractive and robust landscape design that will ensure that the buildings within it will sit within comfortable and appropriate settings.

11.12.5 Whilst landscape quality within the development is expected to be of the highest quality, it is also important that the development sits comfortably within its wider landscape setting. Whilst the detailed landscape designs within these wider areas will be largely a matter to be determined through the National Park Authority's associated application, it is important to note that significant new areas of tree planting are proposed within the SANG and Nature Park areas (discussed below) that are proposed to the south-west of the new community. The landscape strategy proposes to 'restore' these areas to having the character of grazed wood pasture, so that over time the proposed development would have a more heavily wooded setting than currently exists, which would thereby give the new community a stronger New Forest context.

11.12.6 The landscape designs for the new access road are discussed in more detail in the section below. The landscape impact of the new development will also be discussed further below. However, in terms of the need for the development to have a high quality landscape infrastructure, it is considered that this requirement would be met.

11.13 Access Road Design

11.13.1 The proposed new Primary access road that has been submitted for detailed approval would extend to about 2 km in length. The road would form a new loop that would run from a position very slightly to the north of the existing power station access onto the B3053 to a position just north of the entrance to Calshot village. The 2 new junctions onto the B3053 would be within the National Park, as would the 2 end sections of the new road. The central part of the new road (roughly a length of 1.3km) would be within the District Council's area of jurisdiction and it is the design of this section of road, therefore, that is relevant to this application.

11.13.2 The new road's northern approach to the proposed new community would broadly follow the line of the existing power station access road. This section of the new road, which would descend towards the new community, would have no development on either side and is designed to have an informal character with no kerbs or street lighting, and with grass verges extending up to the highway edge and informal tree planting on both sides of the road.

11.13.3 Once the proposed new road reaches the northern quarter (which would be marked by an architectural gateway), it would run parallel to the full length of the power station's western boundary in a relatively straight line. This section of road would be broken up by the proposed 'Halfway Roundabout' that would provide an important visual break in the road, marking the transition between the Northern Quarter and the Heart of the Town. North of the Halfway roundabout, the large scale buildings of the Northern Quarter would look out onto the new road, but being set

back from it by a relatively wide landscaped margin. The Halfway Roundabout itself is proposed to be densely planted, forming a visual extension of the proposed Urban Forest landscape feature. The section of road to the north of the Halfway Roundabout would not be lit other than at bus stops and at the immediate approach to the roundabout.

11.13.4 South of the Halfway Roundabout, the road would have a more formal landscape character. The new road here is proposed to take the form of an urban boulevard, lined by an avenue of English Oaks on either side, and with 6 metre high streetlights on one side of the road. The proposed avenue of oaks, which would be planted at 8 metre intervals, would be set within a wide grassed verge that would be raised up as a bank. This section of road would be lined by granite kerbs, and it would have a number of narrower sections, with crossing points to provide connectivity between the new community and the landscape beyond. Some of these crossings would be marked by granite setts across the road. The oak tree avenue would be interrupted by a plaza of London Plane trees that would mark a surface parking area within the development. Southwards, beyond the District Council's area of jurisdiction, the new road would take a more informal character again.

11.13.5 A new cycleway / footway would run alongside the full length of the proposed new road. In places, it would be set immediately adjacent to the road, whilst in other places, it would be set back from the road to varying degrees, behind a landscaped margin. From the Northern Quarter gateway southwards, wherever the cycleway would be set back from the road, it would be minimally lit by solar stud uplighters.

11.13.6 The Council's Design Officer has expressed a number of concerns with the design of the new road. However, ultimately, the design of the road has to be one that is capable of being adopted by Hampshire County Council as the Local Highway Authority. What is proposed has been the result of a lengthy period of negotiation, where the aspiration to create a new road design that is appropriate to its context within and adjacent to the National Park has had to be balanced against the practicalities of adopting this road.

11.13.7 It is considered that the central parts of the road from the Halfway roundabout southwards adjacent to the Heart of the Town will be relatively successful in responding to the site's unique context, complementing the new development, whilst ensuring both an appropriately green character to the new road and safe crossing points for pedestrians and cyclists to the wider landscape beyond. It is accepted that certain aspects of the design could be improved upon – for example, the oak trees ideally would be slightly closer to the road than the suggested 5 metre set back. Nevertheless, it is considered that through the Heart of the Town, the new road would have a distinctive character with high quality design detailing that would respond well to its landscape setting.

11.13.8 The northern approach to the development and the section of road adjacent to the Northern Quarter would have a less bespoke character. Nevertheless, with its soft edges and landscaped green margins, it is felt that the design here would respond appropriately to its landscape context. Through the provision of the new cycleway, together with a number of Pedestrian crossing points (at points where the road would narrow), it is felt the design of this section of road would also be responsive to the needs of pedestrians and cyclists. Whilst accepting that the design of this section of road could be more locally distinctive, it is felt, nevertheless, that the design of this new road would respond appropriately to its context. For all sections of the road, however, the landscape treatment on either side of the road will be the key to a successful design. The illustrative landscape plans

demonstrate that an acceptably high quality landscape design can be achieved, and it is important that through conditions and the submission or reserved matters applications in respect of landscaping that the high quality landscape vision is secured. Particularly critical will be conditions to secure the implementation and future management and maintenance of the boulevard of oak trees, given this feature is considered to be essential to the design quality of the new road.

11.13.9 The safety aspects of the proposed new road will be discussed in further detail in Section 11.18 of this report, but from a design perspective, it is considered that the new road would from both a visual and functional perspective be of an acceptably high quality, having regard to its location within and adjacent to the New Forest National Park.

11.14 Visual Impact of Development on the National Park and the wider landscape

11.14.1 Notwithstanding the overall townscape qualities of the proposed development, there is a statutory duty for the Local Planning Authority to have regard to the purposes of the adjacent National Park, and it is therefore imperative that what is proposed has an acceptable impact on the setting of the New Forest National Park. Both Local and National Planning policies make it clear that very significant weight must be given to ensuring that the character, quality and scenic beauty of the landscape and coastline of the National Park is protected and enhanced.

11.14.2 Evidently, being completely surrounded by the National Park, the proposed development would have a significant impact on its setting. However, in considering the impact on the National Park, the starting point must be the impact of the existing power station buildings and structures (including the impact of those that have existed on the site for many decades but which have recently been demolished).

11.14.3 The existing power station buildings (including the large National Grid substation buildings) are considered to have a significant, negative visual impact on the National Park. Being of a hyper industrial scale and character, they are highly intrusive and discordant features that significantly detract from the National Park's special qualities. It is important to note that the power station site was expressly not included within the National Park due to its non-conforming and adverse impact on the National Park.

11.14.4 Whilst demolition of the main power station structures will be covered by existing Demolition Prior Approval applications, it is undeniable that removal of the power station buildings will result in significant visual benefits to the National Park.

11.14.5 As a large brownfield site that has now been allocated for redevelopment through the Local Plan, policy is accepting that a significant redevelopment can take place without adversely affecting the National Park. What is key is the development's scale and design.

11.14.6 Apart from the proposed landmark buildings, the scale of development would be significantly less than that of the main existing power station buildings, which would be a significant benefit to the National Park. However, the spread of development would evidently be much greater and, whilst generally being much lower than the main power station buildings, the development could not be said to be apologetic in its scale. Indeed, the scale is bold, and there is consequently a strong interface between the built edges of the development and the rural landscape beyond. What considerably assists the scale in terms of its relationship with the wider

landscape beyond are the setbacks of upper storeys (diminishing the perceived height from street level and close up views), the fact that storey heights are fixed through the Design Code (when similar height buildings with more storeys would give a much harsher edge), and the individual variations in building heights (as is seen along both the Western Edge and along the Promenade). Two other factors are important in ensuring that the new development will not appear too dominant in its setting. The first is the topography beyond the site: the land rises up from the western edge of the settlement, meaning that from longer distant viewpoints to the west, one would be largely looking down on the development. The second key mitigating factor which works in tandem with the topography are the existing areas of woodland (such as Chamber Copse) and the areas of proposed tree planting (including the planting of semi-mature specimens) that will extend up to the development's western edge, thereby significantly diminishing the extent of longer distance views of the development from within the National Park. Existing planting to the north and proposed planting to the south would similarly assist in mitigating the development's visual impact from viewpoints within the National Park.

11.14.7 The applicants have undertaken a Landscape and Visual Impact Assessment (LVIA) which is very helpful in providing an understanding of the development's visual impact from a range of viewpoints (near and far) from around the site. Generally, it is only the tallest landmark elements of the development that would be visible from longer distance landward viewpoints within the National Park, although from seaward viewpoints the development would be visible from much longer distances, but not, it is felt, in a way that would be harmful to the special qualities of the National Park, noting that from these viewpoints the wooded backdrop to the west would still remain a very strong feature. Overall, whilst the important new tree planting that is proposed will take time to establish, it is considered that with such additional tree planting, the development would have an acceptable landscape impact on the National Park (but noting that the specific impact of the taller landmark buildings is assessed in further detail below).

11.15 Visual Impact of Landmark Buildings

11.15.1 By some margin, the building with the single biggest landscape impact would be the proposed 98 metre high replacement landmark building that would be sited where the existing power station chimney currently stands. To be clear, this would be a very tall building that would be one of the tallest buildings at a County level, notwithstanding the fact that it would only be half the height of the existing power station chimney (which is 198 metres high). (For comparison, the Spinaker Tower is 170 metres high.) Whilst the upper element would be in the form a slender, tapered, ornamental feature, even the non-ornamental lower parts of the building would be of a scale that would have no comparison elsewhere within the New Forest.

11.15.2 The rationale for a building of the height proposed appears to be primarily to provide a strong visual landmark at the entrance to Southampton Water that can be seen from both ends of the Solent. Whilst it is understood that the existing power station chimney is valued by many as a landmark and as a navigation aid and that there is a wish to create a new building that fulfils these cultural roles, these are not considered to be strong planning benefits. Ultimately, it is the landscape impact of the building that is key.

11.15.3 One of the key contributory reasons as to why the National Park Authority have been able to justify major development within their area through their Local Plan (the major development test requirement that forms part of paragraph 172 of the NPPF) is due to the significant benefits to the National Park associated with the loss of the existing power station buildings. It is important, therefore, that the 98

metre high replacement building does not replicate this harm. At the same time, it needs to be recognised that a 98 metre high building would not be justified in this sensitive context were it not for the presence of the existing power station chimney and the impact of this and the other existing buildings on the landscape.

11.15.4 The 98 metre high building would be quite different in character to the existing chimney. Not only would it be half the height, but its top would be much more slender, and so it would be seen from much less of the National Park than the existing chimney. From the longer distance viewpoints where it could be seen, it would mainly be the slender, tapered ornamental element that would be seen, which would not be a significant intrusion. It is important to note that taller landmark buildings can be seen as a positive feature within the National Park, such as the 66 metre high Sway Tower and the spire of Lyndhurst church. Of course, from closer-up viewpoints, the whole of the proposed building, including the bulkier, lower, habitable elements (which would be about the same height as the now demolished DA Bay of the power station) would be much more obvious. However, the visual impact of these lower elements would be assisted considerably by the progressive setting back of the building from the street frontage and from its sides. Also, in terms of its suggested architectural design as set out in the Design Code, it is considered, as noted by the Council's Design Officer, that the building would be of a high quality. With the significant additional tree planting that is proposed (as discussed above), it is felt, on balance, that the 98 metre high landmark building would have an acceptable visual impact on the National Park. It is considered important, however, that the building adheres to the parameters set out within the Design Code.

11.15.5 With respect to the other landmark buildings, it is the tower of the hotel and to a lesser extent the landmark building framing the southern end of the canal that would have a more significant visual impact. These 2 buildings would be clearly seen rising above the roofline of the development, as well as the existing and future treeline, from more open viewpoints around the site. However, seen within the context of the development as a whole, it is not felt that either would be harmful intrusions. Key to securing an acceptable visual impact will be the architectural design of these buildings, and here it is considered the Design Code provides the necessary level of assurance as to be able to say that these buildings would be of an appropriately high quality design.

11.15.6 One further consideration arising from the tall buildings and the development more generally is lighting. Buildings with windows to habitable accommodation will inevitably be lit up at night in a way that does not occur at present. This is an unavoidable consequence of allocating the site for redevelopment. However, the Environmental Statement has given detailed consideration to lighting, and the Landscape Officer advising the Council is satisfied from this that the impact of lighting on the wider landscape will be an acceptable one. It is considered that more detailed matters relating to lighting would need to be considered at reserved matters stage, with mitigation measures applied as appropriate.

11.15.7 Overall, therefore, it is considered that the development would have an acceptable visual and landscape impact on the New Forest National Park. As such, it is considered that the special qualities of the New Forest National Park would not be adversely affected by the proposed development in relation to visual and design matters.

11.16 Impact on Heritage Assets

11.16.1 As noted in Section 2 of this report, there are a number of heritage assets in relatively close proximity to the application site, whose setting would be affected by the proposed development.

11.16.2 To the south-east of the site are the important collection of Listed Buildings on Calshot Spit, comprising:

- Calshot Castle, which is both a Scheduled Ancient Monument and Grade II* Listed
- Main Hangar - this is Grade II* Listed
- Watersports Hangar - this is also Grade II* Listed
- Type G Hangar - this too is Grade II* Listed
- Stainforth Cottage - this is Grade II Listed
- Lawrence House – this too is Grade II Listed

11.16.3 The Heritage Assets whose setting would be affected by the proposed development would also include the following 2 Listed Buildings to the west of the site:

- Ower Farm House – this Grade II Listed Building is the closest Heritage asset to the application site
- Badminton Farm – this is also a Grade II Listed Building

11.16.4 Finally, to the north of the site, is the Ashlett Creek Conservation Area.

Impact on Heritage Assets on Calshot Spit

11.16.5 The heritage assets on Calshot Spit are highly designated. Historic England have described the group of WW1 seaplane aircraft hangers as ‘the most outstanding group of early aircraft structures of this type in the British Isles’. Historic England consider that the isolation of the Heritage assets on Calshot Spit and the open space surrounding them is an important element of the historic significance of these buildings, as it provides an enhanced understanding of their tactical location and defensive functions. Whilst the setting of the group of heritage assets on Calshot Spit was changed by the construction of Fawley Power Station, there remains a clear open context surrounding these assets, with open areas and vistas which add a sense of separation and isolation, and in this regard the area still reflects a similar range of landscape elements that would have been contemporary with the construction and use of these assets.

11.16.6 Aspects of the overall development that is proposed would, in Historic England’s view, have a negative impact on the heritage assets on Calshot Spit. They have expressed particular concern at the southwards spread of buildings into Tom Tiddlers, an area that they see as providing an important buffer between the power station and the Spit. They also consider that the encroachment of development towards the shoreline will impact on the isolation and openness that is important to the setting of the heritage assets on Calshot Spit. Furthermore, they consider that additional lighting and activity in and around the site will partly erode the isolated nature of the area. As such, and whilst recognising the proposed landscaping that is designed to soften the edges of the development, Historic England consider that the development will cause some harm to the setting of the Listed Buildings on Calshot Spit. This conclusion has been endorsed by the Council’s own Conservation Officer.

11.16.7 In terms of the level of harm that there would be to the setting of designated Heritage Assets on Calshot Spit, Historic England and the Council’s own Conservation Officer have concluded that the harm would be less than substantial.

There is considered no reason to reach a different view, and indeed a conclusion of less than substantial harm has been accepted by the applicants.

Impact on Ower Farm House and Badminton Farm

11.16.6 Badminton Farm would be situated about 400 metres away from the nearest proposed buildings within the Northern Quarter, although it would be much closer to the proposed Fawley SANG that is primarily to be considered through the National Park Authority's application. Even taking into account the degree of separation between Badminton Farm and the buildings of the northern quarter, it is considered that there would be a degree of harm to the setting of this Listed Building, due to the scale and intensity of development that is proposed, although it is also considered that appropriate new planting would have the potential to lessen this harm.

11.16.7 Ower Farm would be situated 250-300 metres away from the nearest buildings within the Heart of the Town, although proposed development within the National Park, potentially including a new school, would be set much closer to the Listed Building. The setting of Ower Farm is already adversely affected by the existing power station buildings. Nevertheless, due to the scale of development that is proposed, it is considered that the new development would also have some adverse effect on the setting of this building, albeit that it is also considered that appropriate new planting would have the potential to lessen this harm.

11.16.8 The Council's Conservation Officer has reached the conclusion that there would be less than substantial harm to the setting of Badminton Farm and Ower Farm as a result of the development proposals, a conclusion that is accepted.

Impact on Ashlett Creek Conservation Area

11.16.9 The Ashlett Creek Conservation Area would be set about 500 metres away from the proposed buildings of the Northern Quarter. Whilst some existing screening on the northern boundary of the power station would be removed to facilitate the proposed development, there would remain fairly thick screening between the Conservation Area and the areas of new built development. There is the potential to provide additional planting through detailed reserved matters applications, and overall, given the combination of distance and screening, it is not considered the proposed development would cause harm to the character and appearance of the Ashlett Creek Conservation Area.

Non Designated Heritage Assets

11.16.10 Comments received from Historic England and the Council's Conservation Officer in respect on the power station buildings are noted. However, as the demolition of these structures has already been approved under another process, is ongoing, and does not form part of the current application proposals, it is not considered that measures in respect of these buildings would be justified.

Policy Balance

11.16.10 Having reached the conclusion that the development would cause less than substantial harm to the setting of a number of heritage assets, it is necessary to consider whether such harm would be justified. Paragraph 193 of the NPPF makes it clear that when considering any harm to a heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the

weight should be. Paragraph 194 of the NPPF makes it clear that any harm to a heritage asset requires clear and convincing justification, whilst Paragraph 196 of the NPPF advises that in the case of less than substantial harm, the harm should be weighed against the public benefits of the proposal.

11.16.11 The applicants consider their proposals would deliver significant public benefit comprising: the preservation and enhancement of the National Park; the creation of an exceptional quality of built and natural environment; the creation of a sustainable community that delivers new homes; the creation of more sustainable travel patterns; the creation of a truly sustainable community, supporting healthy lifestyles; the creation of a world-class marine industry and innovative technology led businesses; and the delivery of Net Environmental Gain. The applicant's position is noted, and the overall balance as to whether or not the less than substantial harm to heritage assets would be justified is considered at the end of this report after all relevant matters have been assessed.

11.17 Archaeology

11.17.1 The archaeological potential of the site is considered within the submitted Environmental Statement. Archaeological survival within the footprint of the main turbine hall of the power station will be very low or negligible as any archaeological remains within this area will have been completely removed. Within the footprint of the other power station buildings, survival of archaeological remains is estimated to be moderate to low. However, for the open areas of the site, where there are no buildings, archaeological survival is likely to be high. Although the application site is on partially reclaimed land, it falls within what would have potentially been an important transition zone between the coast, the maritime environment and the terrestrial land environment for early humans. Recent research and finds elsewhere in the locality point to the potential excellent preservation of structures within this zone.

11.17.2 To satisfactorily mitigate the development's impact on potential archaeological remains, and in accordance with the advice of the Council's archaeologist, it is considered necessary to impose conditions requiring the submission, agreement and implementation of a Written Scheme of Investigation. Provided such conditions are imposed, it is considered that the proposed development could be implemented without adversely affecting archaeological interests. It is noted that Historic England have expressed a wish for further evaluation to be undertaken before determination of the application. However, this is not the view of the Council's own archaeologist, and so whilst it is appreciated that further evaluation may allow for a more informed assessment at this stage, it is felt that archaeological interests would still be reasonably safeguarded through the suggested conditions.

11.18 Transportation Impacts

11.18.1 The proposed development's impact on the local highway network is considered in some detail in the submitted Transport Assessment (and associated Addendum) and within the Environmental Statement. Together, these documents use established methodology to look at the impact of the additional traffic that would be generated by the proposed development and the effects this would have on the capacity of local roads.

11.18.2 In calculating the amount of traffic that would be generated by the proposed development, 2 future scenarios have been considered. Scenario A

assumes that there would be a mode shift from the car and lower external trip-making behaviour (due to the development's sustainability credentials); scenario B assumes that there would be no modal shift, and traffic projections here are therefore based on historical trip behaviour.

11.18.3 For Scenario A, the applicant's transport assessment suggests that the completed development would result in approximately 10,400 vehicle trips (two-way) per day. For Scenario B, it is estimated that this figure would be approximately 14,700 vehicle trips (two-way) per day. In both scenarios, there would be more traffic generated from the proposed non-residential uses than there would be from the proposed residential uses.

11.18.4 The majority of the additional traffic generated by the proposed development would be along the A326 / B3053 corridor, extending northwards from the site to the Totton Western bypass. The most extreme impacts (in terms of percentage increase in traffic) would be on the sections of the B3053 that would be closest to the site. South of the Long Copse roundabout (where the B3053 begins), traffic volumes would (for Scenario B) be 139% greater with the completed development than without; whilst southwards of the Blackfield Road junction (up to the new northern access point), traffic volumes would increase by 411%. Moving northwards, the percentage increase in additional traffic along the A326 as a result of the completed development would slowly decrease. Accordingly, south of the Hardley Roundabout the increase would be in the order of 40%; south of the Dibden roundabout it would be in the order of 31%; south of Twiggs Lane, Marchwood it would be 24%; whilst north of the Cocklydown roundabout in Totton, the increase would be 11%.

11.18.5 A proportion of the traffic generated by the proposed development would be onto the network of New Forest roads extending westwards from the A326 corridor. For Scenario B (the scenario that would create greater traffic), it is estimated that the greatest percentage increase in traffic due to the completed development would be along the B3054 (an increase of 15%); whilst for all other B Class forest roads, the percentage increase in traffic would be between 3% and 12%. The transport assessment concludes that the traffic generated by the proposed development will not have a significant impact on the capacity of any of these forest road links through the National Park.

11.18.6 The Highway Authority have assessed the applicant's Transport Assessment and are in broad agreement with its conclusions, but consider that any assessment of impact should be based on Scenario B (the scenario with projected greater traffic generation). As such, on the basis that the development is likely to generate an increase in traffic in line with Scenario B, the Highway Authority have concluded that the development would only have an acceptable impact on the highway network if a number of off-site highway works are implemented, comprising improvements to 8 junctions between the Dibden roundabout and the Blackfield Road junction with the B3053, and also the provision of a new cycleway between the site and Holbury. These mitigation measures are discussed in further detail below.

11.18.7 For existing roads other than the A326 and B3053, the Highway Authority have concluded that no improvements are necessary, and this would include to the various forest roads that would extend westwards from the A326 corridor. Evidently, the development will generate some additional traffic on forest roads, but not to a level that would be harmful to the capacity of these roads. It is recognised that an increase in traffic along forest roads will have some impact on the tranquillity of these roads and, with more traffic, there would also be the potential for a greater number of accidents with animals. However, based on the projected level

of increased use of these roads, such effects are not likely to be significant. This matter is considered further in the Appropriate Assessment of the Local Authorities.

11.19 The Primary Access Road & associated Junctions

11.19.1 The design quality of the new access road has been discussed above. From a highway safety perspective, Hampshire County Council are satisfied that it would meet highway safety requirements, based on a design speed of 30mph for the section of new road within New Forest District Council's area of planning jurisdiction (the approach section within the National Park would have a design speed of 40mph). No safety issues are raised in respect of any junctions. Evidently, a long section of the new road is relatively straight, and there have been concerns raised about how this might encourage speed. However, the road has been the subject of a Safety Audit and subsequent detailed discussions with the Highway Authority, which has allowed the Highway Authority to conclude that the road would meet required safety standards. It should be noted that design measures such as the Halfway Roundabout, road narrowing for pedestrian crossings and some of the detailed design measures south of the Halfway Roundabout should have an impact on driver behaviour, with the effect of reducing traffic speeds.

11.19.2 Overall, therefore, there is considered no reasonable basis to come to the view that the new road or any associated junctions would fall short of what is acceptable in terms of highway safety requirements.

11.20 Access for Cyclists and Pedestrians

11.20.1 The provision of safe cycling and walking opportunities within and outside the new development is critical to ensuring that the vision of creating a sustainable new community is achieved. The design approach to the development has been to remove the car from public spaces and many of the proposed streets. This will be achieved by providing a high proportion of car parking (see below) underground, allowing for the proposed public spaces and many of the proposed main streets within the development to be a place where pedestrians and cyclists will have priority.

11.20.2 Within the new community, it is considered that the proposed development would be one that would be safe, permeable and highly attractive for pedestrians and cyclists. It is important that appropriate cycle parking facilities are provided throughout the new development, which is something that can be reasonably secured through planning conditions and the submission of reserved matters applications.

11.20.3 The cycle way / footway that would be provided within the application sites alongside the new primary access road would ensure that there is a safe off road cycle route along the full extent of the new road, so ensuring there would be appropriate connectivity for cyclists and pedestrians to cycle and walk between the new community and areas beyond the site. The views of the Council's Design Officer, expressing concern that the needs of pedestrians and cyclists have not been sufficiently prioritised along the length of the new road, are appreciated. However, as previously indicated, the Primary Access Road must be capable of being adopted, and in terms of both Highway safety and sustainability requirements, the Highway Authority consider that the scheme adequately meets the needs of pedestrians and cyclists, noting that there would be a number of dedicated crossing points across the

road to provide safe pedestrian access to the SANG area to the west side of the new road.

11.20.4 Within the National Park area, it should be noted that additional connectivity for cyclists and pedestrians is proposed to be achieved through a new cycle route that would provide a new link to the B3053 and a potential school location. Also, a new cycleway is proposed along the foreshore, providing a link to Calshot Spit. These would provide added benefits for cyclists and pedestrians.

11.20.5 Overall, it is considered that within the District Council's application site, the Parameter Plans, the Design Code and the detailed highway drawings demonstrate that the needs of pedestrians and cyclists would be adequately prioritised, thereby ensuring a safe and sustainable community in this respect.

11.21 Bus Infrastructure

11.21.1 As part of the proposals to secure a sustainable new community with good public transport connections, the application proposes that 3 sets of bus stops (one on either side of the road) be provided along the length of the proposed new primary access road. These would be appropriately located relative to the key parts of the proposed new community, and there would be appropriate crossing points across the road.

11.21.2 In terms of the provision of bus services, the applicants are committed to making a contribution towards underwriting bus services to serve the development. They anticipate that bus frequencies on the completed development would be in the region of 2-3 per hour each way. It is anticipated that this would be achieved through an extension of or an amendment to existing services.

11.21.3 The proposed bus stop provision within the development is considered appropriate and necessary, as is the commitment towards underwriting bus services to serve the new development. These should be seen as fundamental requirements of the development if sustainable modes of transport are to be adequately provided for. However, as recognised by the Highway Authority, to ensure that the suggested bus services are delivered, it will be necessary through a Section 106 legal agreement to secure the delivery of a public transport strategy whereby the number of bus services to serve the development, their routes and their phasing can all be agreed. Whilst some flexibility may need to be applied to reflect demand, the expectation is that a bus service should be in place to serve the new community prior to first occupation, so that during the build out period there would initially be an hourly service Monday to Saturday, increasing to half hourly after the development is sufficiently progressed. There have been discussions with the local bus company (Go South Coast / Bluestar) to ensure that such a service would be viable.

11.22 Off-site Highway works

11.22.1 As indicated above, the applicants have agreed with Hampshire County Council that in order to mitigate the development's impact on the wider highway network, it will be necessary for the development to secure a number of off-site highway improvements to the A326 / B3053, as reflected in the applicant's submitted Transport Assessment and Environmental Statement. It has been agreed that all of the following works must be secured and provided in connection with the proposed development:

- a) Improvements to the Blackfield Road / Church Lane / B3053 Junction (known as Junction 3)

- b) Improvements to the Long Lane / A326 Roundabout at Holbury (known as Junction 4)
- c) Improvements to the A326 / Holbury Drove Junction (known as Junction 4A)
- d) Improvements to the A326 / Southbourne Avenue Junction (known as Junction 4B)
- e) Improvements to the Hardley Roundabout (known as Junction 5)
- f) Improvements to the Dibden Purlieu Roundabout (known as Junction 6)
- g) Improvements to the Applemore (Sizer Way) roundabout (known as Junction 7)
- h) Improvements to the Dibden roundabout (known as junction 8)
- i) Traffic management measures to the existing section of B3053 between the 2 new proposed road junctions onto the B3053
- j) The provision of a shared use cycle way / footpath between the application site and Holbury

11.22.2 All of the 8 junction improvements (a-h) set out above can be provided within the existing highway boundary. Illustrative plans have been drawn up for each of these junction improvements and have been included within the applicant's transport assessment. At the 5 roundabouts, the improvements would mainly take the form of widening some of the immediate approaches to the roundabouts and some of the immediate exits from the roundabouts, thereby creating additional lane capacity, so as to improve traffic flows at each of these junctions. The proposed junction improvement nearest to the development (the Blackfield Road and Church Lane intersection with the B3053) is proposed to become a signalised junction.

11.22.3 The applicant's Transport Assessment Addendum includes illustrative plans demonstrating how an off road cycle route could be achieved between the site and Holbury. These are more detailed for the southern section of this route between the site and Fawley Infant School, where it is shown that the new cycle route could be provided within the highway verge on one side of the road. The illustrative drawing for the northern section of the new cycle route is less detailed, and here, whilst it would be feasible for the new cycle route to be provided entirely within land controlled by the Highway Authority, the preferred option would be for part of the cycle route to run through third party (Parish Council) land within the Gang Warily Recreation Ground. The cycle route would then be likely to run alongside or as part of the Long Lane service road as far as the local shops and facilities.

11.22.4 The detailed designs for the various junction improvements between the site and the Dibden roundabout, as well as the new cycleway, are not matters for approval through this outline planning application. It is simply necessary to be satisfied that these works are what are necessary to mitigate the development's transportation impacts, as well as what is needed to secure appropriate infrastructure for cyclists in the case of the cycleway. It is also necessary to be assured that the works are deliverable and within an appropriate timeframe. Having regard to the expert advice of the Highway Authority, there is considered no basis to reach a conclusion other than that the proposed junction improvements would provide the necessary mitigation for the development's impacts on the local transportation network between the site and Didben. Being entirely within the highway (or capable of being so in the case of the cycle route), it can also be concluded that the works are all deliverable. Of course, the Section 106 legal agreement will need to secure the delivery of all of these off-site highway works and their associated phasing (which is discussed in further detail at the end of this report).

11.22.5 It should be noted that concerns have been raised that some of the off-site

junction improvements would not adequately meet the needs and safety requirements of cyclists. As these details are not being approved as part of this application it will be for the Highway Authority to ensure that the needs and safety requirements of all road users are addressed.

11.22.6 For the A326 north of Dibden, it is the County Council's advice that the development does not, by itself, need to secure improvements to this section of road. However, it is considered that the scheme does need to make a partial contribution to the cost of improvements to the A326 between Marchwood and Totton in conjunction with other schemes that are expected to come forward over time. As such, an appropriate financial contribution, amounting to £4.5 million will be secured within the Section 106 legal agreement to ensure that the development adequately mitigates impacts on the A326 to the north of Dibden. This contribution would specifically be used to enable road improvements to be carried out at 10 existing junctions between Twiggs Lane at Marchwood and Michigan Way in Totton. The timing of such works would be likely to be dependent upon how quickly other developments within the area come forward.

11.22.7 The proposed traffic management measures along the existing B3053 between the 2 new junctions that would be formed by the Primary Access Road would be likely to take the form of road narrowing measures at up to 4 locations. These measures would be provided at what would be natural crossing points for pedestrians, so providing necessary connectivity between the application site and the wider landscape beyond. To ensure that these traffic management measures are effective, it is anticipated that the speed limit along this section of road would need to be reduced to 40mph (although such changes of speed limit would need to be agreed through a separate process outside of the scope of this application). The design details of these traffic management measures to the B3053 would need to be secured through a condition / the S106 legal agreement.

11.22.8 Overall, it is considered that the suite of off-site highway works that are capable of being secured through a Section 106 legal agreement would ensure that the proposed development would have an acceptable impact on the existing highway and transportation network beyond the site.

11.23 Car Parking

11.23.1 The amount of car parking to be provided and its layout is not a matter for detailed approval through this outline planning application. Nevertheless, there needs to be an understanding of what provision is being made for car parking within the development: firstly, in order to understand how such parking will impact on the scheme's design quality; and secondly, to understand how parking provision within the development would take account of both sustainability and highway safety considerations.

11.23.2 The submitted Transport Assessment Addendum considers parking provision in some detail and indicates that within the Heart of the Town / Southern Quayside, the following level of parking will be provided:

• Main Basement Car Park	2100 spaces
• Eastern Basement Car Park	829 spaces
• South Basement Car Park	288 spaces
• Ground Floor Parking in Boat Stack	178 spaces
• Surface Car Park near Heart of Town	90 spaces
• Total Parking in Heart of Town & Southern Quayside	3485 spaces

11.23.3 Based on the assumed Housing Mix, the Council's own adopted parking standards suggest that the residential elements of the development would generate a requirement for 2336 parking spaces (assuming that the parking will all be shared / communal spaces). For the commercial areas within the Heart of the Town, the applicant's Transport Assessment Addendum calculates that approximately 1816 spaces should be provided as a maximum, based on the Council's adopted parking standards. The applicants' proposals would allow for approximately 1149 spaces for commercial uses within the Heart of the Town. Accordingly, the total amount of car parking being provided within the Heart of the Town would be likely to be somewhat less than the maximum level of car parking that would be expected by applying the Council's standards.

11.23.4 Given the application seeks to create a sustainable community where a relatively high proportion of people who live within the community would actually work within the community, it is considered right and appropriate that the level of on-site parking is minimised as far as reasonably possible, whilst ensuring the design quality of the development and highway safety are not compromised. Detailed parking proposals will need to be considered for each relevant reserved matters application. However, for now, it is considered that the quantum of parking that has been allowed for within the submitted designs is appropriate and justified.

11.23.5 Because the underground basement car parking, as shown on the submitted parameter plans, is such a key aspect to ensuring that the proposed new development will be of the highest design quality (by minimising the visual impact of parked cars), it will be necessary through a planning condition to ensure that parking is indeed provided as basement parking to the approximate level specified.

11.23.6 Within the Northern Quarter, a level of parking has not been specified, but there is no reason to suppose that an appropriate level of parking could not be provided based on the parameter plans and other illustrative plans that have been submitted.

11.24 Travel Plan

11.24.1 One of the key ways in which a modal shift away from single occupancy car journeys can be achieved, and journeys by foot, cycle, and public transport can be encouraged, is through the implementation of a Travel Plan. The (Framework) Community Travel Plan that has been submitted in support of the application has been considered by the Highway Authority and, whilst there are some gaps, it is considered to provide an acceptable framework for ensuring the new community is not unduly reliant on journeys by private car, particularly single use occupancy journeys. To ensure that the benefits of a Travel Plan are delivered, it is considered that there will be a need to secure a Full Travel Plan, together with appropriate monitoring requirements through planning conditions and a Section 106 legal agreement.

11.25 Impacts on Public Rights of Way

11.25.1 Most sections of existing public right of way that would be affected by the proposed development are within the National Park Authority's area of jurisdiction and it will therefore be for the National Park Authority to assess the impact of development on these public rights of way.

11.25.2 There is an existing public footpath that crosses the north-western most corner of the District Council's application. This would be marginally affected by the

proposed new access road and associated cycleway. However, the actual route and alignment of the public footpath would not need to be altered.

11.25.3 The only other section of public footpath that is within the District Council's area of jurisdiction is a very limited length of the coastal footpath that extends immediately to the north of the existing swingbridge that crosses the dock, as well as the swingbridge itself (which actually appears to form the boundary line between the District and the National Park). The setting of the existing coastal footpath will be affected by the construction of a new sea wall immediately to the landward side of the path. The swingbridge itself is eventually intended to be raised to a height of 7.8 metres AOD from its current height of 4.5 metres AOD (as set out in the Design Code), so as to accommodate larger vehicles accessing the dock. Precise designs and access arrangements (including a need for DDA compliance) would need to be approved and resolved at reserved matters stage. However, any alterations to the definitive route of the public footpath would also need to be the subject of a separate legal process outside of the scope of this application.

11.25.4 Overall, in so far as the footpaths within the District Council's area of planning jurisdiction is concerned, it is considered that the development's impact would be acceptable.

11.26 Ecology: Mitigation of Recreational Impacts

11.26.1 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within both the New Forest and the Solent be mitigated.

ANRG / SANG provision

11.26.2 To ensure that the impact of larger developments on the New Forest designated sites (The New Forest Special Protection Area and Ramsar site) is satisfactorily mitigated, policy requires that 8 hectares of ANRG land (Alternative Natural Recreational Greenspace) be provided either on the development site or directly adjoining and well connected to it. It should be noted that the District Council formerly used the acronym SANG (Suitable Alternative Natural Greenspace), but have now changed this to ANRG to better reflect the unique characteristics and requirements of the New Forest. However, the National Park Authority continue to use the acronym SANG in its policies (which seek a similar level of mitigation land), and the applicants have also used the acronym SANG in their submissions. Therefore, for the purposes of this application / report, the terms SANG and ANRG are used interchangeably and are taken to mean the same thing.

11.26.3 Based on the suggested residential mix and the number of bedrooms within the proposed hotel, the development as a whole (i.e. including the 120 dwellings within the National Park) would generate a requirement to provide a minimum of 31.89 hectares of SANG. The overwhelming majority of this SANG requirement would be generated by the District Council's application. Given that what is proposed is a high density development surrounded by and within the National Park, it is considered that development in such a sensitive context needs to achieve rather more than the bare minimum policy requirement if the recreational impacts of the development are to be acceptably mitigated.

11.26.4 As noted in Section 3 above, the applicants are seeking to provide 3 distinct areas of SANG comprising:

a) The Ashlett Green (or Ashlett) SANG - this is an area of 14.7 hectares

immediately to the north of the site. This area forms part of the former Exxon laydown land, and is currently an area of scrub with a network of paths and tracks running through. Apart from a small slither of scrub adjacent to the Northern Quarter and an arc of thicker copse to the north of the existing site access road, the Ashlett Green SANG would be entirely within the National Park.

b) The Fawley SANG - this is an area of 20.2 hectares, much of which is currently being worked as a quarry, although the southern section is within agricultural use (arable farmland). This area lies immediately to the west of the existing power station and would be separated from the proposed built development by the proposed Primary Access Road.

c) The Tom Tiddlers SANG - this is an area of 5.4 hectares to the south of the 120 dwellings that are proposed within the National Park. This area of proposed SANG is an area of wet woodland that also forms part of a designated SINC (Site of Interest for Nature Conservation).

11.26.5 Together the 3 areas of SANG that are proposed would amount to 40.2 hectares, which would be in excess of the quantum of SANG that is required to meet policy. However, due to the nature conservation sensitivities of both the Tom Tiddlers SANG (with its SINC designation) and the Ashlett Green SANG (where the scrub habitat is used by breeding Nightingales), the applicants propose that 25% of the SANG within these areas be discounted (i.e. these discounted areas would not have full unrestricted access rights throughout the year). This would have the effect of reducing the Ashlett Green SANG area to 11 hectares and the Tom Tiddlers SANG area to 4.1 hectares, thereby reducing the total SANG area to 35.3 hectares. However, even allowing for these discounted areas, the level of SANG would exceed the minimum policy requirement by a reasonable quantum.

11.26.6 The actual principle of discounting specific areas within the Ashlett Green and Tom Tiddlers SANGs is considered appropriate due to the particular nature conservation sensitivities of the affected areas, and on the basis that the useable area of SANG would still be sufficient to mitigate the development's recreational impacts on the New Forest.

11.26.7 From the above, it is clear that mitigation of the District Council's application is reliant on the provision of recreational mitigation land within the National Park. This is entirely acceptable from a policy perspective. What is key is that the proposed SANG areas are acceptably located relative to the development that is proposed, that they are within easy walking distance of the main residential dwellings, and that there is a network of safe and accessible routes between the proposed dwellings and SANGs.

11.26.8 The Fawley SANG would be the largest and most accessible area of SANG to the dwellings that are proposed within the District Council's area of jurisdiction, although it would be separated from the dwellings by the Primary Access Road. However, having regard to the design of the new access road and the number of proposed pedestrian crossing points, it is felt the Fawley SANG would be appropriately located relative to the development.

11.26.9 The Ashlett Green SANG and Tom Tiddlers SANG would only be accessible by means of a longer walk from the nearest dwellings within the district's area (roughly 500 metres and 250 metres respectively). However, both SANGs could be reached by means of attractive walking routes, and recognising this is a large development where there is a need to provide a variety of access opportunities, it is considered that the 2 SANGs in question would be acceptably located.

11.26.10 The Fawley Nature Park Plan sets out some key design principles for

the different SANG areas. It needs to be noted that the applicant's proposed SANG designs are a little different from the design of recreation mitigation areas that is promoted through the Council's Mitigation for Recreation Impacts Supplementary Planning Document. In particular, the SANGs are proposed to have a more naturalistic character, with low intensity grazing proposed across parts of the SANG areas. It is felt this slightly different character to what is expected elsewhere in the District would be justified on the basis that nearly all of the SANG area (unlike other sites across the district) would be within the National Park, where a more naturalistic and less suburban parkland character is felt necessary because of the National Park's special characteristics. Also, the more naturalistic character is felt necessary and justified to ensure the new development has an appropriate landscape setting. As such, the broad design principles for the 3 SANGs are considered appropriate and reasonable, although detailed landscape designs for these areas will need to be secured through the submission of reserved matters applications and a Section 106 legal agreement.

11.26.11 As noted above, the Tom Tiddlers SANG forms part of a SINC. The Council's Local Plan does suggest that it will not generally be appropriate to use for recreational mitigation purposes land that has existing species or habitat value. However, every case must be judged on its merits. In this case, noting the specific characteristics and interest of the Tom Tiddlers SINC, the discounting proposed by the applicants, and the advice of the Council's own ecologist, it is considered that using the Tom Tiddlers SINC as a SANG area would not harmfully compromise the habitat value of the site.

11.26.12 A critical aspect of providing SANGs is their future maintenance and management. In this case, the applicants are proposing that they will set up an appropriate management company to manage the SANGs in perpetuity, which is not what is typical across the district, as SANGs would usually be transferred to and maintained by the Council (or Parish Council). Clearly, it is necessary that the determining authorities are first satisfied that the right management structure and funds are in place to ensure that the SANGs will be appropriately managed in perpetuity. In particular, there will be a need to ensure that there are appropriate step in rights for the 2 authorities to manage the SANGs (with the necessary resources) if the SANGs are not managed in accordance with an agreed set of standards. These are all matters that will be secured through the Section 106 legal agreement.

11.26.13 Overall, it is considered that the quantum of SANGs proposed is acceptable and that their future delivery and management can be reasonably secured through a Section 106 legal agreement. However, whilst the individual SANG areas would be appropriately located, it is felt that in combination they would only be fully effective in mitigating recreational impacts (having regard to their individual designs) if they were to form part of a more coherent public access network and respond to the wider landscape in an integrated manner. Accordingly, the SANGs need to form an integral part of a wider connected landscape. The applicants propose to achieve this through the creation of a Nature Park, and this is discussed further below.

Other measures required to mitigate impacts on New Forest sites

11.26.14 Policy requires that all development involving additional dwellings makes a contribution towards New Forest Access Management Costs (the New Forest People and Wildlife Ranger service). This contribution cannot be calculated exactly due to the outline nature of the application. However, based on the assumed bedroom mix and the current rates of provision, an approximate contribution of £863,177 is likely to apply. This matter has been the subject of detailed discussion

with the applicants, who have confirmed that they would be agreeable to paying this contribution provided that the Appropriate Assessment of the 2 authorities concludes that the full New Forest Access and Visitor Management contribution is necessary to ensure that there would be no adverse effects on the integrity of the New Forest European sites (which it does).

11.26.15 Policy also requires that all additional dwellings make a contribution towards monitoring the recreational impacts of development on the New Forest European sites. This contribution is currently sought at a rate of £50 per dwelling, generating a total contribution of £69,000 in respect of the proposed dwellings within the District Council's area of jurisdiction. This contribution will be secured within a Section 106 legal agreement.

11.26.16 A further contribution that is now required through the newly adopted Local Plan is a contribution towards monitoring and mitigating air quality impacts on the New Forest European sites. This contribution is sought at a rate of £20 per dwelling, generating a total contribution of £27,600 in respect of the District Council's area of jurisdiction. Again, this contribution will be secured within a Section 106 legal agreement.

Solent Mitigation Contribution

11.26.16 For those developments within 5.6km of the Solent and Southampton Water European Sites, policy requires that mitigation contributions be paid towards the Solent Recreation Mitigation Partnership (SRMP) Mitigation Strategy (Bird Aware). As the development is immediately adjacent to the Solent and Southampton Water European sites, this contribution requirement evidently applies. The actual contribution is dependent on bedroom numbers within the development, and so cannot be determined precisely at this outline planning application stage, as the suggested mix is not absolutely fixed. However, using the suggested bedroom mix and the current contribution rates, an approximate mitigation contribution of £864,686 is likely to apply.

11.26.17 In this case, the applicants have sought to argue that they should not have to pay the full Solent Mitigation Contribution due to the specific set of measures that they are seeking to provide in association with the proposed development. They consider that the combination of a Nature Park, a Marine Management Plan and wardening of these areas (as discussed in further detail below) would justify paying only a proportion of the required contribution, given these measures would mitigate some of the impacts that the contribution towards the SRMP Mitigation Strategy is designed to mitigate. This matter has been carefully considered through the Appropriate Assessment of the 2 Local Authorities, and the conclusion has been reached that if the applicants were to pay 75% of the Solent Mitigation Contribution in line with the suite of other mitigation measures that are proposed, then adverse effects on the integrity of the Solent European site would be avoided. As such, an approximate contribution of £648,515 would be payable to the SRMP Mitigation Strategy in this case.

11.27 Impacts of the development on biodiversity, ecology and the Natural Environment – Policy Context

11.27.1 Both local and national planning policies make it clear that planning decisions should contribute to enhancing the natural environment by protecting and enhancing sites of biodiversity value, and also by providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to

current and future pressures.

11.27.2 Given the scale of the proposed development and the sensitivity of its location, it is considered absolutely critical that the development not only acceptably mitigates the impact there would be on existing ecological features, but that it delivers significant net gains for biodiversity through the creation of an enhanced ecological network.

11.27.3 Whilst existing planning policies seek to deliver net gains for biodiversity, the government's Environment Bill, which is expected to become law later this year (and must therefore be given significant weight), proposes to further strengthen existing requirements for net gains for biodiversity. The biodiversity gain objective that forms part of the Environment Bill requires a minimum 10% increase in the level of biodiversity after development compared to the level before development. This will be a mandatory requirement. Indeed, following the adoption of the new Local Plan earlier this month, the Council has now introduced its own new interim policy that requires all new build development (other than householder development) to deliver a minimum 10% Biodiversity Net Gain. As such, in assessing this application, it is necessary to be satisfied that the development will deliver, at the very least, a 10% uplift in biodiversity value.

11.28 On Site Biodiversity

11.28.1 The Environmental Statement assesses the ecological interest of the whole development site area and other adjacent land. The land within the District Council's jurisdiction (i.e. the power station site) is not subject to any ecological designation. Surveys have revealed that there are some species of flora growing on the site that are of district importance. In addition, the site is used by a number of species of breeding birds including the Schedule 1 listed Peregrine that nests on the chimney. Common Pipistrelle bats have also been recorded roosting in the chimney.

11.28.2 The loss of the existing power station buildings has already been agreed. Nevertheless, it is considered important that appropriate bat and bird boxes are provided within the development to both mitigate for the loss of existing site features and to provide net gains for biodiversity. The submitted Design Code makes it clear that bird boxes designed to attract birds such as swift, house sparrow, starling, peregrine falcon and kestrel will be incorporated throughout the development. The Code indicates that bat roost features will also be incorporated and that precise details of all of these nesting and roosting features will be agreed at the detailed design stage. As such, by ensuring that the detailed designs follow the Design Code, the development would not only mitigate impacts on bat and bird species that use the power station site at present, but would also provide some gain.

11.28.3 Natural England had initially expressed some concern that the replacement nesting opportunity for Peregrine Falcons should not give them a clear line of sight of the new water based habitats that are to be created through the development proposals. The applicants have subsequently proposed that a nesting facility be provided on the north-western landmark building (the tall building furthest from the relevant habitats). Natural England are satisfied that the provision of a replacement nesting opportunity on this building would be appropriate.

11.29 Ecological Impacts on adjacent land

11.29.1 As highlighted in Section 2 of this report, the land surrounding the power station buildings is of significant environmental sensitivity. The development would, without any mitigation, have a significant adverse impact on the Solent and

Southampton Water European sites (and also the associated designated SSSI), as is recognised in the submitted Environmental Statement. These significant adverse effects would be the result of a number of factors, notably increased recreational disturbance and increased boat traffic movements.

11.29.2 The proposed 120 dwellings that the National Park Authority are dealing with would result in the direct loss of SINC habitat. Although it will be for them to assess this loss, and to come to a view on whether this loss is justified, it is something that does need to be factored in to the District Council's assessment of its own application.

11.29.3 In order to fully mitigate the adverse impact the development would have on adjacent European sites, to compensate for SINC habitat that would be lost and to provide the required Net Environmental Gain, the application proposes a suite of measures. 2 measures that are particularly key are the creation of a 275 hectare Nature Park (with the delivery of an associated Nature Park Management Plan), and the implementation of a Marine Management Plan.

11.30 Nature Park

11.30.1 Apart from the small areas of the Ashlett Green SANG and the Fawley SANG that would be within the District Council's area of jurisdiction, the entire Nature Park would be within the National Park. It would include land not only within the combined application sites but also a significant area of land owned by the Cadland Estate to the west of the B3053. Within the combined application sites, the Nature Park would encompass land where the following features would be created:

- The 3 SANGs
- A new 8-9 hectare Saline Lagoon
- A new 10 hectare Tidal Creek
- Nature Conservation Area 1 – a dedicated area for nature conservation purposes that would include both the Saline Lagoon and Tidal Creek
- Nature Conservation Area 2 – a dedicated area for nature conservation purposes within the existing Fawley Quarry, where a series of new dew ponds would be created.
- A driveway to provide improved public access to the wider landscape.

In addition, existing nature conservation features of interest (such as an area of ancient woodland at Chambers Copse) would be protected.

11.30.2 Outside of the application site (to the west of the B3053), the Nature Park would include some additional driveways to provide improved access to the wider landscape, and areas would be restored or modified so as to provide SINC compensatory habitat.

11.30.3 The Nature Park Management Plan that accompanies the application sets out how the different areas with the Nature Park would be created, restored and managed. It sets out those areas where there would be public access (such as the SANGs and driveways) and those areas where there would not (such as the majority of Nature Conservation Areas 1 and 2).

11.30.4 Evidently, the Nature Park would include a variety of areas that would serve different functions. What is key is that, as a whole, it would be successful in delivering the required level of mitigation, compensation and enhancement, as well as delivering appropriate access improvements to the wider landscape.

Access Improvements

11.30.5 Alongside the new access opportunities that would come with the SANGs, the proposed driveways within the Nature Park, which would extend to 4.7 hectares, would provide important new access opportunities. Indeed, it is considered that they would provide essential connectivity, linking the proposed new SANG areas to the wider network of footpaths, bridleways and CROW access land to the west of the B3053 within the Cadland estate.

11.30.6 A new cycleway route is proposed between the development site and Calshot Spit and this, in combination with new footpaths that are proposed within other areas of accessible space within the Nature Park, would enable a new circular walking route to be formed to the south of the development.

11.30.7 These new access opportunities in combination with the access opportunities that already exist would provide a more connected network of accessible land for pedestrians and cyclists. These more connected access opportunities are considered important in fully mitigating the recreational impacts of the development. The full suite of access improvements that are proposed do need to be secured within a Section 106 legal agreement to ensure that required long-term benefits are delivered.

Mitigation

11.30.8 The different areas within the Nature Park have overlapping functions and benefits. However, the SANGs and areas of public open space will perform an important mitigation role, and it is considered that the driveways would do likewise (because without the driveways, the SANGs would not function nearly so well).

Compensation

11.30.9 Because development within the National Park would involve the direct loss of SINC habitat, it is necessary for this to be compensated. New areas of compensatory habitat are proposed to the west of the B3053, and through their application the National Park Authority will need to consider whether the compensatory habitat that is proposed would adequately compensate the habitat that would be lost. The Nature Conservation Area 2 is also expected to provide some compensatory grassland habitat in the longer term.

Creation & Enhancement

11.30.10 The Saline Lagoon would be a key area of new habitat. Whilst it would result in a loss of existing SINC habitat (which is in a sub-optimal condition), the value of the new habitat would be high. Natural England are particularly supportive of the new lagoon, recognising that it will provide a significant enhancement for SPA birds in the locality, as well as delivering substantial net gain for biodiversity (subject to the compensation measures that are proposed within the wider Nature Park).

11.30.11 The Tidal Creek would also be a key area of new habitat. It too would affect part of the SINC, as well as land that has been identified through the Solent Wader and Brent Goose Strategy. Again, the habitat value of this area would be high, and whilst providing different habitat to that which would be lost, it is habitat that would be of significant value to SPA birds, so it is considered that it would deliver net gain for biodiversity (again subject to the compensation measures that are proposed within the wider Nature Park). The tidal creek would actually perform a dual role, as it would also perform an important role in mitigating nutrient impacts (as discussed

further below).

11.30.12 Aside from the 2 new large water bodies that would be created, the Nature Park Management Plan proposes various other habitat creation and enhancement measures across the Nature Park, which collectively would provide benefits for biodiversity on a landscape scale.

Management of the Nature Park

11.30.13 If the Nature Park is to fulfil its various functions and to deliver the benefits which are considered necessary to ensure policy compliance, it is considered essential that the Nature Park is appropriately managed for the lifetime of the development. The applicants are proposing to set up a management body to oversee the implementation of the Nature Park Management Plan. This management body would employ 3 full time rangers, as well as a full time apprentice ranger to manage the wide range of existing and new habitats that would be created. A temporary seasonal ranger would also be employed. The rangers would also be responsible for managing the SANGs and other accessible greenspace across which public access would apply.

11.30.14 The principle of the Nature Park being managed by a bespoke management body employing a team of rangers is considered to be acceptable. However, it is important that the ranger resource and associated funds are sufficient to ensure that the necessary functions of the Nature Park are all delivered. Ultimately, the effectiveness of the Nature Park can only be assured through securing an appropriate long-term management structure within a Section 106 legal agreement. That management structure would need to be subject to oversight from the 2 authorities, and again step-in rights may need to apply if parts of the Nature Park are not maintained in accordance with agreed standards.

11.30.15 Overall, having regard to the advice of relevant consultees, it is considered that through its size, scale and diverse habitats, the Nature Park would result in significant benefits to biodiversity, and with the combined mitigation, compensation and enhancement measures that are proposed, it would play a vital role in ensuring policy compliance. It should be noted that the role of the Nature Park in ensuring the development has no adverse impact on the integrity of European Sites has been considered in greater detail within the Appropriate Assessment of the Competent Authorities.

11.31 Marine Management Plan

11.31.1 The submitted Marine Management Plan aims to ensure that management practices are put into place that will mitigate any adverse effects of the development on designated marine habitats close to the site. It also seeks to ensure that the new saline / tidal features within the development are managed in a way that will not cause harm to the adjacent marine environment.

11.31.2 The Marine Management Plan would apply to land that is wholly outside of New Forest District Council's area of planning jurisdiction. It would apply, firstly, to the proposed Saline Lagoon and Tidal Creek that would be within the National Park, and which, as noted above, would also be subject to the Nature Park Management Plan. Secondly, it would apply to defined areas of foreshore and intertidal areas outside of the combined application sites, encompassing the access channel to the power station, and areas extending mainly southwards from the access channel to Calshot Spit. These are areas where planning responsibilities lie either with the

National Park Authority or the Marine Management Organisation. The areas affected by the proposed Marine Management Plan are currently owned either by the applicants or by Hampshire County Council, with a small area being leased to the County Council by the Crown Estate.

11.31.3 The Marine Management Plan (MMP) proposes a number of key management measures. These would include setting and enforcing speed limits for boats and other water craft; monitoring recreational activities; establishing and enforcing a Code of Conduct; working with the local community and establishing an education programme to ensure that there is an appropriate awareness of wildlife and its potential to be affected by recreational activities; and precluding water based recreational activities within the newly created bodies of water within the Nature Park. The day to day management and monitoring of the MMP area would be overseen by a ranger team (4 full time rangers including a full time apprentice ranger, as noted above, who would also have a wider responsibility for the management of the wider Nature Park). The MMP proposes that a Steering Group be set up involving relevant organisations including all of the relevant Local Authorities to ensure the appropriate management of the Marine Management Plan in the longer term.

11.31.4 Natural England have confirmed that the submitted Marine Management Plan would be an effective tool in mitigating the adverse effects that might otherwise arise from increased boat movements within and through the designated sites. Other consultees have also welcomed the Marine Management Plan. By itself, the Marine Management Plan would not mitigate all recreational impacts in the Solent and Southampton Water European sites, but it would be an important component of a wider strategy and suite of measures. It is considered essential that the Marine Management Plan and its future delivery are secured through a Section 106 legal agreement.

11.31.5 Overall, it is considered that an adherence to the Marine Management Plan would be a necessary element of ensuring that the development does not adversely affect the integrity of the Solent and Southampton Water European sites. It should be noted that the effectiveness of the Marine Management Plan is considered in further detail within the Appropriate Assessment of the 2 Local Authorities.

11.32 Hydromorphological impacts

11.32.1 The initial submission gave rise to an objection from the Environment Agency and the RSPB that the formation of the new tidal creek and saline lagoon (within the National Park) might lead to increased water velocity within the existing tidal channels that form part of the designated European sites, which in turn could result in increased erosion of these areas, leading to a loss of intertidal mudflat and thereby adversely affecting the ecological interest of these important areas.

11.32.2 The applicant has provided further information to address this specific concern, which has provided the necessary assurance that the saline lagoon and tidal creek would not result in adverse hydromorphological effects, noting that the relevant consultees and experts are no longer raising an objection to the applications on the basis of this specific impact. It should be noted that hydromorphological impacts would need to be considered in further detail at the detailed design (reserved matters) stage, but at this outline stage, there is the necessary confidence to be able to conclude that adverse hydromorphological effects can be avoided. This matter has been considered in further detail in the Appropriate Assessment of the 2 Local Authorities.

11.33 Achieving Nutrient Neutrality

11.33.1 Natural England has provided guidance to the Council advising that increased development is resulting in higher levels of nitrogen input into the water environment of the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. This guidance is now reflected in the policies of the newly adopted Local Plan, which stipulates that where residential development and other development providing overnight visitor accommodation would drain or discharge wastewater into the Solent and Southampton Water, then such development must achieve nutrient neutrality in respect of nitrogen / nitrates. As such, only by ensuring that development achieves nutrient neutrality in respect of nitrogen can there be the necessary certainty that the scheme will be deliverable in line with the Conservation of Habitats and Species Regulations 2017 (as amended).

11.33.2 In so far as the District Council's application is concerned, both the proposed 1380 dwellings and the overnight accommodation within the proposed hotel would add to the nutrient burden affecting the Solent. Therefore, it is essential that a scheme for achieving nutrient neutrality can be delivered. The 120 dwellings within the National Park will also need to achieve nutrient neutrality.

11.33.3 With their application, the applicants have submitted a detailed scheme for how they could achieve nutrient neutrality. They have carried out the required calculations, and are suggesting that they could achieve a nutrient neutral budget through the following measures, which are listed in order of significance:

- a) The creation of a new wetland within the Stone Stream Catchment area. This proposed new wetland would be outside of the application site on land owned by the Cadland Estate. It would extend to about 2 hectares in area. The applicant's submission suggest this could offset 67% of the level of nitrogen that is required to be removed.
- b) The intertidal Creek. It is suggested that the new creek that is proposed (as part of the National Park Authority's planning application) could, in time, offset 63% of the level of nitrogen that is required to be removed.
- c) Land use Change resulting from quarry restoration and arable reversion (e.g. by taking land out of arable production and using it as SANG). It has been calculated that these changes could offset 17% of the level of nitrogen that is required to be removed.
- d) Removal of the existing sewage works. This would account for a modest 2% offsetting of the nitrogen that is required to be removed.
- e) Winter Cover Crops. In the short-term, whilst the more significant measures establish and take time to have effect, the use of winter cover crops has been suggested.

11.33.4 Overall, therefore, the applicants in their submitted Nutrient Strategy have suggested that they could, through the various mitigation measures, offset 149% of the nitrogen that is required to be removed, thereby achieving the required nutrient neutrality.

11.33.5 With respect to the Stone Stream Wetland, Natural England have considered the detailed report for creating this wetland that forms part of the applicant's submissions. From the information provided, Natural England are satisfied that the scheme would be able to offset the levels of nutrients indicated. Therefore, it can be reasonably concluded that the Stone Stream Wetland would be capable of offsetting 67% of the Nitrogen generated by the development. It is important to note, however, that the Stone Stream Wetland will require planning permission in its own right (an application that would need to be determined by the National Park Authority). As such, a grampian condition requiring that these works

obtain the necessary planning permission before the proposed development commences would be a necessary requirement of any outline planning permission. It should also be noted that the Stone Stream Wetland is proposed to be provided in 3 phases, so the phased implementation of these works and the monitoring of the effectiveness of the new wetland are matters that would need to be secured through the Section 106 legal agreement.

11.33.6 Natural England are also satisfied that the tidal creek and the other proposed measures for securing nitrate neutrality will enable all of the total nitrogen generated by the development to be offset. As such, it can be concluded that the applicant's measures for securing nitrogen neutrality would be effective in mitigating potential adverse effects on the integrity of the Solent European sites. However, securing the implementation and monitoring of these works will be absolutely critical. The applicant's Strategy proposes that a Steering Group be set up to oversee the effectiveness of the Strategy, which would include representatives from the relevant parties including both authorities. These are matters that would need to be secured through the Section 106 legal agreement.

11.33.7 Overall, it is considered that the applicant's proposals could achieve nutrient neutrality through an adherence to their nutrient strategy. It should be noted that the effectiveness of the applicant's proposals for achieving neutrality have been considered in more detail within the Appropriate Assessment of the 2 Local Authorities.

11.34 Achieving Net Biodiversity Gain

11.34.1 The applicants have applied the DEFRA biodiversity Metric to the combined application site area, but not including land within the proposed Nature Park that falls outside of combined application site area. The applicants have calculated that there would be a 36% uplift in biodiversity across the whole application site, which evidently is comfortably in excess of the minimum 10% uplift that is a requirement of the Environment Bill and the Council's new interim policy.

11.34.2 The Council's ecologist has reviewed the information submitted by the applicant. It has been noted that the applicant's calculations involve both survey and other evidence information but also a large degree of professional judgement. The Council's ecologist considers that the calculations can be supported and agrees that an appropriate rationale has been provided for the scoring approach utilised. As such, having regard to this advice, it is considered that the applicants have provided sufficient evidence to show that they would exceed the minimum requirements set by the Environment Bill and the Council's own new interim policy. However, there will be a need to continue to review Biodiversity Net Gain with each reserved matters application. Fundamentally, as well, given that achieving the projected level of Net Biodiversity Gain is dependent upon appropriate implementation and management measures, it is important that there is appropriate monitoring undertaken, as well as remedial action where necessary, to ensure that required levels of Net Biodiversity Gain are actually achieved. This is a matter that would need to be the subject of an appropriate planning condition and may also need to be included within the Section 106 legal agreement.

11.35 Noise & Vibration Impacts

11.35.1 The proposed development will generate noise that has the potential to impact on existing residents near the site and on future residents of the new

community, with there being potential impacts during both the construction and operational phases of development. In addition, future residents of the development will be subject to noise impacts arising from existing activities.

11.35.2 Noise and Vibration impacts are considered in detail as part of the submitted Environmental Statement. Firstly, with respect to demolition noise, the noisiest demolition events (i.e. explosive demolition) have already been addressed through the Demolition Prior Notification applications. In terms of the demolition that is proposed as part of this outline application, the Environmental Statement concludes that there will be some disruption to nearby sensitive receptors (the nearest being residential properties in Ower Lane), but that worst-case noise levels will be short in duration, and that demolition noise overall can be acceptably mitigated through adherence to a Demolition Environmental Management Plan (DEMP).

11.35.3 With respect to construction noise, the Environmental Statement anticipates some disturbance to nearby sensitive receptors, but that such disturbance will be localised and temporary. Nevertheless, without mitigation, the Environmental Statement suggests that there would be short-term major negative effects on nearby sensitive receptors. To mitigate such potential adverse impacts, a Construction Environmental Management Plan (CEMP) is proposed. This, in effect, would require that construction takes place in accordance with a range of noise mitigation measures, including controls on hours of operation and a requirement to adhere to specific detailed working practices. Such mitigation measures would materially reduce noise levels from the projected worst-case noise levels without mitigation. They would not, however, completely eliminate adverse effects, although the most significant adverse noise effects would be of a short duration only.

11.35.4 With respect to vibration impacts during construction, the Environmental Statement concludes that if appropriate mitigation is applied through the adoption and implementation of a Construction Environmental Management Plan, then there would as a worst-case scenario be short-term minor negative effects on nearby sensitive receptors.

11.35.5 The Environmental Statement does not envisage significant impacts on nearby receptors as a result of construction traffic noise.

11.35.6 With respect to Operational Road Traffic, the Environmental Statement has assessed the impact as being negligible or minor in most locations, but for receptors along the Fawley Bypass, east of Blackfield Road, the effects have been classed as major. Whilst potential mitigation measures have been explored, none have been considered practicable and so none are proposed to mitigate this specific impact.

11.35.7 The Council's Environmental Health Officer has considered the applicant's Noise Assessment and does not disagree with the impacts that have been identified. However, with the Environmental Statement identifying that there would be major effects on a number of residential properties that are situated close to the Fawley Bypass through increased traffic noise, the Council's Environmental Health Officer has raised an objection on this basis, noting that no mitigation has been offered by the applicants.

11.35.8 The specific objection of the Council's Environmental Health Officer is noted. However, increased traffic noise is considered to be an inevitability of allocating the Fawley Power Station for redevelopment. It is not in the applicant's power to provide mitigation on land they do not control, and it is felt that certain

potential mitigation measures that have been considered, such as acoustic barriers, would not be appropriate in any event. While accepting that properties in Fawley Village that are situated close to the bypass would see a significant increase in traffic noise, the level of traffic noise they would experience with the completed development would actually be no greater than what numerous other properties further north up the A326 corridor currently experience. As such, taking all of these factors into account, it is not considered it would be appropriate to withhold granting planning permission on the basis of the specific objection raised by the Council's Environmental Health Officer.

11.35.9 The Council's Environmental Health Officer accepts that other noise impacts could be reasonably controlled through conditions. It is recognised that background noise levels on the site are currently relatively high due to the commercial nature of surrounding locations and due to the noise associated with the National Grid Electricity Substation and temporary uses. As such, the applicant will need to carefully consider appropriate design and control measures to mitigate the impact of such noise for the end users of the site. There are plans to implement acoustic mitigation works to the National Grid Transformer within the next year, which would be a material benefit. Notwithstanding this, the Council's Environmental Health Officer is satisfied that the cumulative noise impact on the proposed residential properties from both existing and proposed noise sources could be suitably controlled by way of a planning condition limiting noise levels in internal and external residential and amenity space in line with those stated in BS 8233:2014, something the applicant has shown they can achieve within the submitted Environmental Statement.

11.35.10 The employment uses within the Northern Quarter will evidently generate some noise, but with the buffer of the Urban Forest and the use of a suitable condition controlling the on-site noise environment (as set out in the preceding paragraph), it is considered that these uses could operate without harm to future residents and indeed existing residents as well.

11.35.11 Concerns have been raised about potential noise impacts from the boat stack, given that it is intended to be a 24 hour use and given that it would be situated in the heart of the new community close to residential properties. Use of the boat stack would be mainly during daylight hours, but given that it would be capable of operating during quieter night time hours, it is considered essential for a Noise Management Plan to be agreed in connection with this specific element of the proposal as a condition of any outline planning permission.

11.35.12 It is considered that noise from construction activities would need to be controlled through a Construction Environmental Management Plan (CEMP), as suggested within the Environmental Statement. With a suitable condition to secure a CEMP, it is considered that construction noise could be acceptably mitigated.

11.35.13 Overall, having regard to the conclusions of the Environmental Statement and the advice of the Council's Environmental Health Officer, it is considered that the noise impacts of the proposed development on existing and future residents (and other human receptors) would be acceptable and justified subject to appropriate mitigation measures that could be secured through condition. Whilst accepting that there would be some adverse effects, notably through operational traffic noise, it is not felt the scale of these effects would be reason to refuse planning permission when balanced against the scheme's benefits.

11.36 Air Quality Impacts

11.36.1 The proposed development's impact on air quality is an important environmental consideration that has been considered in detail in the applicant's Environmental Statement.

11.36.2 At present, despite the site's proximity to various industrial activities and shipping channels, air quality in the vicinity of the site is considered to be good with regards to the main pollutants, namely: nitrogen dioxide (NO₂), Sulphur dioxide (SO₂) and Particulate Matter (PM).

11.36.3 Evidently, the proposals will generate emissions during both the construction and operational phases of the development.

11.36.4 The Environmental Statement suggests that the construction of the proposed development is likely to have a negligible (not significant) effect on nearby human receptors in terms of both NO₂ and PM emissions. Nevertheless, the Environmental Statement recommends that in order to minimise emissions, the proposed demolition should adhere to the submitted Demolition Environmental Management Plan (DEMP), and construction should adhere to a Construction Environmental Management Plan (CEMP), an outline of which is included within the Environmental Statement.

11.36.5 With respect to operational impacts, the Environmental Statement concludes that for the majority of receptors considered, the change in annual mean NO₂ concentrations attributable to the development is likely to be negligible. However, without any mitigation, then at a small number of locations (4 out of a total of 100 locations that have been assessed), minor to moderate negative impacts are predicted in respect of annual mean NO₂ concentrations. All of these 4 locations are in close proximity to the application site. Importantly, however, and in spite of the identified negative impact, annual NO₂ concentrations would not be expected to exceed nationally recognised thresholds in any location. Furthermore, the Environmental Statement suggests that the potential minor to moderate negative impact that has been identified could be mitigated so as to be a negligible (not significant) through the promotion of sustainable transport choices, as are being proposed through the submitted Transport Assessment, which includes a draft Community Travel Plan.

11.36.6 In respect of other pollutants, the Environmental Statement suggests that the completed development would have a negligible impact on air quality at all locations assessed. Furthermore, concentrations of these pollutants within the site would be well below relevant air quality objectives.

11.36.7 The Council's Environmental Health Officer has given detailed consideration to the submitted Air Quality Assessment that forms part of the Environmental Statement and has confirmed that it follows current guidance and methodologies. Furthermore, the Council's Environmental Health Officer agrees with all of the conclusions of the Air Quality Assessment. However, it is recognised that more detailed air quality assessments will need to be undertaken at reserved matters stage, and it is also considered that a more detailed Construction Environment Management Plan (CEMP) needs to be agreed, (noting that the submitted outline CEMP does not provide sufficient detail). With these detailed mitigation measures in place, it is considered that at this outline stage, the development would not have a detrimental impact on air quality.

11.37 Contamination

11.37.1 Ground conditions and contamination have been assessed in detail in the

submitted Environmental Statement. Contamination issues have also been addressed within an Outline Remediation Strategy.

11.37.2 The ground investigations that have been carried out identified localised soil and groundwater impacts, comprising asbestos, metals and hydrocarbons, which are likely to be related to the historical operation of the power station. A low to moderate gas risk has also been identified for the site.

11.37.3 The proposals within the Outline Remediation Strategy largely involve removal of soil and importation of clean material at certain locations such as areas of gardens and public open space, with further investigation required to ascertain ground gas levels and so determine what level of gas protection will be required in different areas on site. The relevant consultees (The Council's Environmental Health Officer and the Environment Agency) do not have any major objection to the proposed remediation strategy, but further investigation and assessment is considered necessary, and the Outline Remediation Strategy would need to be updated and adjusted accordingly.

11.37.4 It is considered that through the imposition of appropriate conditions and more detailed consideration of contamination at reserved matters stage, that existing site contamination can be adequately dealt with and the ground made safe, so as to ensure there are no adverse effects on human health or the environment.

11.38 Other Residential Amenity Impacts

11.38.1 The nearest residential properties to the application site are the small number of relatively isolated cottages along Ower Lane, the nearest of which is about 65 metres away from the application site boundary, but with parts of its garden being only about 35 metres away from this boundary.

11.38.2 The proposed building within the development that would be closest to the nearest existing dwelling in Ower Lane would be sited more than 100 metres away from this property. This constitutes a generous degree of separation.

11.38.3 The outlook of nearby existing residential properties is evidently affected at the moment by the existing power station buildings. Having regard to the impact of the existing power station buildings, it is not considered the new development would have an overbearing impact on the closest dwelling or indeed any other existing dwelling, accepting that detailed designs will need to be agreed at reserved matters stage.

11.38.4 The new development will evidently have a much greater level of fenestration than the existing power station buildings. However, in all cases, it is considered that existing dwellings would be sufficiently distant from the proposed buildings, so that the development could be provided without harmfully compromising the privacy of existing residential properties.

11.39 Amenity of future residents

11.39.1 Detailed amenity impacts for future residents can only be determined at reserved matters stage. However, at this stage, it should be recognised that the Heart of the Town and Southern Quayside would be high density, urban areas, and accordingly the level of amenity afforded to future residents will reflect this character.

The majority of residents would not have their own private garden, which makes the quality of the public realm and public green spaces that are being promoted through the Design Code all the more important. What some of the proposed buildings would be provided with are communal / podium gardens, which would be small, intimate, relatively shady spaces that, if designed well, would provide an attractive amenity for future residents.

11.39.2 Noise impacts for future residents have already been discussed in section 11.34 above. However, to reiterate, it is considered that such impacts could reasonably be controlled at detailed reserved matters design stage.

11.40 Relationship to existing employment uses

11.40.1 The existing wind turbine storage and painting use is scheduled to continue until 2027, meaning that the first phases of development are likely to be occupied whilst the wind turbine storage and painting use is still operational. This existing employment use might not sit too comfortably alongside the new development and the quality that it aims to deliver. However, the impacts would only be short-term and temporary, and it is within the control of the applicant to be able to manage this impact to minimise any potential conflict.

11.41 Other Environmental Impacts

11.41.1 Other matters considered within the Environmental Statement that have not been considered elsewhere are waste and marine water quality.

11.41.2 With respect to waste, the Environmental Statement suggests that the generation of waste, both during the construction and operational phases of the development would have negligible environmental effects. There is not considered to be any reason to disagree with this conclusion. It should be noted that the Design Code sets out some design principles for how refuse will be stored. Detailed designs would need to be considered further at reserved matter stage.

11.41.3 With respect to marine water quality, the Environmental Statement identifies that such effects would be negligible, although this is reliant upon adherence to a Construction Environmental Management Plan and an appropriate drainage strategy. Having regard to the views of the Environment Agency and other relevant consultees, there is considered no reason to disagree with the conclusions of the Environmental Statement on this matter.

11.42 Public Open Space

11.42.1 The Council's policies require that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for ANRG/SANG provision and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

- 2 hectares on Informal Public Open Space per 1000 population
- 0.2 hectares on Children's play space per 1000 population
- 1.25 hectares of formal Public Open Space per 1000 population

Informal Public Open Space

11.42.2 Within the District Council's area, the parameter plans and Design Code suggest that a variety of areas of informal public open space would be provided

comprising:

- The Urban Forest landscape feature
- The mainly hard surfaced areas of public realm lining the canal and harbour
- A central green square
- A waterfront promenade along the development's eastern edge
- A number of smaller green courtyards within some of the building blocks

11.42.3 Additional informal public open space would be provided within the National Park Authority area including a large green square and areas of greenspace wrapping around the edges of the proposed built development within the National Park.

11.42.4 The exact quantum of public open space that is required will be dependent on the final mix of dwellings. However, based on the mix that is suggested, the development as a whole (i.e. all 1500 dwellings) would need to provide a minimum of 7.55 hectares of public open space. The applicant's plans suggest that they would be able to achieve as much as 8.8 hectares of informal public open space.

11.42.5 The detailed informal public open space designs will need to be agreed through the submission of reserved matters applications and by means of Section 106 legal agreement obligations. At this outline application stage, it is considered that the applicants have adequately demonstrated that they will be able to achieve an appropriate quantum and variety of informal open spaces, and that it would be appropriately distributed.

11.42.6 It needs to be noted that if the District Council's application is taken in isolation, then the level of informal public open space that would be provided within the District Council's area would not be sufficient to meet the needs of the 1380 dwellings within the District Council's area. In effect, a policy compliant quantum of informal public open space will only be achieved through the provision of an element of informal public open space within the National Park. This is considered appropriate from a policy perspective. What is key is that the public open space is sufficiently accessible, which is considered to be the case.

Children's Play Space

11.42.7 Children's play space includes Local Areas of Play (LAPs), which are the smallest and simplest areas of play for children; Locally Equipped Areas of Play (LEAPs), which are medium sized areas; and Neighbourhood Equipped Areas of Play (NEAPs), which are the largest such areas, with the most play features.

11.42.8 Within the District Council's application area, 6 individual LAP features are proposed which would be set mainly within public green courtyard areas, as defined by the submitted parameter plans. A single LEAP is proposed to be provided in the south-eastern corner of the District Council's application site, adjacent to the foreshore / new sea wall boundary. It is considered that these areas would be appropriately located and distributed. However, the overall area of children's play facilities that is proposed within the District Council's area of jurisdiction would not meet the overall policy requirement for children's play space associated with the proposed 1380 dwellings.

11.42.9 The policy requirement to provide an appropriate quantum of children's play space in association with the 1380 dwellings is reliant on the provision of play areas within the New Forest National Park, comprising:

- A single LAP in the Southern Village

- A LEAP on the south-western edge of the Southern Village
- A NEAP within the ANRG/SANG area to the west of the site, which would also include a 0.16 hectare informal kickabout area (which could also be used by adults).

11.42.10 Based on the assumed residential mix, the proposed development as a whole (i.e. including the 120 dwellings within the National Park) should secure 0.76 hectares of children's play space. The application plans and reports indicate that 0.83 hectares of children's play space would be provided, based on the submitted parameter plans. As such, for the development as a whole, the required quantum of children's play space would be met. It is necessary that the proposed children's play space provision and its phasing (see section on phasing below) be secured within a Section 106 legal agreement.

11.42.11 The submitted Design Code sets out some key design principles and intentions for the different areas of children's play. The ideas within the Design Code are considered to be appropriate and acceptable, and the expectation, therefore, is that the detailed designs for these areas (which will need to be agreed through the submission of reserved matters applications and as part of the Section 106 legal agreement) should follow the principles and details set out within the Design Code.

Formal Public Open Space

11.42.12 No formal public open space is included within the District's application. Nor is any proposed within the National Park's. Instead, the applicants have indicated that they would be willing to meet any formal public open space requirement by making an appropriate financial contribution to facilities elsewhere in Fawley.

11.42.13 Given the extensive land take of formal public open space and given the landscape constraints posed by the National Park, it is considered that it would be appropriate and justified for formal public open space provision to be met at existing sites within Fawley. Previous Open Space assessments have identified that there would be a need to improve football pitches at Gang Warily, whilst there is also an identified need to improve tennis and bowls facilities at existing sites in Holbury. Through the ongoing Section 106 negotiations, the details of the provision that will be delivered will be concluded.

11.43 Allotments

11.43.1 The Council's policies do not expressly require that all residential development makes provision towards allotments. On some of the Council's Strategic Sites, however, there is a specific requirement that allotments be provided, although this is not the case with the Strategic Site allocation for Fawley Power Station.

11.43.2 Nevertheless, the applicants are proposing that an area of allotments be provided on an area of land to the west of the application site within the National Park. It will be for the National Park Authority to assess the detail of this, but the allotments will undoubtedly be a considerable benefit to the residents of the new community (the majority of whom will not have their own private gardens). Noting Paragraph 91 of the National Planning Policy Framework, which indicates that planning decisions should support healthy lifestyles through the provision of allotments (among a number of other things), it is considered appropriate that a development of this scale and character should make provision towards allotments. The applicants are seeking to provide allotments at a rate of 0.3 hectares of

allotments per 1000 population (or about 1.2 hectares of allotment in total), and this quantum of allotment provision (which is considered to be appropriate) should therefore be secured within the Section 106 legal agreement.

11.44 Flood Risk, Flood Defences & Site Levels

11.44.1 Significant parts of the application site are either within Flood Zones 2 or 3, where there is a medium or high risk of flooding. This means that without some fairly significant protective measures, the proposed development would be subject to an unacceptable flood risk. The application is accompanied by a detailed Flood Risk Assessment (FRA), which considers in detail the flood risk to the development. 2 key protective measures are proposed to ensure that the development does not flood (during a relevant flood event): firstly, a raising of site levels; and secondly the provision of a new sea wall.

Raising Site Levels

11.44.2 The existing site levels are typically between about 2.5 metres and 3.5 metres above Ordnance Datum (AOD). The application proposes to raise site levels right across the development, so that the proposed finished ground levels within the Heart of the Town and Southern Quayside would be 4.2 metres AOD, whilst for the Northern Quarter, where the proposed development would be less sensitive to flood risk, levels would be increased to 3.5 metres AOD. To provide increased resilience within the development it is also proposed that entrances to properties be set a further 0.3 metres above these proposed ground levels. The application suggests that the land would most likely be raised with dredged sediment imported via marine transport. At this stage, it would be difficult for an application to be specific on this matter, as there is no certainty around material availability in the future.

11.44.3 The Environment Agency have confirmed that the proposed finished floor levels across the site would be acceptable and would be a necessary requirement to ensure that the new development is not at unacceptable risk of flooding. The Environment Agency have suggested that land raising could take place in a phased manner, with more detailed measures of how the land would be raised across the site needing to be agreed in association with each development phase.

11.44.4 Raising levels with imported dredged material via marine transport would be likely to minimise environmental and transportation impacts. However, to ensure there is certainty as to how raising ground levels will be achieved, it is considered that a condition is necessary, whereby for each phase, the source of imported material and the transportation methods for bringing that material onto the site must be agreed.

11.44.5 The requirement to raise thresholds a further 0.3 metres above the proposed ground levels would provide further necessary flood resilience. However, it has raised a design concern given that every property will need to have an entrance into the property that is DDA compliant. The applicant's Design Code sets out how this requirement would be met, which would include gradual ramping to achieve the required transition in levels, as well as in places seeking to place DDA compliant entrances on less prominent facades for those buildings where there would be multiple entrances. Such an approach does not constitute the ideal (which would be for ground levels to be raised so as to be the same as the threshold requirement). However, it is considered that the Design Code does provide sufficient assurance on this matter such that appropriate design details could be approved in connection with

each reserved matters application.

The New Sea Wall and Flood Defences

11.44.6 A Flood Defence Strategy is included within the applicant's Design Code. Both the FRA and this document provide details of the proposed heights and broad designs for the different sections of sea wall and flood defence. The sea wall and flood defences have been designed to withstand a 1 in 200 year flood risk event, taking into account climate change. Along the development's eastern edge, the bottom outer edge of the proposed sea wall would run along the existing power station boundary fence line. The wall here would have a crest height of 5.3 metres, and so would characteristically rise up 2.5 to 3 metres from the existing foreshore, with a lower drop of 1.1 metre down to the raised landward side. Along the northern boundary, the flood defence wall would have an interface with the Ashlett Green SANG. The wall here would have a lower crest height of 4.8 metres and its outer edge would be in the form of a vegetated bank. The southern boundary within the National Park would also be in the form of a vegetated bank.

11.44.7 The Design Code proposes some specific design details for the different sections of sea wall, with it being proposed that, along much of the eastern edge, the wall should take the form of a fairly slender, vertical, embedded sheet pile wall, with stone cladding on both sides to reflect the quality of the adjacent architectural response.

11.44.8 The Environment Agency have confirmed that the provision of the sea wall, as proposed, will be necessary if the development is not to be at unacceptable risk of flooding. They have advised that the sea wall and flood defences must be provided in their entirety if the proposed development is to be considered safe. As such, a condition will be necessary to ensure the appropriate provision of this wall, and Section 106 obligations are also needed, as the sea wall and flood defences are pertinent to both authority areas. It should be noted that detailed designs for the sea wall and flood defences would still need to be approved through the submission of reserved matters.

11.44.9 With respect to the suggested sea wall / flood defence designs, it is considered that the Design Code provides the necessary level of assurance that these significant design features that would form an important edge to much of the development would be of the highest quality.

11.44.10 Whilst the sea wall would be designed to last for 100 years, its condition will require monitoring, and inevitably the wall will require maintenance during its lifetime. The design of the development does allow for the necessary level of access to be achieved to maintain the walls and the flood defences. The responsibility for future maintenance will rest with the developer (given the wall would be in private ownership). Importantly, the future management and maintenance of the sea wall and the related flood defences will need to be detailed through the Section 106 legal agreement. The applicant has confirmed that these would all be managed and maintained through the Management Company that they intend to set up. Details of this arrangement, including details of funds for the ongoing maintenance of this wall, will be finalised through the detailed work that will continue to be undertaken in association with the Section 106 legal Agreement.

11.44.11 It should be noted that as the application site is an allocated one and because the Sequential Test in respect of flood risk was applied through the Local Plan process, there is no requirement to carry out a further Sequential Test as part of this outline planning application, as is made clear in Paragraph 162 of the NPPF.

11.44.12 Overall, through the implementation of land raising measures and the building of a new sea wall and flood defences, it can be concluded that the flood risk associated with the new development would be acceptable.

11.45 Drainage Strategy

11.45.1 One further key means by which the development seeks to minimise flood risk is through the provision of a sustainable surface water drainage strategy, incorporating SUDs features such as geocellular storage, permeable paving, swales, vortex flow control devices and separators, and infiltration basins. The strategy also seeks to store and treat surface water with sufficient attenuation to account for surcharged (tide locked) outfalls.

11.45.2 The proposed drainage strategy for the Northern Quarter, Heart of the Town, Urban Forest and Southern Quayside is that these areas should positively drain into the canal and harbour via new outfalls. For the Southern Quarter and means of access, it is proposed that these areas should drain positively to Southampton Water via existing coastal outfalls to the south of the existing dock entrance. A number of swales would be proposed adjacent to sections of the new Primary Access Road.

11.45.3 The Environmental Statement and Flood Risk Assessment suggest that the proposed drainage measures would present an enhancement on the existing situation through the provision of attenuation and SUDs features that are not currently in place, and also through the reduction of surface water discharge to the two existing coastal outfalls adjacent to the National Grid substation.

11.45.4 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the applicant's surface water drainage strategy is acceptable in principle and consistent with policy. However, more detailed surface water drainage proposals will need to be agreed at reserved matters stage as each individual design phase comes forward. As such, this is a matter that will need to be controlled through appropriate planning conditions.

Sewerage

11.45.5 Linked to the Drainage Strategy are the applicant's proposals to dispose of foul sewerage. The applicants have suggested using a non-conventional vacuum foul sewerage system. Southern Water have not raised any particular concerns with this in principle, but there would be a need to agree more detailed proposals for foul sewerage disposal from the site as a condition of planning permission.

11.46 Provision of Education and Early Years Learning facilities

Primary School Provision

11.46.1 Hampshire County Council, as the Local Education Authority, have not reached a definitive conclusion as to whether or not a new primary school needs to be provided in association with the proposed development. Whilst a 1500 home community would typically be expected to generate a requirement to provide a new primary school, analysis of marina style developments elsewhere in Hampshire shows that they have a far lower number of children than other types of community. It is feasible, therefore, that if this development were to have the demographics of

other marina developments, that there would then not be sufficient demand for pupil places to require a new primary school to be provided.

11.46.2 The provision of a new Primary School has been proposed as a part of the development proposals within the National Park in order to serve the primary education needs of the whole community. However, the precise location where the school would be provided has not been fixed and it has been presented in their parameter plans as an 'area of search'.

11.46.3 The County Council have suggested that the final decision on whether or not a new Primary School should be built in association with this development should only be made after a certain number of dwellings have been completed and are occupied, at which point it will be possible to come to a clearer conclusion on the demographics of the new community. If the decision is made that a school is needed, then a contribution of £8,671,036 would be payable to ensure that it can be built within the area of search; and if the decision is made that a school is not needed, then a contribution (to be determined) would be payable to improving and expanding existing facilities, as necessary. The details of how the contribution would be used would be included within the Section 106 Agreement.

11.46.4 In so far as the determination of this application is concerned, the main requirement must be to ensure that there is a Section 106 legal agreement that ensures that the Primary School is built if the demographics of the new community show that it is necessary; and that if it is not necessary that improvements can be made in a timely manner to existing facilities to ensure that there is sufficient place provision to support the demand generated from the development.

11.46.5 In terms of its potential future location, the proposed area of search reflects the fact that new school needs to be provided outside of the Fawley Major Hazard Consultation Zone, and so it would be slightly separated from the new community. In determining the precise location of any school within the area of search, regard will need to be given to the setting of the Listed Building at Ower Farm and to how the school might integrate with Calshot village. Securing appropriate pedestrian and cycle access between the proposed new community and the school will also be important, and in this respect, it is to be noted that the Parameter Plan that relates to access does make provision for suitable connections.

Secondary School Provision

11.46.5 Hampshire County Council, as the Local Education Authority, had initially advised that the demand for secondary school provision generated by the development could be managed within existing local facilities. As such, they did not initially seek any form of contribution to improving secondary education facilities in the local area, and this remained their position until July 2020. However, they have now suggested that the scheme should make a potentially significant contribution to improving the New Forest Academy on the basis that some of the accommodation there is no longer fit for purpose. Noting that this request was only made 14 months after the application had been submitted and is at odds with the County Council's initial advice, there are concerns that a contribution to secondary education provision has not been appropriately justified with reference to the scheme's impact. As such, at this stage, it is not felt there is a sound basis to require the scheme to contribute towards secondary education provision, although this matter will be fully resolved through the work to finalise the Section 106 legal agreement.

Early Years Learning Provision

11.46.6 Hampshire County Council have indicated that the proposed completed development would need to secure provision for early years and childcare services within the development, in the form of 138 places for children between 0-4 years.

11.46.7 The applicants are proposing that this requirement be met within a specific location that falls within the National Park Authority's area of jurisdiction, noting that, as with the school, the precise location of any early years facility within the development is constrained by the Fawley Major Hazard Consultation Zone. The exact area of the early years learning facility that is proposed would be 700 square metres, and there would also be outdoor space associated with this facility. Noting the comments of Hampshire County Council, it is considered that this would be an appropriate response to the need to ensure that within the new community there is appropriate provision towards pre-school children. Given current capacity within the area, Hampshire County Council have indicated that it would be prudent if provision for early years were to be delivered at an early stage in the development. This would be consistent with the applicant's proposed phasing (discussed at the end of this report).

11.46.8 To ensure that the proposed early years learning facility is delivered and in an appropriate phased manner, it will be necessary for these matters to be secured through a Section 106 legal agreement.

11.46.9 Overall, it is considered that the outline applications make appropriate provision towards education and early years facilities, but with more precise delivery needing to be determined and secured through a Section 106 legal agreement and subsequent reserved matters applications.

11.47 Other Community Use Provision

11.47.1 To ensure that the proposed new community is sustainable and balanced, it is important that new community facilities that will meet the needs of future residents are provided on site. Aside from the education facilities referred to above, a new civic hall within a central location within the Heart of the Town would be a key community facility. It has the potential to perform a flexible role in terms of the community uses that could operate from within the building.

11.47.2 As the Civic Hall is not scheduled to be within one of the earlier phases of development, it is likely that the children's day nursery (discussed above) would perform an initial multi-functional role, given that it is important that there is a strong social focus to the new community from an early stage. To ensure that the important social benefits of these new community uses are delivered, it is considered necessary that their delivery is secured through a Section 106 legal agreement.

11.48 Affordable Housing

11.48.1 The District Council's adopted policies in respect of affordable housing require that at least 35% of the dwellings within the development be for affordable housing. They also require that the affordable housing mix be comprised of 35% dwellings for social rent, 35% for affordable rent and 30% for intermediate tenures.

11.48.2 The application has been submitted on the basis that a policy compliant number and mix of affordable housing dwellings will be provided. As such, the submitted application proposes to deliver at least 483 affordable dwellings, of which 169 would be for social rent, 169 for affordable rent, and 145 for intermediate

housing.

11.48.3 The policy compliant number and mix of affordable housing that is proposed will need to be secured within a Section 106 legal agreement. It should be noted that in their Draft Heads of Terms, the applicants are proposing that in the earlier phases of development that there be a slightly lower proportion of affordable housing provided (25-30%), with there being a lower proportion of housing for social rent in particular, and that the difference then be made up in the later phases. This phased approach to providing affordable housing is sought due to the significant upfront costs of the development and in order to assist the viability of the earlier phases of development. Given the complexities of regenerating this brownfield site, Officers do accept the rationale and approach to providing affordable housing that is being promoted by the developer. It is to be noted that during the later phases of the development, there will be more employment opportunities, and the community will have become more established, providing a fuller range of infrastructure to support all of the different tenures of affordable housing. Accordingly, it is felt the flexibility sought by the applicants is justified. Ultimately, the development as a whole would still deliver the required number and mix of affordable dwellings, and the affordable units would still be delivered in an appropriate phased manner.

11.49 Hazard Zone constraints

11.49.1 The whole of the development area that is within the District Council's area of jurisdiction is within the Fawley Major Hazard Consultation Zone. The majority of this area is within the Outer Consultation Zone where restrictions on development are relatively limited. However, a significant proportion of the Northern Quarter is actually within the Middle Consultation Zone where there are much tighter restrictions on what development can take place. It is, in part, these hazard zone restrictions that have determined that the northern quarter be developed solely for employment uses.

11.49.3 The Health and Safety Executive provide advice on what development can take place within the Fawley Major Hazard Consultation Zone. Their advice in this case is that the quantum of development and the location of the specific uses that are proposed is acceptable from a health and safety perspective.

11.50 Response to other matters raise by consultees and Neighbours

11.50.1 The Local NHS Clinical Commissioning Group has requested that the development make a contribution of £211,600 towards providing increased capacity at local GP surgeries within the area. However, this request for a contribution has not been substantiated in any meaningful way. The need for such a contribution has not been clearly demonstrated and nor is the precise way in which the contribution would be spent sufficiently justified. Based on the limited justification put forward, it is not felt that there is a reasonable basis to require the development to secure the contribution to GP surgery provision that has been requested. It should be noted, however, that further discussions are ongoing with the CCG around health provision within the area. As this is infrastructure, it may be that there is a rationale that evolves through these discussions for the use of CIL to support future provision, although this is not the case at this time.

11.50.2 The Southampton Airport Safeguarding Team have requested a condition that details of the location, height and layout of the development be approved before development commences. They have been advised that this is an unreasonable condition, given that these matters are already known. They will,

however, be consulted on relevant reserved matters applications.

11.50.3 Hampshire County Council's Extra Care and Supported Housing Team have encouraged the provision of a number of extra care and supported housing units within the development. Whilst the rationale for this request is understood, the provision of such uses on the scale suggested would be problematic due to the site's location within the Fawley Major Hazard Consultation Zone.

11.51 Development Phasing

11.51.1 As required by policy, it is essential that development is brought forward in a coordinated manner, so as to ensure that the new community is cohesive and to ensure that all necessary mitigation is brought forward in a timely manner. The phasing of the development is therefore a critical consideration.

11.51.2 As noted earlier in this report, the applicants have submitted an indicative Phasing Plan, which proposes 8 phases of development, together with projected completion dates for each phase. To recap, the 8 Phases (with suggested completion dates in brackets) are as follows:

- Phase 1 (2022) - Civil Engineering Works (canal & harbour)
- Phase 2 (2024) – 150 dwellings & 8400 square metres of non-residential floorspace to the south side of the extended harbour. Also, the southern section of the new access road.
- Phase 3 (2024) – 260 dwellings & 6500 square metres of non-residential floorspace immediately to the west side of the canal. Also, the northern section of the new access road.
- Phase 4 (2026) – 290 dwellings & 18615 square metres of non-residential floorspace to the west of the canal and adjacent to the new access road.
- Phase 5 (2030) – 640 dwellings & 15,185 square metres of non-residential floorspace to the east of the canal
- Phase 6 (2031) – 40 residential dwellings & 2500 square metres of non-residential floorspace to the south of the dock entrance.
- Phase 7 (2031) – 44,100 square metres of non-residential floorspace within the Northern Quarter.
- Phase 8 (2035) – 120 dwellings and 1200 square metres of non-residential floorspace (constituting the main phase of development within the National Park).

11.51.3 It should be noted that the phasing of the development, as set out above, has had to take account of the constraints imposed by the existing temporary planning permissions, meaning that it would be difficult for the developer to bring forward phases 5 and 7 of the development until the existing temporary wind turbine storage use has ceased in 2027.

11.51.4 The applicants have proposed that in respect of each of the above 8 phases, that the respective phase will not commence until the preceding phase has already commenced, thereby meaning, as an example, that Phase 4 could not commence until the preceding 3 phases had also commenced.

11.51.5 It is critical that the required mitigation measures are brought forward in an appropriate timely manner, so in this respect it is important to note that all of the following mitigation measures are proposed to be provided before any dwelling is occupied:

- The Ashlett Green SANG in its entirety

- The Tom Tiddlers SANG in its entirety
- The southern and linking sections of the Fawley SANG
- The Saline Lagoon
- The Tidal Creek
- Other approved landscape measures within Nature Conservation Area 1
- The Sea wall and flood defences in their entirety

Provision of all of these measures before any dwelling is occupied would ensure that at the point of first occupation all necessary mitigation associated with the first phases of development would be in place.

11.51.6 The timing of certain mitigation measures is constrained by existing quarry operations at Fawley Quarry. However, the application proposes that the further mitigation measures (which will be needed to mitigate the later phases of development) be provided before the occupation of 700 dwellings:

- The central section of the Fawley SANG
- Landscape and ecological enhancements to the southern section of Nature Conservation Area 2
- The southern section of the proposed driveway access feature

11.51.7 Finally, to mitigate the final phases of development, the application proposes that the final suite of mitigation measures be provided before the occupation of 1300 dwellings. These comprise:

- The northern section of the Fawley SANG
- Landscape and ecological enhancements to the northern section of Nature Conservation Area 2
- The northern section of the proposed driveway access feature.

11.51.8 The Design Code includes phasing proposals for tree planting across the development that corresponds to the phasing of the different character and mitigation areas. It should be noted that the proposed planting within the Urban Forest is not proposed to take place until after 2027 due to the constraints posed by the existing wind turbine storage and painting use. This means that it might not be provided until after phases, 2,3 and 4 of the development have been occupied. This would be unfortunate given the landscape importance of this feature, and it is imperative therefore that the Urban Forest is brought forward quickly once the wind turbine storage use has ceased.

11.51.9 Illustrative Phasing Plans for the children's play areas suggest that the LEAP within the National Park would be delivered during the earlier phases of development, the larger NEAP within the mid phases of the development, and the remaining LEAP towards the later phases of the development. The smaller LAPs would come forward as part of the individual phases in which they would be located. Areas of informal open space would also come forward in a regular phased manner related to each development phase.

11.51.10 The Phasing of other mitigation and compensation works within those parts of the Nature Park that are outside of the combined application site area will need to be agreed through ongoing negotiations on the Section 106 legal agreement.

11.51.11 In terms of the new road and the off-site transportation improvements, the phasing of such works has been discussed with Hampshire County Council, and a phasing programme has been agreed in broad terms. As such, before any new dwelling is occupied, the southern portion of the new access road would be provided,

as would the southern junction onto the B3053, along with the southern section of the new off-site cycle link to Holbury.

11.51.12 Before 150 dwellings are occupied, the requirement would be that the 2 junction improvements nearest the site (at Blackfield Road and the Long Copse Roundabout) would need to have been implemented. Before the occupation of 410 dwellings, the northern section of the Primary Access Road will need to have been completed, including its junction onto the B3053. Traffic calming measures to the B3053 and the provision of the remaining part of the cycle route to Holbury would also need to have been completed by this point of the development. The 2 junction improvements to Long Lane, Holbury and the Hardley Roundabout improvements would be required to be implemented before 700 dwellings are occupied, whilst the remaining 3 junction improvements further north up to the Dibden roundabout would need to be completed before the occupation of 1000 dwellings.

11.51.13 In respect of the above, it is notable that the new Primary Access Road would be phased so that the initial occupied stages of development would be accessed via the existing B3053 from the south rather than the north. This is, in part, so as to provide some segregation between construction traffic and the occupants of the new community, whereby construction traffic would continue to access the development via the existing power station access road. It is also notable that it is the off-site highway works nearest the site that would be brought forward first, as proportionately it is here where the transportation impacts would be most apparent during the earlier phases of development.

11.51.14 Overall, it is considered that there is coherence and logic to the proposed development phasing, including the phasing of the various mitigation measures. The phasing that is suggested would ensure that the infrastructure that is needed to facilitate a sustainable new community would be brought forward in an appropriate and timely manner, whilst also ensuring that there is an appropriate balance to the new community at the different stages of development, acknowledging that the community will evolve as development progresses.

11.51.15 The Primary School if it were to be needed would not be expected to come forward until after 500 dwellings have been occupied.

11.52 Appropriate Assessment

11.52.1 As required by the Habitat Regulations, the 2 Local Authorities have carried out a very thorough Appropriate Assessment, which is attached as Appendix A to this report. This Appropriate Assessment draws heavily on the information provided within the applicant's 'shadow' Appropriate Assessment that was prepared by the applicant's ecologist.

11.52.2 Before officers carried out their Appropriate Assessment, they took expert advice from Land Use Consultants (LUC), who are a leading firm of environmental consultants. LUC reviewed the 'shadow' Appropriate Assessment and identified 11 likely significant effects on relevant European and Ramsar sites, those effects being:

- Recreational disturbance to birds and damage to habitats within the New Forest
- Recreational disturbance to birds and damage to coastal habitats in the Solent
- Direct Loss of SPA Supporting Habitat

- Boat Disturbance to wintering waterfowl including recreation and commercial shipping movements
- Reduction in water quality within the Solent
- Hydrological impacts on intertidal marine habitats
- Cat Predation of wintering waterfowl
- Disturbance to Migratory Fish from noise and vibration
- Noise Disturbance to wintering waterfowl
- Reduced air quality from increased traffic
- Road Traffic Accidents to New Forest Livestock

11.52.3 The Appropriate Assessment concludes that subject to relevant mitigation measures, the development would have no adverse impact on the integrity of the affected European sites.

11.53 Community Infrastructure Levy (CIL)

11.53.1 The 1380 dwellings that are proposed within the District Council's area of jurisdiction are CIL liable. The exact CIL figure will depend on the precise floorspace of the development, which can only be determined at reserved matters stage. However, an approximate figure can be estimated at this stage, based on the indicative floorspace details that have been submitted with the application. Thus, if the actual final floorspace were to accord with the estimated floorspace, the development would be subject to a CIL contribution of £18,874,187.66p.

11.54 Relationship of application to National Park Authority Application

11.54.1 It is important to stress that this Outline Planning Application would not be acceptable in isolation. The acceptability of this application is entirely dependent upon the outline planning application that has been submitted to the National Park Authority also being deemed acceptable. This application would only be acceptable if appropriate access through the National Park is secured. It would also only be acceptable if appropriate habitat mitigation measures are secured within the National Park. Furthermore, to achieve net biodiversity gain, the application proposals are also dependent on measures within the National Park. Critically as well, the necessary design and townscape qualities that this specific scheme proposes could only be acceptably delivered if the associated development within the National Park were also to be delivered. As such, this application should only be approved if the National Park Authority approve their application at the same time, noting that both applications will be the subject of the same Section 106 legal agreement to ensure the project is delivered as a whole.

12 CONCLUSIONS AND THE PLANNING BALANCE

12.1 The above assessment has highlighted how the proposed development would deliver a range of significant, economic, social and environmental benefits. The proposed development would transform a visually harmful brownfield site, with its redundant power station buildings, into an attractive, well designed and sustainable new community that would provide a significant number of new homes, including many affordable homes for local people, as well as significant employment opportunities, particularly in sectors that would complement the site's unique context. Significant new areas of green infrastructure and habitat would be created, resulting in a more connected landscape that would benefit both people and biodiversity.

12.2 Of course, as with any large scale development, what is proposed is not

without its environmental impacts, which in this case are given greater significance by virtue of the highly sensitive designated landscapes, features and habitats that surround the site. It is necessary to be satisfied that any potential adverse impacts have been satisfactorily mitigated, and that where adverse or negative effects have been identified that the scheme's benefits outweigh these effects.

12.3 One key area of balance that must be considered is in relation to the less than substantial harm that there would be to the setting of Listed Buildings on Calshot Spit and at Ower and Badminton Farms. In applying this balance, it must be noted (as per paragraph 190 of the NPPF) that the significance of the Heritage Assets on Calshot Spit is particularly high. The setting of Ower and Badminton Farm is also important, but less so than the setting of the collection of buildings on Calshot Spit. Nevertheless, great weight must be given to the conservation of all these assets.

12.4 Fawley Power Station has been allocated for redevelopment through the Local Plan. The impacts of the allocation on the setting of the Listed Building were considered through the Local Plan process. The increased spread of development into the open areas of the site is considered to be an unavoidable consequence of this allocation. If the economic, social and environmental benefits of the policy allocation are to be realised, then some harm to the setting of the relevant Heritage Assets through increased development spread is considered inevitable. The benefits of redeveloping the visually intrusive power station site with a viable and sustainable new development in accordance with a policy allocation are considered to provide a clear and convincing justification for accepting at least some harm to the setting of the relevant heritage assets.

12.5 In considering the harm to the setting of Ower Farm and Badminton Farmhouse, it is important to note that their setting is already adversely affected by the existing power station buildings. Significantly, the new community would be of a less dominant scale than the existing power station buildings and so would appear less dominant within the setting of these 2 Listed Buildings. As noted by Historic England, the sense of isolation that is important to the significance of the existing buildings on Calshot Spit, is also affected somewhat by the existing power station buildings.

12.6 The proposed development is considered to result in significant public benefits. The social and economic benefits of providing 1380 new homes and large areas of new employment space that would facilitate the creation of over 2000 jobs are considerable. The environmental benefits of redeveloping a site that detracts significantly from the special qualities of the New Forest National Park with a sustainable new community that is expected to be of the highest design quality would also be considerable. With respect to both Ower Farm and Badminton Farm, it is considered that the scheme's public benefits very much outweigh the identified harm to the setting of these heritage assets. With respect to the buildings on Calshot Spit, due to their greater significance, it is considered that there is a finer balance between the scheme's benefits and the harm to the setting of these assets. However, having regard to the overall scale of public benefits and also importantly the landscape mitigation and enhancement measures that have been offered through both outline applications, it is concluded that the harm to the setting of this group of Listed Buildings would be justified and acceptable. As such, it is considered that the relevant tests of the NPPF (notably paragraphs 194 and 196 are satisfied).

12.7 In respect of other matters, it is considered that the environmental effects of the development would be satisfactorily mitigated through the proposed recreational mitigation land, the delivery of a Nature Park, the implementation of a Marine

Management Plan and the provision of significant areas of new green infrastructure and landscaping throughout the combined application site area. The development will evidently impact significantly on the New Forest National Park, but through its carefully considered design, the use of high quality detailing as required through the Design Code, and its successful integration of landscape and built form, it is considered that the development would not cause harm to the special qualities of the National Park, having regard to the site's existing context. The scale of development would be bold, but not harmfully so.

12.8 The Environmental Statement has demonstrated that the development's significant environmental effects can generally be effectively mitigated. Whilst a few effects would be difficult to mitigate, it is considered that the development's overall impacts on relevant receptors would be acceptable. A more detailed assessment of these various impacts would need to be made through the submission of applications for reserved matters.

12.9 Through the Appropriate Assessment, it has been possible to come to the conclusion that the proposed development would not harm the integrity of the New Forest and Solent European sites that have the potential to be significantly affected by the proposed development.

12.10 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development. It would meet economic objectives by providing appropriate new employment opportunities as part of a balanced new community; it would meet social objectives, by creating a safe, vibrant and healthy new community; and it would meet environmental objectives by securing a high quality built environment and by protecting and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 4, as well meeting other relevant local and national planning policy requirements. As such, it is considered appropriate to grant outline planning permission subject to a detailed Section 106 legal agreement, subject to an extensive list of conditions as described below, and subject to the National Park Authority also resolving to grant outline planning permission for their associated development.

12.11 *Conditions and Section 106 legal agreement*

12.11.1 Those matters that need to be secured through the Section 106 legal agreement include all of the following:

Affordable Housing

- There will be a requirement to secure 35% of the proposed dwellings as Affordable Housing in a policy compliant mix within the completed development, but with some flexibility applied to the earlier phases of development.

Education

- There will be a requirement for a decision to be made by the County Council on the need for a 2 FE Primary School (within the defined 'area of search') before the occupation of 500 dwellings.
- If the Primary School is deemed necessary, there will be a requirement that the school be built to an approved design, to be paid by the developer at a cost of £8,671,036.
- If the Primary School is not deemed necessary, there will be a requirement for the developer to pay a contribution to primary education provision elsewhere in

the vicinity at an agreed rate.

- There will be a requirement to secure provision of early years / nursery school provision within the overall development, capable of accommodating 138 places.

Transport

- There will be a requirement to secure off-site junction improvements to 8 existing junctions to the A326 / B3053 between Blackfield Road and the Dibden Roundabout in an appropriate phased manner.
- There will be a requirement to provide a new cycle route between the site and Holbury in an appropriate phased manner.
- There will be a requirement to secure a contribution of £4,514,358 towards improvements to a number of junctions along the A326 to the north of the Dibden Roundabout.
- There will be a requirement to secure a full travel plan and the costs of its monitoring.
- There will be a requirement to secure public transport provision in terms of bus services between the site and Southampton - hourly at first, but subsequently increasing to twice hourly.
- There will be a need to ensure that pedestrian crossing points of the B3053 are secured.

Community Uses

- There will be a requirement to provide a Community Centre of an agreed size before 200 dwellings are occupied.

Employment

- There will be a requirement to secure appropriate employment opportunities, including apprenticeships for a range of different sectors.
- There will be a requirement for employment floorspace to be delivered in an appropriate phased manner.

Public Open Space

- There will be a requirement to secure a policy compliant level of informal public open space within the development to an approved design and in an appropriate phased manner.
- There will be a requirement to secure a policy compliant level of children's playspace within the development to an approved design and in an appropriate phased manner.
- There will be a requirement to secure appropriate contributions to the provision of formal public open space off site.

SANGS/ANRG

- There will be a requirement to secure all of the areas of SANG that are proposed to be provided (amounting to 35.3 ha, taking account of discounted areas) in accordance with approved designs, and to secure permanent public access to these areas in an appropriate phased manner.
- There will be a requirement to set up agreed management standards, and if management standards are not adhered to to give the Local Planning Authority

step in rights, using funds within an ESCROW account set up by the developer.

Nature Park

- There will be a requirement to secure the 275ha Nature Park and the related works in an appropriate phased manner.
- There will be a requirement to deliver the physical mitigation works, including the Saline Lagoon and Tidal Creek.
- There will be a requirement to set up agreed management standards, and if management standards are not adhered to to give the Local Planning Authority step in rights, using funds within an ESCROW account set up by the developer.

Other Mitigation Contributions and Measures

- There will be a requirement to secure 75% of the Solent Recreation Mitigation Contribution.
- There will be a requirement to secure the New Forest Access and Visitor Management Contribution, the New Forest (recreational impact) Monitoring Contribution and the New Forest Air Quality Monitoring Contributions in full.
- There will be a requirement to secure the necessary warden resource (3 full time wardens and 1 full time apprentice warden, plus a seasonal warden).
- There will be a requirement to secure compliance with the Marine Management Plan.
- There will be a requirement to secure compliance with the Nature Park Management Plan.
- There will be a requirement to secure compliance with the Strategy for Reaching Nutrient Neutrality.

Flood Defences

- There will be a requirement to secure the implementation and future management of the flood defences.

Management of Assets

- There will be a requirement to secure an acceptable management structure to all of the assets to be secured through the Section 106 legal agreement, as well as ensuring that there are the necessary funds / funding structure to manage all of these assets in perpetuity.

12.11.3 It is to be noted some of the finer details of these obligations are still being discussed with the applicants, and would need to be resolved after this Committee.

12.11.3 Those matters that need to be secured through condition are set out in the detailed schedule of conditions below.

13 OTHER CONSIDERATIONS

Crime and Disorder

The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe, although more detailed designs would need to be agreed through the submission of applications for reserved matters.

Local Finance

If this development is granted permission, the Council will receive the New Homes Bonus amounting to £1,689,120 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £18,874,187.66p

Tables setting out all contributions are at the end of this report.

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14. RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the National Park Authority also resolving to approve their related application 19/00365;

- ii) the completion by of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in Section 12 of this report;
- iii) the imposition of the conditions set out below, and any additional / amended condition deemed necessary by the Chief Planning Officer as a result of continuing Section 106 discussions.

Proposed Conditions:

1. Condition 1 – Time Limit for Approval of Reserved Matters

The first application for the approval of reserved matters shall be made within a period of three years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 15 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Condition 2 – Time Limit for Commencement of Development

The development shall be begun not later than:

- a) Three years from the date of this permission in the case of the Primary Access Road;
- b) Two years from the final approval of the reserved matters that are relevant to any individual phase of the development in all other cases.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Condition 3 – Reserved Matters Details

No development within any phase of the development (other than the Primary Access Road) shall commence until details of the access arrangements within that phase of the development, the layout, scale and appearance of that phase, and the landscaping within that phase (herein referred to as the “reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development of that development phase shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Condition 4 – Parameter Plans

The reserved matters for each development phase shall fully accord with the

Development Parameter Plans comprising: Site Boundary & Ownership Boundary (1/01 rev A); Demolition / Retention (1/02 rev A); Indicative Character Areas (1/03 rev A); Green Infrastructure, Open Space and SANGs (1/04 rev A); Access and Movement (1/05 rev A); Land Use Ground Floor (1/06 rev A); Land Use First Floor and above (1/07 rev A); Proposed Development Plots and Ground Levels (1/08 rev A); Development Plots Northern Quarter (1A/08 rev A); Development Plots Heart of the Town (1B/08 rev A); Development Plots Southern Quarter (1C/08); Maximum Building Heights Plan (1/09 rev A); Maximum Building Heights Plan – Northern Quarter (1A/09 rev A); Maximum Building Heights Plan – Heart of the Town (1B/09 rev A); Maximum Building Heights Plan – Southern Quarter (1C/09 rev A); Underground Development (1/10 rev A); Existing and Proposed Trees (1/11 rev A).

Reason: To ensure high standards of Urban Design are achieved and maintained; to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context surrounded by the New Forest National Park.

5. Condition 5 – Design Code

The reserved matters for each development phase shall fully accord with the set of rules, instructions and detailed guidance that is applicable to that particular development phase, as set out within the Fawley Waterside Design Code Version 1 – April 2020.

Reason: To ensure high standards of Urban Design are achieved and maintained; to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context surrounded by the New Forest National Park.

6. Condition 6 – Primary Access Road – approval of landscaping

No development in connection with the Primary Access Road shall commence until the detailed landscaping proposals associated with that road, to include detailed tree planting information and a detailed management and maintenance specification, have been submitted to and approved in writing by the Local Planning Authority. The detailed landscaping proposals to be submitted for the Local Planning Authority's approval shall be in accordance with the Landscape Strategy and Access Design that forms part of the Fawley Waterside Design Code Version 1 – April 2020, and substantially in accordance with the following illustrative Fabrik landscape drawings: D2502_L150 rev 05, D25202_L151 rev 05, D2502_L152 rev 05, D25202_L153 rev 05, D2502_L154 rev 05, D2502_L155 rev 04, D2502_L156 rev 04, D2502-L158 rev 05, D2509-L159 rev 04, D2502-L160 rev 04, D2502-L161 rev 04, D2502 0401 rev P5, D2502 0402 rev P5.

Reason: To ensure that the Primary Access Road has a high design quality

and an integrated landscape setting, appropriate to the site's context adjacent to the New Forest National Park, and to ensure that the approved landscaping is secured in the long term.

7. Condition 7 – Primary Access Road – implementation and future maintenance of landscaping

The detailed landscaping proposals associated with the Primary Access Road shall be carried out in full no later than the first planting season following practical completion of the Primary Access Road. Furthermore, the detailed landscaping proposals associated with Access Road Phase 1 (as defined by Parameter Plan 1/12 rev A) shall be carried out no later than the first planting season following practical completion of this section of the Primary Access Road.

Any trees or plants which within a period of 25 years after planting are removed, die or become seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

The landscaping proposals associated with the Primary Access Road shall otherwise be managed for the lifetime of the development in accordance with the management and maintenance specification approved under Condition 6 of this planning permission.

Reason: To ensure that the Primary Access Road has a high design quality and an integrated landscape setting, appropriate to the site's context adjacent to the New Forest National Park.

8. Condition 8 – Land Raising

Before implementing each phase of development approved by this planning permission, no development shall commence until such time as a scheme for the proposed land raising has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include precise details of how the land will be raised, together with details of the source of the material to be used to raise levels and how such material will be transported to the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

This condition may be discharged on an individual development phase basis.

Reason: To ensure the environmental effects of land raising are appropriately minimised, and to reduce the risk of flooding to the proposed development and its future users.

9. **Condition 9 – Flood Risk Assessment**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 70018569-FRA&DS, dated 16th April 2019, titled Fawley Waterside Flood Risk Assessment and compiled by WSP) and the following mitigation measures it details:

- Finished ground levels shall be set no lower than outlined in Table 4.4 – Proposed Final Ground Levels.
- Finished floor levels shall be set no lower than outlined in Table 4.4 – Proposed Final Ground Levels where it states that property thresholds shall be raised, as a minimum, 0.3m higher than proposed ground levels and as stated in section 4.2.18.
- The proposed flood defences shall be built in accordance with Table 4.2 – Proposed Sea Defence, and shall contain sheet piling as stated in section 4.2.11.
- The proposed sea defences shall be constructed in their entirety prior to the phased residential/commercial occupation of the development as stated in section 4.2.6.

Following implementation, these mitigation measures shall be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the structural integrity of the proposed flood defences, thereby reducing the risk of flooding.

10. **Condition 10 – Outline Remediation Strategy**

Both prior to the commencement of development and during its construction, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, the approved Outline Remediation Strategy document ref. 70018569.RS.V3 must be fully adhered to at all times unless otherwise agreed through the submission and approval of individual reserved matters applications.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

11. **Condition 11 – Contamination: Investigation & Risk Assessment**

Upon submission of reserved matters application for each phase of development, a detailed investigation and risk assessment (based on

Updated Environmental Impact Assessment, WSP, April 2020, ref 70018569), in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

No development shall commence in respect of the individual development phases unless the detailed investigation and risk assessment for that development phase has been submitted to, and approved in writing by, the Local Planning Authority.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. **Condition 12 – Contamination: Detailed Remediation Scheme**

Upon submission of reserved matters application for each phase of development, a detailed remediation scheme to bring the land within each phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, in addition to any assessment provided with the planning application, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

No development shall commence in respect of the individual development phases unless the detailed remediation strategy for that development phase has been submitted to, and approved in writing by, the Local Planning Authority.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of soil and water pollution in line with paragraphs 170 and 178 of the NPPF.

13. **Condition 13 – Contamination: Verification**

With respect to each phase of development, any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of each phase of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out in respect of each development phase must be produced, and is subject to the approval in writing of the Local Planning Authority (unless otherwise already approved). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework.

14. Condition 14 – Contamination: Reporting of Unexpected Contamination

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken. Where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, which shall be the subject of approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15. Condition 15 – Piling

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling or deep foundation using penetrative methods, does not harm groundwater resources in line with paragraph 170 of the NPPF.

16. Condition 16 – Noise from Piling

No percussive piling (where it is agreed under condition 15) or works with heavy machinery - i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor- shall be undertaken during the bird overwintering period - i.e. 1st October to 31st March inclusive. (Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)).

Reason: To ensure the construction of the development does not give rise to a level of noise that would cause unacceptable disturbance to birds using the adjacent Solent and Southampton Water Special Protection Area.

17. Condition 17 – Construction Environmental Management Plan

No development (including the approved demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be retained and maintained throughout the construction phase. The CEMP shall consider the potential environmental impacts (including noise, vibration and air quality) that the construction stage may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include but not necessarily be restricted to:

- a. Monitoring of Noise and vibration, to include reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation, taking into account relevant guidance such as BS5228.
- b. Where it is necessary to undertake piling on the site, details shall be provided justifying the method of piling used to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- c. Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- d. Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- e. Use of fences and barriers to protect adjacent land, properties,

footpaths and highways.

- f. Details of parking and traffic management measures.
- g. Measures to control light spill and glare from any floodlighting and security lighting installed.
- h. A dust management plan that is site specific and has regard to the impact on human health and potential for dust soiling. The dust management plan shall take into account relevant guidance.
- i. Pest control.
- j. Details of storage and disposal of waste on site.
- k. Details of biosecurity.
- l. Cleaning and maintenance of tools and equipment.
- m. Additional details and measures to reduce concurrent construction activities.

Reason: To ensure that the environmental impacts of construction and satisfactorily minimised and mitigated.

18. Condition 18 Construction Environmental Management Plan Addendum

A Construction Environmental Management Plan (CEMP) Addendum shall be submitted to and approved by the Local Planning Authority before the commencement of each individual development phase. The CEMP Addendum shall set out any bespoke Management measures that are proposed in respect of that phase that have not already been agreed through the main CEMP. The CEMP addendum shall take into account any new relevant receptors on site and the approved measures shall be retained and maintained throughout the construction of that development phase.

Reason: To ensure that the environmental effects of each construction phase are satisfactorily minimised and mitigated.

19. Condition 19 – Noise Mitigation measures

Prior to the commencement of the development of each phase of residential development (except archaeological investigations, ground condition investigations and intrusive site surveys and other enabling works; site clearance; soil storage; remedial works in respect of any contamination or any other adverse ground conditions; erection of any temporary means of enclosure and land raising), a noise mitigation scheme shall be submitted to and approved by the Local Planning Authority. The scheme must demonstrate that internal and external noise levels for the residential accommodation will not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The approved scheme shall thereafter be implemented, maintained and retained for the lifetime of the development.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that residential properties within the new development have an acceptable noise environment.

20. **Condition 20 – Noise: Plant & Equipment**

Following the completion of the development, the Noise rating level (L_{A+Tf}) from plant and equipment from non-residential uses shall not exceed the existing background levels of 41dB LA90 between 07:00hrs and 23:00hrs, and 40dB LA90 between 23:00hrs and 07:00hrs in accordance with BS4142:2014+A1:2019.

Reason: To ensure that the noise from such plant and equipment does not adversely affect the amenities of future residents.

21. **Condition 21 – Boat Stack: noise control**

Use of the boat stack shall not commence until such time as a Noise Management Plan in respect of the use of this building has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include the expected impact of the equipment, identification of sensitive receptors and all proposed mitigation measures. The use of the boat stack shall be carried out in accordance with the Noise Management Plan at all times, and any required plant and equipment shall be installed, retained and maintained in accordance with the Noise Management Plan for the lifetime of the building.

Reason: To ensure the boat stack operates in a way that avoids adverse effects on the amenities of existing and future residents.

22. **Condition 22 - Lighting**

Prior to the erection of any external lighting on site (excluding lighting associated with the construction phase of the development), a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Set out details of all proposed operational external lighting;
- Include timings of lighting operation;
- Include a lighting plan showing locations and specifications of all proposed lighting;
- Adequately rate phases and areas of the development into appropriate Environmental Zones in accordance with Institute of Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020.
- Demonstrate that vertical illuminance into adjacent habitats has been minimised and avoided, and do not exceed the illuminance in the vertical plane at all windows of sensitive properties of the assigned environmental zone in accordance with table 3 of Institute of Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020.

The scheme shall be implemented as approved for the duration of the development.

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to the site's context surrounded by the New Forest National Park and adjacent to designated European sites.

23. Condition 23 – Construction Traffic Management Plan

No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety.

24. Condition 24 – Construction Traffic

Prior to the commencement of the development, full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted to the Local Planning Authority for its written approval. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

25. Condition 25 – B3053 crossings

No more than 410 dwellings shall be occupied within the development hereby approved unless pedestrian crossing points have first been provided on the B3053 to a specification that has been approved by the New Forest National Park Authority and Hampshire County Council, as set out in principle on drawing number 16031-MA-AC-XX-SK-C-0150-P01.

Reason: In the interest of highway safety and to meet the access needs of the Development

26. Condition 26 – Surface Water Drainage details

No above ground development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority for each phase of works.

Where there is any interaction of the drainage between phases, the full system must be assessed to ensure certainty of discharge arrangements for future phases. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by WSP and shall also include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed.
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Evidence that urban creep has been included within the calculations.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

27. Condition 27 – Surface Water Drainage: Maintenance

Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

This condition may be discharged on an individual development phase basis.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

28. Condition 28 – Archaeology: A Programme of Archaeological Work

No demolition / development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The

Scheme shall include an assessment of significance and research questions; and

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

This condition may be discharged on an individual development phase basis.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

29. **Condition 29 – Archaeology: Implementation of Written Scheme of Investigation**

No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 28.

Reason: To ensure the archaeological interest of the site is adequately investigated.

30. **Condition 30 – Archaeology: Completion and archive deposition**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 28 and the provision made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

31. **Condition 31 – Foul Drainage**

Construction of any development phase shall not commence until details of the proposed means of foul sewerage disposal for that phase of the development have been submitted to and approved in writing by the Local

Planning Authority.

This condition may be discharged on an individual development phase basis.

Reason: To ensure the foul drainage arrangements for the development are dealt with in an acceptable manner.

32. Condition 32 – Implementation of Stone Stream Wetland

No dwelling or other overnight sleeping accommodation shall be occupied unless the first phase of the Stone Stream Wetland, as described in the Fawley Waterside Strategy for Reaching Nutrient Neutrality – Version 3 dated 5th May 2020, by Jonathan Cox Associates, including its associated appendices, has been fully implemented. Thereafter, any dwelling or overnight sleeping accommodation shall only be first occupied if the nutrient load generated by such accommodation has first been fully mitigated in accordance with the mitigation measures and phasing programme set out in the Fawley Waterside Strategy for Reaching Nutrient Neutrality – Version 3 dated 5th May 2020, by Jonathan Cox Associates, including its associated appendices.

Reason: The avoidance of adverse effects on the Solent and Southampton Water European sites can only be assured if the applicant's Strategy for Reaching Nutrient Neutrality is delivered, a key component of which is the creation of a new 2 hectare wetland within the nearby Stone Stream Catchment.

33. Condition 33 - Dwelling Numbers & Development Mix

The development hereby permitted shall not exceed 1380 dwellings. The detailed designs for the approved development shall substantially accord with the following residential mix, or as otherwise may be agreed through the approval of applications for reserved matters:

1 bedroom Units:	319 Units
2 bedroom Units:	458 Units
3 bedroom Units:	335 Units
4 bedroom plus Units:	268 Units

In addition, with each reserved matters application, the mix of those residential units that have already been built or which have already been granted reserved matters approval shall be specified.

Reason: This is the basis on which the application and the required level of mitigation has been assessed. A material change to the residential mix would affect the level of mitigation that would be necessary to offset the development's impacts, which may not be achievable based on the details that have been submitted in support of the application. Monitoring and

Recording of the Development Mix is considered necessary to ensure an appropriate balance to the new community and to have certainty throughout all phases of the development that necessary mitigation measures are in place.

34. Condition 34 - Hotel

There shall be a maximum of 150 bedrooms within the hotel hereby approved.

Reason: This is the basis on which the application and the required level of mitigation has been assessed. A material increase in the number of bedrooms within the hotel would affect the level of mitigation that would be necessary to offset the development's impacts, which may not be achievable based on the details that have been submitted in support of the application. In addition, the hotel should be of a size appropriate to the size of the new community in which it would be sited.

35. Condition 35 – B2 Use Class Restrictions

No building falling within Use Class B2 of the Town and Country Planning (Use Classes) Order shall be occupied unless a detailed schedule of measures for minimising noise and odour impacts in association the use of that building and its curtilage have first been submitted to and approved in writing by the Local Planning Authority. The building and its external curtilage shall only be occupied if the approved noise and odour measures have been implemented, and the approved measures shall thereafter be maintained and retained for the lifetime of the approved B2 General Industrial use.

Reason: Policy Strategic Site 4 of the New Forest District Local Plan Review 2016-2036 Part 1 requires that B2 uses within the development should have a low environmental impact. Permitting unrestricted B2 occupancy would fail to ensure that the development does have the low environmental impact that is considered an essential requirement in this sensitive context, adjacent to the New Forest National Park.

36. Condition 36 – Open Storage Restrictions

No open storage shall take place on the site in association with the non-residential uses hereby approved, other than marine / boat related storage, which shall be restricted to the Marine Refit Yard as illustrated on Page 52 of the Fawley Waterside Design Code Version 1 – April 2020.

Reason: Open storage uses (other than those related to the marine refit yard) would have a harmful visual impact that would detract significantly from the scheme's overall design quality.

37. Condition 37 – B8 Use Class Restrictions

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, no more than 6500 square metres of floorspace within Use Class B8 (not including the floorspace within the boat stack) shall be provided within the development hereby approved. In addition, notwithstanding the same aforementioned provisions, no building within the development shall subsequently be changed to a use falling within Use Class B8 unless planning permission for that use has first been granted.

Reason: Whilst a limited amount of employment space within Use Class B8 would be justified, the provision of a significant quantum of such floorspace as a proportion of overall employment space would result in a development that would not deliver the economic and environmental benefits of a sustainable community.

38. Condition 38 – Boat Stack Use

The boat stack hereby approved shall not be used for any purpose other than as a dry stack marina for boats, and associated ancillary car parking at ground level only within the building, unless express planning permission has first been granted for any alternative use of this building.

Reason: The boat stack is a large building within the Heart of the Town that is designed to perform a specific function within the new community. The Local Planning Authority would wish to consider any alternative use of this building to ensure that it would complement the adjacent areas of development and avoid adverse impacts on residential amenities.

39. Condition 39 – Retail Floorspace: Convenience Goods

Prior to the completion of 1000 dwellings, the amount of convenience goods retail floorspace within the development hereby approved shall be restricted to a maximum of 1300 square metres gross floorspace, with the main retail foodstore within the development having a maximum floorspace of 1000 square metres gross.

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary that the quantum of retail floorspace selling convenience goods comes forward in an appropriate phased manner.

40. Condition 40 – Retail Floorspace: Comparison Goods

The amount of comparison goods retail floorspace within the final completed development shall be no greater than 750 square metres gross (excluding ancillary sales in the main retail foodstore).

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary that the quantum of retail floorspace selling comparison goods is restricted to the level proposed within the Fawley Waterside Supplementary Town Centre Uses Report.

41. Condition 41 – Food and Drink Uses

Prior to the completion of 700 dwellings, the amount of food and beverage floorspace (Use Classes A3 and A4) within the development shall not exceed 1000 square metres gross. In addition, the amount of such floorspace within the final completed development shall be no greater than 2000 square metres.

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary that food and drink uses come forward in an appropriate phased manner, and it is also considered necessary to restrict the total amount of floorspace in such uses.

42. Condition 42 – Demolition Requirements

No residential or commercial building shall be constructed or occupied pursuant to this planning permission unless all existing power station structures have been demolished, those structures comprising:

- a) All powers station buildings and structures that were proposed to be demolished pursuant to Demolition Prior Notification Applications 19/10131 and 18/11048.
- b) All buildings shown to be demolished on the Demolition Parameter Plan (1/02 rev A), except for the Gate House which shall be demolished before the Primary Access Road has been completed.

Reason: The demolition of all existing power station buildings is considered to be essential if the development is to have an acceptable visual and landscape impact on the New Forest National Park.

43. Condition 43 – Restrictions of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order), no extension or alterations otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure that the development's high quality design is secured for

the lifetime of the development, and to ensure that the development is not subsequently modified in a way that would be harmful to the special qualities of the New Forest National Park.

44. Condition 44 - BREEAM requirements

Before any commercial building with a gross internal area of 250-999 square metres is first occupied (or within an alternative timeframe that has first been agreed in writing by the Local Planning Authority), written documentary evidence demonstrating that any such building achieves a Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard in the water consumption criteria element shall be submitted to the Local Planning Authority for its written approval. Furthermore, before any building with a gross internal area of 1000 square metres or more is first occupied (or within an alternative timeframe that has been agreed in writing by the Local Planning Authority), written documentary evidence demonstrating that any such building achieves a Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard overall shall be submitted to the Local Planning Authority for its written approval. In all cases, the evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason: In the interests of resource use and energy consumption in accordance with policy IMPL2 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy

45. Condition 45 – Sustainability requirements

For each reserved matters application where new buildings are proposed, the development shall be accompanied by a sustainability statement setting out what measures will be incorporated into that part of the development to achieve a sustainable design, with particular reference to the Fawley Waterside Design Code Version 1 – April 2020 (in particular Pages 10-13 and Section 8 of the Code). The approved details shall be implemented in full for each building prior to the occupation of that building.

Reason: In the interests of achieving a sustainable form of construction, in accordance with local and national planning policies.

46. Condition 46 – Air Quality Assessment

In respect of each reserved matters application where buildings or car parking spaces are proposed, an air quality assessment shall be submitted to assess the impact of any proposed emission sources on the development site on local air quality. This shall include, but is not limited to, underground car parks, industrial premises, commercial premises, shipping sources and power generation plants. The air quality assessment shall be undertaken in accordance with current guidance, include cumulative impacts and appropriate mitigation schemes. Any mitigation scheme shall be the subject of agreement with the Local Planning Authority and shall be retained and maintained for the lifetime of the development.

Reason: To ensure that the development does not result in adverse effects on local air quality and to safeguard the amenities of existing and future residents.

47. **Condition 47 - Electric Vehicle Charging Points**

For each reserved matters application where buildings or car parking spaces are proposed, a scheme for the provision of facilities to enable the charging of electric vehicles to serve that part of the development shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and the charge points shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure that opportunities for the provision of electrical charging points are maximised in line with policy expectations.

48. **Condition 48 – Tree Protection**

The existing trees within the development site, which are shown as to be retained, shall be protected during building operations in full accordance with the management practices and protection measures set out in the WSP Detailed Arboricultural Report – Ref: 70018569_AIA_V2 – dated February 2020.

Reason: To ensure that trees that are valuable to the amenities of the area and which will be important to the setting of the development are adequately protected during the construction of the development.

49. **Condition 49 – Travel Plan**

Before any part of the development is first occupied, a Full Travel Plan based on the principles set out in the Markides Associates (Framework) Community Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Development shall only be implemented and occupied in accordance with the approved Full Travel Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

50. **Condition 50 – Phasing: General Scheme Phasing**

No development shall commence in respect of any individual phase within phases 2-8 of the development, as shown on the Indicative Phasing Plan (1/12 rev A), unless development has already commenced in respect of all

of the preceding development phases.

Reason: To ensure that the development is provided in an appropriate and comprehensive phased manner.

51. Condition 51 – Phasing: The canal and extended dock

The proposed canal and extended dock (shown as Phase 1 works on the Indicative phasing Plan – 01/12 rev A and as defined by the Fawley Waterside Design Code – Version 1 – April 2020) shall be provided in their entirety before any building hereby approved is first occupied, in accordance with detailed designs that have been approved through an application for reserved matters.

Reason: The canal and extended dock are essential components of the high quality design that is proposed, and it is important that the sense of place that will be created through these features is secured at the outset.

52. Condition 52 – Phasing: The Primary Access Road

All of the Southern section of The Primary Access Road (highlighted as Access Road Phase 1 on Indicative Phasing Plan 1/12 rev A) shall be provided before the occupation of any dwelling. The remaining sections of The Primary Access Road shall be provided in full before the occupation of 405 dwellings.

Reason: To ensure that the Primary Access Road is delivered in an appropriate timescale to meet the needs of the development.

53. Condition 53 – Phasing: The Urban Forest

The landscaping to the Urban Forest (as defined by parameter plan 1/03 rev A) shall be implemented in full before 800 dwellings within the development have been occupied, in accordance with detailed landscape designs that have been approved through an application for reserved matters, which shall be in line with the Landscape Strategy that forms Section 5 of the Fawley Waterside Design Code – Version 1 – April 2020.

Reason: The Urban Forest is an essential component of the high quality design that is proposed, providing an important buffer between the Northern Quarter and the Heart of the Town. It is important that the benefits of the Urban Forest are secured as soon as possible once the existing temporary uses on the site cease.

54. Condition 54 - Car & Cycle Parking

For each reserved matters application, details of the car and cycle parking that is to be provided in association with that phase of development shall be submitted to the Local Planning Authority for its written approval. The

approved development on that phase shall not be occupied or made available for public use until the approved car and cycle parking arrangements within that phase have been provided in accordance with the approved plans.

Reason: To ensure that appropriate levels of car and cycle parking are delivered in association with the development.

55. Condition 55 – Northern Quarter – architectural gateway

The proposed architectural gateway to the Northern Quarter, as set out in Section 2 of the Fawley Waterside Design Code – Version 1 – April 2020, shall be provided before the occupation of 10,000 square metres of employment floorspace within the Northern Quarter (as defined by parameter plan 1/03 rev A), in accordance with a detailed design that has been approved through an application for reserved matters.

Reason: The architectural gateway is an essential component of the high quality design that is proposed, and it is important that the sense of place and legibility that will be created through this feature is secured.

56. Condition 56 - Restrictions on future Changes of Use to residential

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, no non-residential building / floorspace hereby approved shall subsequently be converted to residential use unless express planning permission has first been granted.

Reason: In view of the significant amount of non-residential floorspace that is proposed, and the potential for relatively small increases in the number of residential uses to have a significant impact on the adjacent and nearby designated European sites through recreational disturbance, it is considered essential to be able to consider the impacts of any such additional residential development, which would only be acceptable if its impacts are appropriately mitigated.

57. Condition 57 – Tree Planting to Southern Edge of Southern Quarter

The proposed tree planting to the Southern Edge of the Southern Quarter, as illustrated in Section 5 of the Fawley Waterside Design Code Version 1 – April 2020, which will need to be the subject of detailed approval with the New Forest National Park Authority, shall have been implemented in full in accordance with the approved details before any dwelling within the development is hereby occupied.

Reason: This landscaping is essential to ensuring that the new development will have an appropriate landscape setting, an acceptable

interface with the New Forest National Park, and to ensure that the impact on the setting of nearby heritage assets is minimised.

58. Condition 58 – Nitrates: Water Efficiency

No dwelling hereby approved nor the hotel shall be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the dwelling / hotel, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter.

This condition may be discharged on an individual development phase basis.

Reason: There is existing evidence of high levels of nitrogen in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

59. Condition 59 – Nitrates: Nutrient Neutrality

The development shall be carried out in full accordance with the mitigation package addressing the additional nutrient input arising from the development as detailed in the Fawley Waterside Strategy for Reaching Nutrient Neutrality (Jonathan Cox Associates Version 3 – 5th May 2020). In addition, before the commencement of Phase 2 of the development (Parameter Plan 1/12 rev a), a more detailed programme / timetable for implementing, monitoring and recording the mitigation shall be submitted to and approved in writing by the Local Planning Authority, and the agreed programme shall thereafter be adhered to at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the

60. Condition 60 - Ecological Measures

In respect of each reserved matters application, a scheme for delivering biodiversity enhancements in association with that phase of the development shall be submitted to the Local Planning Authority for its written approval. Where new buildings are proposed, the proposed biodiversity enhancement measures shall detail any provision of bat and bird boxes that are to be incorporated into the development in line with the Fawley Waterside Design Code Version 1 – April 2020. Development shall thereafter only be implemented in accordance with the approved details.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered.

61. Condition 61 - Landscape & Ecological Management Establishment Plan

For each reserved matters application, a Landscape and Ecological Management Establishment Plan shall be submitted, comprising a detailed specification for how the landscape and ecological features within that phase of the development are to be maintained and managed, having regard to the principles set out within the Landscape Strategy of the Fawley Waterside Design Code Volume 1 – April 2020 and the principles set out in drawing number L-330 (Ecological Mitigation Plan). The landscape and ecological features shall thereafter be maintained and managed in full accordance with the approved specification / Plan for the lifetime of the development.

Reason: To ensure that the landscape and ecological assets within the development are maintained and managed in a way that will secure long term benefits.

62. Condition 62 – Net Biodiversity Gain

Before development commences, a detailed programme for implementing, monitoring and recording Net Biodiversity gain within the application site and other adjacent land that is within the applicant's control shall be submitted to and approved in writing by the Local Planning Authority. The detailed programme must be able to demonstrate how a minimum net 10% increase in biodiversity will be achieved through the different phases of development, and it must include appropriate remedial measures should monitoring and recording show that a minimum 10% increase in biodiversity has not been achieved. Before the occupation of 1350 dwellings, a Report demonstrating that a minimum 10% increase in Biodiversity has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: It is essential that the development delivers a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the

63. Condition 63 - Crime Prevention

For each reserved matters application where new buildings or areas of public realm are proposed, details of the measures that will be incorporated into that part of the development to minimise the risk of crime in accordance with Secured by Design principles shall be submitted to the Local Planning Authority for its written approval. Thereafter, development shall only be implemented fully in accordance with the approved details.

Reason: In the interests of reducing crime and disorder in accordance with local and national planning policy.

64. Condition 64 - Telecommunications

For each reserved matters application where occupiable buildings are proposed, details of a technology and communication strategy for the provision of high speed fibre broadband, fibre optic and audio visual technology shall be submitted to the Local Planning Authority for its written approval. Thereafter, the approved infrastructure must be provided for use prior to first occupation of each occupiable building within the development and retained thereafter.

Reason: To improve the opportunities to work from home and to reduce the proliferation of masts, aerials and wiring on flatted and commercial blocks, in the interests of visual amenity.

65. Condition 65 - Equipment to Commercial / Food and Drink Premises

Any reserved matters application which seeks approval for new commercial and / or food premises must be submitted with full details of arrangements for air handling, odour control (including all ducts and flues) and the necessary noise control measures. The works detailed in an approved scheme shall be installed in their entirety before the uses that are the subject of this condition are first occupied. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.

Reason In the interest of residential amenity.

66. Condition 66 - Commercial Premises: Opening and Delivery Hours

Any reserved matters application which seeks approval for new commercial and/or food premises must be submitted with full details of the proposed opening hours, including delivery hours. Opening and delivery hours shall be agreed in writing with the Local Planning Authority before the use commences, and the uses shall thereafter only be occupied in accordance with the approved details.

Reason In the interests of residential amenity.

67. **Condition 67 - Waste Collection Strategy**

All applications for the approval of reserved matters relating to occupiable buildings shall be accompanied by a waste collection strategy in relation to the relevant phase. The development shall be carried out and thereafter maintained in full accordance with the approved details.

Reason: To ensure a satisfactory form of development.

68. **Condition 68 - No burning of materials**

No materials obtained from site clearance or from the construction of the development shall be burnt on site.

Reason To ensure that the construction period does not have a detrimental impact on the environment.

69. **Condition 69 - Approved Plans**

The development permitted shall be carried out in accordance with the following approved plans and particulars:

Parameter Plans

1/01 rev A – Application Site boundary and ownership boundary
1/02 rev A – Demolition and Retention
1/03 rev A – Character Areas
1/04 rev A – Green Infrastructure, open space and SANGs
1/05 rev A – Access and Movement
1/06 rev A – Land Use Ground Floor
1/07 rev A – Land Use first floor and above
1/08 rev A – Proposed development plots and ground levels
1A/08 rev A – Proposed development plots Northern Quarter
1B/08 rev A – Proposed development plots Heart of Town
1C/08 rev A – Proposed development plots Southern Quarter
1/09 rev A – Maximum Building Heights Plan
1A/09 rev A – Maximum Building Heights Plan Northern Quarter
1B/09 rev A – Maximum Building Heights Plan Heart of Town
1C/09 rev A – Maximum Building Heights Plan Southern Quarter
1/10 rev A – Underground Development
1/11 rev A – Existing and Proposed Trees

Means of Access Plans

16031-MA-AC-XX-SK-C-0001 – Location Plan rev P02
16031-MA-AC-XX-SK-C-0002 – Highway Land Plan P02
16031-MA-AC-XX-SK-C-0100 – General Arrangement Plan 1 of 7 rev P03
16031-MA-AC-XX-SK-C-0101 - General Arrangement Plan 2 of 7 rev P03
16031-MA-AC-XX-SK-C-0102 - General Arrangement Plan 3 of 7 rev P03
16031-MA-AC-XX-SK-C-0103 - General Arrangement Plan 4 of 7 rev P03
16031-MA-AC-XX-SK-C-0104 - General Arrangement Plan 5 of 7 rev P03

16031-MA-AC-XX-SK-C-0105 - General Arrangement Plan 6 of 7 rev P03
16031-MA-AC-XX-SK-C-0106 - General Arrangement Plan 7 of 7 rev P03
16031-MA-AC-XX-SK-C – Swept Path Analysis Northern Access Junction
Rev P02
16031-MA-AC-XX-SK-C-0111 - Swept Path Analysis Northern Quarter
Access Autotrack Analysis Rev P02
16031-MA-AC-XX-SK-C-0112 - Swept Path Analysis Northern Quarter
Access (2-way flow) Rev P02
16031-MA-AC-XX-SK-C-0113 - Swept Path Analysis Western Road Halfway
Road Rev P02
16031-MA-AC-XX-SK-C-0114 - Swept Path Analysis Car Park 1 & 2 (Sheet
1 of 2) Rev P02
16031-MA-AC-XX-SK-C-0115 - Swept Path Analysis Car Park 1 & 2 (Sheet
2 of 2) Rev P02
16031-MA-AC-XX-SK-C-0116 - Swept Path Analysis Service Access,
Surface Car Park & Southern Quarter (Sheet 1 of 2) rev P02
16031-MA-AC-XX-SK-C-0117 - Swept Path Analysis Service Access,
Surface Car Park & Southern Quarter (Sheet 2 of 2) rev P02
16031-MA-AC-XX-SK-C-0118 - Swept Path Analysis Southern Quarter
Access rev P02
16031-MA-AC-XX-SK-C-0119 - Swept Path Analysis Service Access 16.5m
Articulated Vehicle rev P02
16031-MA-AC-XX-SK-C-0150 – B3053 South Indicative Traffic Calming
Locations rev P01
16031-MA-AC-XX-SK-C-0500 – Drainage Strategy 1 of 7 rev P02
16031-MA-AC-XX-SK-C-0501 - Drainage Strategy 2 of 7 rev P02
16031-MA-AC-XX-SK-C-0502 - Drainage Strategy 3 of 7 rev P02
16031-MA-AC-XX-SK-C-0503 - Drainage Strategy 4 of 7 rev P02
16031-MA-AC-XX-SK-C-0504 - Drainage Strategy 5 of 7 rev P02
16031-MA-AC-XX-SK-C-0505 - Drainage Strategy 6 of 7 rev P02
16031-MA-AC-XX-SK-C-0506 - Drainage Strategy 7 of 7 rev P02
16031-MA-AC-XX-SK-C-0600 – Earthworks rev P02
16031-MA-AC-XX-SK-C-2600 – Highway Longsections 1 of 3 P02
16031-MA-AC-XX-SK-C-2601 - Highway Longsections 2 of 3 P02
16031-MA-AC-XX-SK-C-2602 - Highway Longsections 3 of 3 P02
16031-MA-AC-XX-SK-C-2610 – Typical Cross Sections 1 of 3 P02
16031-MA-AC-XX-SK-C-2611 - Typical Cross Sections 2 of 3 P02
16031-MA-AC-XX-SK-C-2612 - Typical Cross Sections 3 of 3 P02
16031-MA-AC-XX-SK-C-4050 – Proposed Materials Location Plan P02
16031-MA-AC-XX-SK-C-4051 – Proposed Materials Construction Details (1
of 2) rev P02
16031-MA-AC-XX-SK-C-4052 - Proposed Materials Construction Details (2
of 2) rev P02

Application Documents

Revised Development Specification (Deloitte - May 2020)
Fawley Waterside Design Code Version 1 – April 2020 (Ben Pentreath)

Definitions:

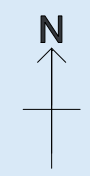
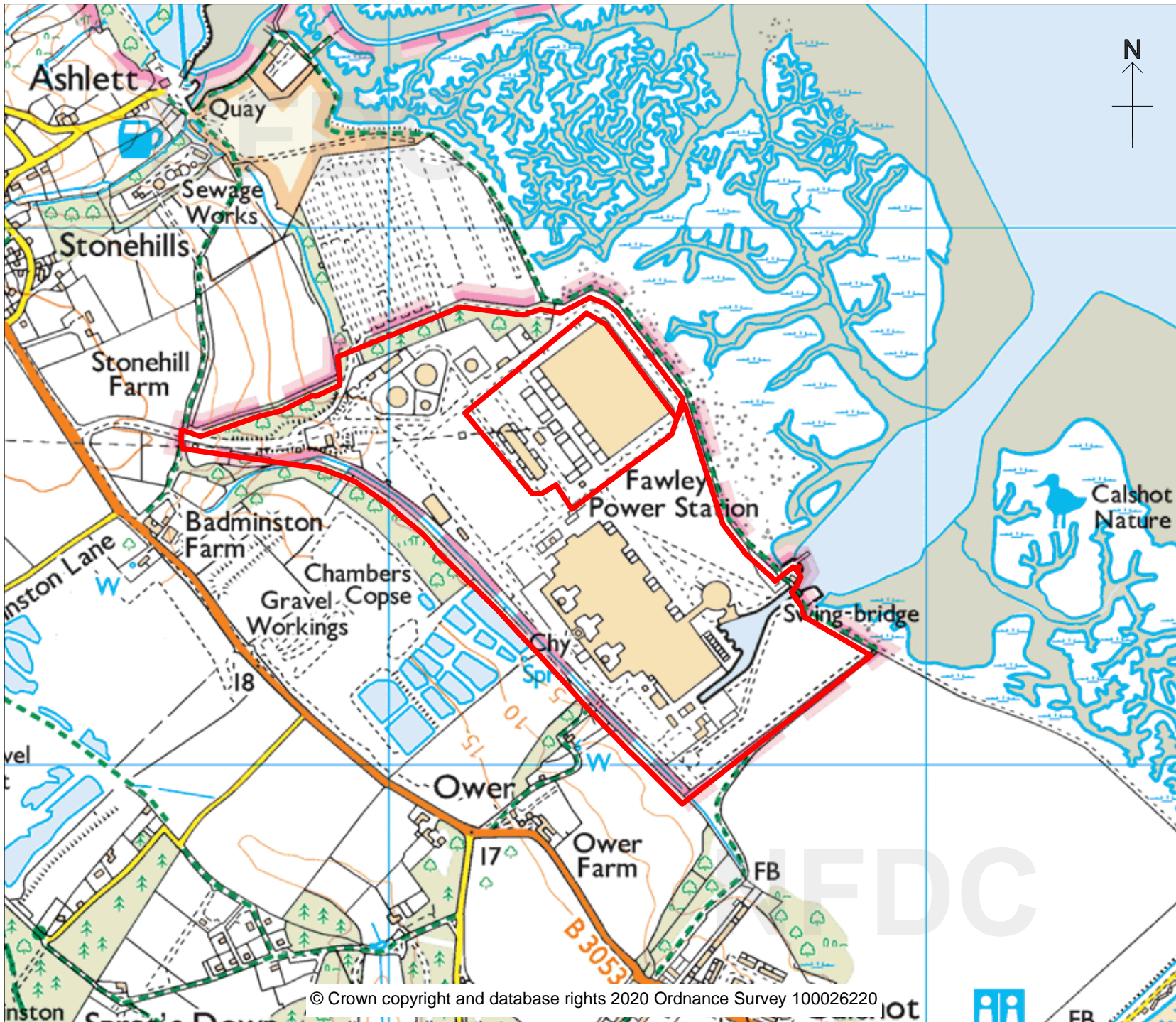
For the purposes of the above conditions, the word 'phase' should be taken as relating to any individual reserved matters application, except where explicit reference is made to Parameter Plan 1/12 rev A where the word 'phase' should be taken as relating to the specific phases of development

shown on that plan.

Further Information:

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PLANNING COMMITTEE

27 July 2020

Site of Fawley Power Station
 Fawley Road
 Fawley SO45 1TW
 19/10581

Scale 1:10000

N.B. If printing this plan from the internet, it will not be to scale.

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**New Forest District Council and New
Forest National Park Authority**

**Habitats Regulations
Assessment
Fawley Waterside
(19/00365)**

Final report
LUC
July 2020

New Forest District Council and New Forest National Park Authority

Habitats Regulations Assessment
Fawley Waterside (19/00365)

Project Number
 10788

Version	Status	Prepared	Checked	Approved	Date
1.	Draft Report	Katie Luxmoore	David Green	David Green	09.07.2020
2.	Version 2	Katie Luxmoore	David Green	David Green	16.07.2020

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Chapter 1

Introduction

1.1 LUC has been commissioned by New Forest District Council (NFDC) and New Forest National Park Authority (NFNPA) ('the Councils') to carry out a Habitats Regulations Assessment (HRA) of Fawley Waterside (planning application numbers: 19/00365 and 19/10581). This report presents the methodology and findings of the HRA.

The development project

1.2 The project involves the development of Fawley Waterside, a new community on the site of the former Fawley Power Station. Full details of the proposed development are provided within the Revised Development Specification (Deloitte, May 2020)¹ and in the Information for Appropriate Assessment of Proposed Development, Fawley Waterside Ltd, Fawley, Hampshire (5th May 2020)² referred to in this report as the "Shadow HRA".

1.3 The project involves the submission of two outline planning applications with all matters reserved apart from the means of access to the site and primary access through the site:

- **Application 1 (submitted to NFDC):** Land within the New Forest District Council comprising the demolition of ancillary power station buildings and provision of 1,380 new homes, 95,300 square metres of new commercial, civic and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, C3, D1 and D2), enlargement of the dock and creation of a canal within part of the turbine hall basement, refurbishment of the remainder of the turbine hall basement to create up to 2,100 space car park, surface car parking, a boat stack, public open space, Suitable Alternative Natural Greenspace, primary access road through the site, flood defences / sea wall, raising site level, hard and soft landscaping, associated infrastructure and engineering works.
- **Application 2 (submitted to the New Forest National Park Authority (NFNPA)):** Land within the New Forest National Park Authority comprising the removal of structures on the quarry site and provision of 120 new homes, 1000 square metres of new civic space including provision for Early Years Learning (Use Class D1), 200

¹ Revised Development Specification: Fawley Waterside (May 2020) Deloitte Real Estate.

² Information for Appropriate Assessment of Proposed Development, Fawley Waterside Ltd, Fawley, Hampshire. Version 12 (5th May 2020). Jonathan Cox Associates Ecological Consultancy

square metres of drinking establishments (Use Class A4), a two form entry primary school, early years provision, flood defences / sea wall, public open space and habitat enhancement of existing land, hard and soft landscaping, Suitable Alternative Natural Greenspace, a saline lagoon, tidal creek, reconfiguration of the existing access and creation of a new access from the B3053 and access road through the site, associated infrastructure and engineering works.

1.4 The two planning applications involve considerable overlap and are therefore being considered together as one development project. The two subsequent planning permissions would be linked and implemented as one project under a single Section 106 agreement. For the purposes of clarity and consistency, this HRA report also considers the two applications together and assesses the wider development as a whole, hereafter referred to as the “development project”.

The requirement to undertake HRA

1.5 The requirement to undertake HRA of development projects was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007³; the currently applicable version of the Habitats Regulations came into force in November 2017⁴. When determining a planning application for a development project with potential to affect European sites, the Councils are therefore required by law to carry out an HRA, although consultants can undertake the HRA on its behalf. The requirement for authorities to comply with the Habitats Regulations when determining a planning application is also noted in the Government’s online planning practice guidance.

1.6 HRA refers to the assessment of the potential effects of a development project on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SACs are designated under the European Habitats Directive and target particular habitat types (Annex 1) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level.

- SPAs are classified in accordance with Article 4(1) of the European Union Birds Directive⁵ for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I.

1.7 Potential SPAs (pSPAs)⁶, candidate SACs (cSACs)⁷, Sites of Community Importance (SCIs)⁸ and Ramsar sites should also be included in the assessment.

- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

1.8 For ease of reference during HRA, these designations can be collectively referred to as European sites⁹ despite Ramsar designations being at the international level.

1.9 The overall purpose of this HRA is to conclude whether or not the project would adversely affect the integrity of the European site in question either alone or in combination with other plans and projects. This is judged in terms of the implications of the development project for the ‘qualifying features’ for which the European site was designated, i.e.:

- SACs – Annex I habitat types and Annex II species¹⁰;
- SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I¹¹;
- Ramsar sites – the reasons for listing the site under the Convention¹².

1.10 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

Stages of HRA

1.11 The HRA of development projects is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

1.12 The HRA should be undertaken by the ‘competent authority’, in this case NFDC and NFNPA, and LUC has been commissioned to do this on the Council’s behalf. The HRA

³ The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London.

⁴ The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, TSO (The Stationery Office), London.

⁵ Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the codified version of Council Directive 79/409/EEC, as amended).

⁶ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the GOV.UK website.

⁷ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC’s SAC list.

⁸ SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the UK Government.

⁹ The term ‘Natura 2000 sites’ can also be used interchangeably with ‘European sites’ in the context of HRA, although the latter term is used throughout this report.

¹⁰ As listed in the site’s citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

¹¹ As identified in sections 3.1, 3.2 and 4.2 of the SPA’s standard data form on the JNCC website; at sites where there remain differences between species listed in the 2001 SPA Review and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

¹² As set out in section 14 of the relevant ‘Information Sheet on Ramsar Wetlands’ available on the JNCC website.

also requires close working with Natural England as the statutory nature conservation body¹³ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities. As described under 'Previous HRA work' below, consultation has also been undertaken with New Forest National Park Authority (NPA) and the RSPB.

Requirements of the Habitats Regulations

1.13 In assessing the effects of a development project in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:

1.14 Step 1: Under Reg. 105(1)(b), consider whether the project is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.

1.15 Step 2: Under Reg. 105(1)(a) consider whether the project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.

1.16 [Steps 1 and 2 are undertaken as part of Stage 1: HRA screening in Table 1.1.]

1.17 Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.

1.18 [This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1.]

1.19 Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use only after having ascertained that the project would not adversely affect the integrity of a European site.

1.20 Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI).

Typical stages

1.21 Table 1.1 summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA, based on various guidance documents¹⁴¹⁵¹⁶.

Table 1.1: Stages of HRA

Stage	Task	Outcome
Stage 1: HRA screening	Description of the development project. Identification of potentially affected European sites and factors contributing to their integrity. Review of other plans and projects. Assessment of likely significant effects of the development project alone or in combination with other plans and projects.	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development project and European Sites). Impact prediction. Evaluation of development project impacts in view of conservation objectives.	Appropriate assessment report describing the project, European site baseline conditions, the adverse effects of the project on the European site, how these effects will be avoided or adequately mitigated,

¹³ Regulation 5 of the Habitats Regulations 2017.

¹⁴ European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹⁵ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment

¹⁶ RSPB (2007) The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it.

Stage	Task	Outcome
	Where impacts are considered to affect qualifying features, identify how these can be avoided or adequately mitigated.	including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.22 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through sensitive design or through mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a project. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.

Previous HRA work

1.23 A number of documents and supporting information have been provided to help inform this HRA and should be read in conjunction with the assessment conclusions provided herein. The key sources of information include:

- Information for Appropriate Assessment of Proposed Development, Fawley Waterside Ltd, Fawley, Hampshire. Version 12 (5th May 2020). Jonathan Cox Associates Ecological Consultancy. Referred to in this report as the "Shadow HRA".
- Fawley Nature Park Management Plan. Version 2 (30th April 2020) Jonathan Cox Associates Ecological Consultancy.
- Tom Tiddlers Ground SINC Habitat Compensation & Improvement Plan. Version 4 (28th April 2020). Jonathan Cox Associates Ecological Consultancy.
- An initial round of consultation responses from the NFDC, Natural England, the Environment Agency and the RSPB, provided in 2019.
- A final round of consultation responses from the NFDC, Natural England, the Environment Agency and the RSPB, provided in 2020.
- Various meetings and email correspondence.

1.24 The assessment has also been informed by a site walkover undertaken on 21st August 2019, attended by LUC Associate Director of Ecology David Green, together with Jonathan Cox (Jonathan Cox Associates), Ian Barker (New Forest District Council), Natalie Walter (New Forest National Park Authority), Ian Rayner (New Forest District Council), Dr Richard Black (RSPB) and John Stobart (Natural England).

1.25 The to inform the appropriate assessment conclusions, the consultation responses from key stakeholders and statutory consultees were collated into a review matrix which is provided in **Appendix A**.

Structure of the HRA report

This chapter has introduced the project and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2 sets out the approach used and specific tasks undertaken during the HRA;
- Chapter 3 describes the findings of the screening stage of the HRA;
- Chapter 4 describes the assumptions made and assessment findings for the Appropriate Assessment stage of the HRA;
- Chapter 5 summarises the assessment conclusions of the HRA of the proposed Fawley Waterside project.

Chapter 2

HRA Methodology

2.1 HRA of the Fawley Waterside project has been undertaken in line with current available guidance, good practice and case law and seeks to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the HRA are described below.

Identification of European sites which may be affected

2.2 A buffer distance of 10 km around the proposed development site boundary was applied as a starting point to identifying the European sites to be included in the HRA. The list of sites was then refined by considering whether any more distant European sites are functionally linked to the proposed development site and whether any of those within 10 km could be scoped out because of an absence of pathways by which effects on the integrity of European sites from development might occur.

2.3 The final list of European sites that have been considered in the HRA of the Local Plan Part 1 is as follows:

- Solent and Southampton Water Special Protection Area (SPA);
- Solent and Southampton Water Ramsar;
- Solent Maritime Special Area of Conservation (SAC);
- New Forest SPA;
- New Forest Ramsar Site;
- New Forest SAC;
- Solent and Dorset Coast SPA; and
- River Itchen SAC.

2.4 The designated features and conservation objectives of the European sites, together with current pressures on and potential threats to these are described in **Appendix B**. This information was drawn from the Standard Data Forms for SACs and SPAs and the Information Sheets for Ramsar Wetlands published on the JNCC website¹⁷, Natural England's Site Improvement Plans¹⁸, conservation objectives (only available for SACs and SPAs) published on the Natural

¹⁷ www.jncc.defra.gov.uk

¹⁸ <http://publications.naturalengland.org.uk/category/5458594975711232>

England website¹⁹, and consultation information for potential marine SPAs published by Defra²⁰.

Approach to HRA screening

2.5 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017²¹ an assessment was made of the 'likely significant effects' of the development project in the absence of specific mitigation and avoidance measures. A risk-based approach involving the application of the precautionary principle was adopted in the screening assessment, such that a conclusion of 'no significant effect' was only reached where it was considered very unlikely, based on current knowledge and the information available, that a policy or site allocation would have a significant effect on the integrity of a European site.

Interpretation of 'likely significant effect'

2.6 Relevant case law helps to interpret when effects should be considered as a 'likely significant effect', when carrying out HRA of a development project.

2.7 In the Waddenzee case²², the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (transposed by Reg. 102 in the Habitats Regulations), including that:

- an effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44);
- an effect should be considered 'significant', "if it undermines the conservation objectives" (para 48); and
- where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

2.8 Another opinion delivered to the Court of Justice of the European Union²³ commented that:

"The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article

6(3), activities on or near the site would risk being impossible by reason of legislative overkill."

2.9 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimis; referring to such cases as those "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

Screening assessment

2.10 A screening assessment was undertaken to identify which components of the development project have the potential to have likely significant effects on European sites, either alone or in combination with other plans or projects. The results of the screening assessment are summarised in Chapter 3. Where likely significant effects could not be ruled out for a component of the development project, the component was subject to Appropriate Assessment in Chapter 4, taking into account mitigation, in order to conclude whether adverse effects on integrity can be ruled out.

2.11 The screening assessment was undertaken prior to consideration of the mitigation which may be provided as part of the development proposals or by other policies and regulatory mechanisms. This is consistent with the 2018 European Court of Justice ruling²⁴ that:

"in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site".

Identification of other plans and projects which may have 'in combination' effects

2.12 Regulation 105 of the Amended Habitats Regulations 2017 requires an 'Appropriate Assessment' where:

"a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly

¹⁹ <http://publications.naturalengland.org.uk/category/6490068894089216>

²⁰ <https://www.gov.uk/government/consultations/solent-and-dorset-coast-potential-special-protection-area-comment-on-proposals>

²¹ The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, TSO (The Stationery Office), London.

²² ECJ Case C-127/02 "Waddenzee" Jan 2004.

²³ Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanála 22nd Nov 2012.

²⁴ ECJ judgement of 12 April 2018 in Case C 323/17, REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 10 May 2017, received at the Court on 30 May 2017, in the proceedings People Over Wind, Peter Sweetman v Coillte Teoranta

connected with or necessary to the management of the site”.

2.13 Therefore, as well as considering the likely effects of the development project alone on European sites, it was necessary to consider whether there may be significant effects from the development project in combination with other plans or projects.

2.14 The potential for ‘in combination’ effects need only be considered for those project components identified as unlikely to have a significant effect alone, but which could act in combination with other plans and projects to produce a significant effect. This approach accords with recent guidance on HRA²⁵.

2.15 The first stage in identifying potential in combination effects involves identifying which other plans and projects in addition to the development project may affect the European sites that are the focus of the HRA.

2.16 Case law and guidance suggest that a plan or project at any of the following stages may be relevant to the in combination assessment:

- applications lodged but not yet determined;
- projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration;
- refusals subject to appeal procedures not yet determined;
- projects with consent but not yet started;
- projects started but not yet completed;
- known projects that do not need consent;
- proposals in adopted plans;
- proposals in finalised draft plans formally published or submitted for final consultation or adoption.

2.17 Other plans and projects have been identified in Section 10 of the Shadow HRA: These include the following planning applications references, for which further detail is provided in the shadow HRA:

- 17/10805, 17/11752 and 18/1058;
- 18/11145;
- MLA/2017/00070;
- MLA/2014/00592/1;
- 18/10050;

- 17/10943;
- 18/11145;
- 19/10138;
- 19/10131; and
- 19/00055.

These projects are considered appropriate to inform the HRA of the development project. No other projects of significant scale that could result in in combination effects with the development project were identified as part of this assessment.

Mitigation

2.18 Where a potential effect on a European site has been identified, it is often possible for this to be avoided through the design and implementation of appropriate mitigation. However, in line with current guidance and case law, this mitigation cannot be considered at the screening stage. Therefore, where a likely significant effect in the absence of mitigation has been identified during the screening stage, this was taken forward to the Appropriate Assessment stage. Mitigation was then only taken into consideration in reaching conclusions at the Appropriate Assessment stage.

²⁵ DTA: The Habitats Regulations Assessment Handbook:
<http://www.dtapublications.co.uk/handbook/browse>

Chapter 3

HRA Screening

3.1 As described in Chapter 2, a screening assessment was carried out to identify which components of the development project have the potential to result in likely significant effects on European sites, and this was carried out prior to consideration of mitigation provided by the development proposals, other policies or regulatory mechanisms in accordance with the 'People over Wind' judgment. The results of the screening assessment are presented below.

Results of HRA screening

3.2 The Screening Assessment in Section 3 of the Shadow HRA identified 11 potential effects which could result in likely significant effects on European sites. This assessment is considered to be appropriate and the effects identified are summarised below and in Table 3.1.

3.3 As described in the HRA screening in Chapter 3, the requirement for Appropriate Assessment was identified in relation to the following types of likely significant effect of the development project, either alone or in-combination on European sites:

The New Forest SAC, SPA and Ramsar site

- Recreation disturbance to birds and damage to habitats within the New Forest;
- Reduced air quality from increased traffic; and
- Road traffic accidents to New Forest livestock.

The Solent and Southampton Water SPA and Ramsar Site

- Direct loss of SPA supporting habitat;
- Boat disturbance to wintering waterfowl including recreation and commercial shipping movements;
- Cat predation of wintering waterfowl; and
- Noise disturbance to wintering waterfowl.

The Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC

- Recreation disturbance to birds and damage to coastal habitats in the Solent;
- Reduction in water quality within the Solent; and
- Hydrological impacts on intertidal marine habitats.

The River Itchen SAC, the Solent Maritime SAC and the Solent and Southampton Water Ramsar site

3.4 An Appropriate Assessment was therefore made of these potential effects, as presented in Chapter 4.

- Disturbance to migratory fish from noise and vibration;

Table 3.1: Likely significant effects screened in to the HRA

Effect	European and Ramsar sites impacted	Features to be assessed
1. Recreation disturbance to birds and damage to habitats within the New Forest	New Forest SPA, New Forest SAC and Ramsar Site	Annex I Birds (Dartford warbler, Woodlark, Nightjar, Kingfisher). Migratory birds (Wood warbler, Hobby). Annex I SAC habitats. Ramsar habitats and species
2. Recreation disturbance to birds and damage to coastal habitats in the Solent	Solent and Southampton Water SPA and Ramsar Site and Solent Maritime SAC	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds). Annex I coastal habitat types. Ramsar wetland habitats.
3. Direct loss of SPA supporting habitat	Solent and Southampton Water SPA and Ramsar Site	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds). Annex I Birds (Peregrine falcon).
4. Boat disturbance to wintering waterfowl including recreation and commercial shipping movements	Solent and Southampton Water SPA and Ramsar Site	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds). Annex coastal habitat types. Ramsar wetland habitats.
5. Reduction in water quality within the Solent	Solent and Southampton Water SPA and Ramsar Site and Solent Maritime SAC	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds). Annex I coastal habitat types. Ramsar wetland habitats.
6. Hydrological impacts on intertidal marine habitats	Solent Maritime SAC and Solent and Southampton Water SPA and Ramsar Site	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds). Annex I coastal habitat types. Ramsar wetland habitats.
7. Cat predation of wintering waterfowl	Solent and Southampton Water SPA and Ramsar Site	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds).
8. Disturbance to migratory fish from noise and vibration	River Itchen SAC, Solent Maritime SAC and Solent and Southampton Water Ramsar site	Annex I Estuary habitat. Ramsar Estuary habitat. Annex II species (Atlantic salmon, River lamprey, Sea lamprey)
9. Noise disturbance to wintering waterfowl	Solent and Southampton Water SPA and Ramsar Site	Migratory bird species (Brent goose, Black-tailed godwit, Teal, Ringed plover). Migratory bird assemblage (All non-breeding water-birds).
10. Reduced air quality from increased traffic	New Forest SPA and Ramsar Site and New Forest SAC	Annex I Birds (Dartford warbler, Woodlark, Nightjar, Kingfisher). Migratory birds (Wood warbler, Hobby). Annex I SAC habitats. Ramsar habitats and species
11. Road traffic accidents to New Forest livestock	New Forest SPA and Ramsar Site and New Forest SAC	Annex I Birds (Dartford warbler, Woodlark, Nightjar, Kingfisher). Migratory birds (Wood warbler, Hobby). Annex I SAC habitats. Ramsar habitats and species

Chapter 4

Appropriate Assessment

4.1 This chapter considers each of the likely significant effects identified as part of the screening stage, and concludes whether adverse effects on the integrity of European sites can be ruled out in light of proposed avoidance and mitigation measures.

4.2 The information and conclusions within this Appropriate Assessment should be considered in conjunction with the suite of information and measures proposed as part of the 'Shadow HRA' and in conjunction with the review matrix provided in Appendix A of this report.

The New Forest SAC, SPA and Ramsar site

Recreation disturbance to birds and damage to habitats within the New Forest

Background

4.3 Section 9.2 of the Shadow HRA identifies that the development project will result in an increased number of visitors to the New Forest SAC, SPA and Ramsar Site. This increased number of visitors is likely to result in an increase in visitor pressure. In particular, this visitor pressure can take the form of recreational disturbance to the qualifying bird species of the SPA (nightjar, Dartford warbler and woodlark) and damage to the qualifying habitat features of the SAC and Ramsar through activities such as dog fouling, fly-tipping and fires. In the absence of mitigation, these impacts could result in adverse effects on the integrity (AEoI) of these European sites.

Mitigation and Avoidance

4.4 Key elements of the mitigation and avoidance measures proposed by the applicant include:

- The provision of Suitable Alternative Natural Greenspace (SANGs) in close proximity to the proposed development, to direct visitors away from the New Forest SAC, SPA and Ramsar Site and Ramsar site.
- The implementation of the Fawley Nature Park Management Plan (FNPMP) (April 2020) which covers an area of 275 hectares, including the SANGs and provides opportunities for recreation. The FNPMP also

sets out additional measures to manage recreational disturbance, such as fencing and habitat management.

- The provision of a team of rangers to deliver the FNPMP and manage visitor access.
- A financial contribution to the New Forest Management Scheme, as part of a Section 106 agreement.
- A financial contribution towards the on-going monitoring of the New Forest SAC, SPA and Ramsar Site and Ramsar site, as part of a Section 106 agreement.

Conclusion

4.5 The information provided is sufficient for the competent authority to conclude no AEoI of the New Forest SAC, SPA and Ramsar Site, either alone or in combination with other plans and projects, as a result of recreation, subject to the following matters outlined below. The proposals involve a high degree of reliance on the combined effectiveness of a suite of mitigation and avoidance measures acting in parallel. Therefore, it will be necessary for each component of the mitigation and avoidance package to function as intended, and for this suite of measures to be secured, delivered and monitored successfully for the lifetime of the impact to ensure that a conclusion of no AEoI can be reached. Further information is provided below.

SANGs

4.6 The proposals for SANG creation and management within the FNPMP are considered to be sufficient to mitigate for adverse effects on integrity, either alone or in-combination with other plans and projects, provided that an appropriate level of funding and number of ranger staff are provided, as outlined below. Given the ecological sensitivities within the site and the surroundings, the SANGs have been designed to be more naturalistic than would normally be required and some areas of habitat are intended to be managed as wildlife refuges with limited public access. This reduces the amount of easily accessible open space; and for this reason it is considered important that the SANGs form part of the wider Fawley Nature Park, rather than being provided in isolation, to ensure that they are effective in mitigating adverse effects on integrity.

4.7 In addition, concerns have been raised by Natural England over the phasing of the SANGs delivery and the impact that the on-going development and quarry works may have on the attractiveness and accessibility of the Phase 1 SANG provision for visitors. In response to this, additional areas of SANGs have been brought forward for delivery in

Phase 1, to provide improved connectivity and provision, as shown in drawing D2502-L214 rev 04.

4.8 This additional information provides sufficient certainty that the SANGs will, in principle, function as intended in its role in avoiding and mitigating recreational effects which could otherwise lead to AEoI, subject to agreement of further details on design and phasing at the detailed design stage. This will need to include information on how the Phase 1 SANGs will be designed/managed to ensure that their attractiveness to visitors is not significantly compromised by the ongoing development and quarry work.

The FNPMP

4.9 The information provided in the FNPMP provides sufficient certainty that it will, in principle, function as intended in its contributory role in avoiding and mitigating recreational impacts which could otherwise lead to AEoI, subject to agreement of further details on design and phasing at the detailed design stage, subject to the matters raised below.

The Provision of Rangers

4.10 Concerns have been raised by Natural England, the NFDC and the RSPB over the proposed number of rangers who will be responsible for implementing the mitigation. A primary concern is that ranger teams work best in pairs and therefore a team of three reduces the effectiveness significantly. Furthermore, there is uncertainty as to whether this number of rangers would provide sufficient resources for delivering all relevant aspects of the mitigation to a standard that enables certainty in a conclusion of no adverse effects on integrity.

4.11 Following further correspondence between NFDC and the applicant²⁶, the following additional resources have been proposed, in addition to the three full-time rangers:

- The employment of a full-time apprentice ranger to work with the other three rangers making a four-person ranger team to operate across the Nature Park and Marine Management Plan area.
- Employment of a temporary seasonal ranger to assist the permanent ranger team.

4.12 The new proposals also include a commitment to ongoing monitoring and review of the level of staff, in consultation with the Nature Park Steering Group, as described in the Nature Park Management Plan.

4.13 These updated proposals are considered to provide sufficient staff resources, to ensure that the proposed

²⁶ Jonathan Cox (3rd July 2020) Note on wardening and peregrine nesting compensation.

mitigation role that they are intended to provide in avoiding AEoI as a result of recreational disturbance, either alone or in combination with other plans and projects, will be successfully delivered.

Section 106 financial contributions

4.14 The New Forest National Park Authority and New Forest District Council have policies in place which require new housing developments to make a strategic financial contribution towards the New Forest Management Scheme, due to the increase in recreational pressure on New Forest SAC, SPA and Ramsar that will result from these developments. These planning policies have been implemented with agreement from the Councils, relevant stakeholders and statutory consultees as a necessary mitigation measure to avoid AEoI, as a result of recreational impacts. Any deviation from this approach would therefore need to be fully justified and evidence-based.

4.15 The applicant has proposed to provide 75% of the standard rate of contribution for the new Forest recreational disturbance strategy. This is on the basis that SANGs will be provided within the scheme and that the provision and management of these SANGs exceeds the minimum requirements set by the Councils.

4.16 However, in line with the precautionary principle, a reduction in the contribution amount would not provide sufficient certainty that this crucial element of mitigation and avoidance would be adequately provided to avoid AEoI, as a result of recreational activity. The primary reasons for this are:

- The information provided to support this proposal²⁷ lacked evidence to support the figures and rationales as to why and to what extent the proposed mitigation would offset the recreational impact on the New Forest SAC, SPA and Ramsar Site.
- The Fawley Nature Park is not located within or adjacent to the New Forest European sites and the above mitigation measures do not involve the direct management of these sites.
- Much of the land within the Fawley Nature Park is currently already accessible to the public and used for informal recreation, either via the Public Rights of Way, or due to a lack of physical barriers preventing access.
- Given the ecological sensitivities within and around the development site, the provision of natural greenspace would be expected to significantly exceed the minimum SANG requirement, and therefore it does not follow that

this provision should be offset against strategic financial contributions.

4.17 In line with the precautionary principle, where there is no certainty beyond reasonable scientific doubt that AEoI can be avoided, it must be concluded that AEoI will occur. Therefore, in order to provide sufficient certainty that AEoI can be avoided, either 100% of the contribution must be paid, or additional evidence presented to provide sufficient certainty in the acceptability of a reduced contribution.

4.18 The applicant has confirmed that they would be willing to pay the full contribution amount, if this was deemed to be justified by this HRA²⁸. Therefore, provided that this is paid in full, it can be concluded that no adverse effects on integrity of the New Forest SAC, SPA and Ramsar Site will occur, either alone or in-combination with other plans and projects, as a result of recreational activity.

Reduced air quality from increased traffic

Background

4.19 The construction and operational phases of the development project are expected to generate an increase in traffic, particularly in close proximity to the residential development and at locations adjacent to the main access routes to and from this area. This has the potential to result in adverse effects on sensitive habitats within the New Forest SPA and Ramsar Site and New Forest SAC through air pollution.

Mitigation/ Assessment

4.20 The assessment provided in Section 9.10 of the Shadow HRA concluded that changes in nitrogen deposition and concentration associated with changes in road traffic are not likely to have adverse effects on the New Forest SPA, SAC and Ramsar site. This was in line with the findings of the New Forest National Park Authority (NFNPA) Local Plan HRA, which concluded that: "Implementation of the NFNPA Local Plan and NFDC Local Plan in isolation is not likely to have a significant effect on the New Forest SAC, SPA and Ramsar site." However, periodic monitoring of sensitive vegetation will be undertaken by the Local Authorities during the life of the two Local Plans, which will identify habitat management and mitigation actions should these be required.

Conclusions

4.21 The assessment undertaken in the Shadow HRA is considered to be robust and the information provided is sufficient to conclude no adverse effects on integrity of the

²⁷ Jonathan Cox (6th July 2020) Nature conservation and Recreation benefits of the proposed Fawley Waterside Development

²⁸ Fawley Waterside: Management, Governance & Response to Questions (12th July 2020)

European sites, either alone or in-combination with other plans and projects, in relation to this matter, provided that the commitment to monitoring of sensitive habitats is provided through the commitment in the Local Plans, as outlined above.

Road traffic accidents to New Forest livestock

Background

4.22 Increases in traffic as a result of the development project has the potential, when in combination with other plans and projects, to result in an increased risk of road traffic accidents to livestock within the New Forest New Forest SPA and Ramsar Site and New Forest SAC. Grazing is an important aspect of the management of this European site in maintaining the favourable condition and diversity of the site's habitats and the suitability of these habitats for the qualifying bird species.

Mitigation/ Assessment

4.23 Section 9.11 of the Shadow HRA highlights that the proportion of commoners' livestock killed in road traffic accidents has consistently declined since 1962. This is thought to be due to the fencing off of the roads with the highest collision risk and a range of other measures that have been successfully implemented. These measures and the traffic accidents are monitored by the NFNPA. The Shadow HRA also highlights that the NFNPA Local Plan HRA concluded that there would be no adverse effect on the integrity of the New Forest European sites as a result of increased traffic collision risk to New Forest livestock.

Conclusions

4.24 We consider the information provided in the Shadow HRA to be sufficient to conclude no adverse effects on integrity of the European sites, either alone or in-combination with other plans and projects, in relation to this matter.

The Solent and Southampton Water SPA and Ramsar Site

Direct loss of SPA supporting habitat

Background

4.25 Section 9.1 of the Shadow HRA confirms that the development project will not take place within any of the adjacent European sites, and therefore, no direct loss of European site habitat will occur.

4.26 A small proportion of the Tom Tiddlers Ground SINC will be lost to the development with compensation provided elsewhere within the Fawley Nature Park. This area to be lost is included within site NF156A identified by the Solent Wader and Brent Goose Strategy as a primary supporting area for providing Solent and Southampton Water SPA and Ramsar site functionally linked habitat.

Mitigation and Avoidance

4.27 The Shadow HRA and supplementary information provided by Jonathan Cox²⁹ has highlighted that due to the habitats present within the Tom Tiddler's Ground SINC, suitability for brent goose is limited to a small strip of land in the south which will not be lost to the development. In light of the above, no mitigation is proposed within Section 9.1 of the Shadow HRA in relation to direct loss of SPA supporting habitat. However, the proposals for the creation of a tidal creek, saline lagoon and extensive areas of grazing marsh and intertidal mudflat are considered to represent a significant enhancement for the qualifying features of the Solent and Southampton Water SPA and Ramsar Site.

Conclusions

4.28 In conclusion, the loss of brent goose supporting habitat is minimal and is restricted to an area of land which will, through habitat creation and management of the tidal creek, provide an equal or increased benefit to brent geese and other SPA/Ramsar species and an increased contribution towards maintaining and strengthening the conservation objectives of the Solent and Southampton Water SPA and Ramsar.

4.29 As a result, the information provided is sufficient for the competent authority to conclude no adverse effects on integrity of the Solent and Southampton Water SPA and Ramsar Site, either alone or in-combination with other plans and projects as a result of loss of habitat.

Boat disturbance to wintering waterfowl including recreation and commercial shipping movements

Background

4.30 Section 9.4 of the Shadow HRA identifies that the development project will result in an increase in commercial and recreational boat traffic. This could result in disturbance to wintering wildfowl, including species listed as qualifying species of the Solent and Southampton Water SPA and Ramsar Site.

²⁹ Jonathan Cox (8th August 2019) Response to RSPB Objection 9 July 2019.

Mitigation and Avoidance

4.31 An updated Marine Management Plan (MMP) has been provided in Appendix 5 of the Shadow HRA. The mitigation measures outlined in this plan include:

- Restricting boating activities away from the most sensitive areas;
- Enforcement of speed limits;
- Provision of a team of rangers, a marina manager and close liaison with the Port of Southampton Harbourmaster and Vessel Traffic Service (VTS);
- The establishment of a Liaison Group to provide a forum for overseeing Fawley Waterside's operation of the MMP;
- Education and outreach measures to encourage positive behaviour among visitors and residents; and
- A long-term monitoring programme, with results fed back to the Local Authority and Liaison Group.

Conclusions

4.32 The measures outlined in the MMP address the issues raised in relation to this matter. This is sufficient to give the competent authority confidence that no adverse effects on integrity will occur, either alone or in-combination with other plans and projects as a result of boat disturbance. This conclusion is subject to an appropriate level of funding and wardening being provided to ensure that the MMP is implemented sufficiently and in perpetuity.

Cat predation of wintering waterfowl

Background

4.33 The lagoon and coastal grazing marsh habitats within Tom Tiddlers Ground are within the potential range of cats from the proposed development. Whilst birds occupying marine wetland habitats are generally of lower susceptibility to cat predation due to physical barriers and clear sightlines, a degree of vulnerability remains in the absence of avoidance and mitigation measures.

4.34 The wintering wading birds, which are qualifying features of the Solent and Southampton Water SPA and Ramsar, could become vulnerable to cat predation when concentrated on high water wader roosts if these were accessible to cats. Consequently, in the absence of mitigation, there is potential for cat predation to result in an adverse effect on integrity of the Southampton Water SPA & Ramsar Site.

Mitigation and Avoidance

4.35 Section 4 of the Tom Tiddlers Ground SINC Habitat Compensation & Improvement Plan (April 2020) and Section 9.7 of the Shadow HRA outline the proposals for the creation of 3 - 4 metre waterfilled ditches or dykes separating the new development from the grazing marshes and encircling the saline lagoon. In addition, mitigation will be provided through education and information provided to new residents of the proposed development including the promotion of the use of cat bells. These measures will be monitored by the Nature Park rangers and modified where necessary.

Conclusions

4.36 The information provided in relation to these measures is sufficient for the competent authority to conclude that adverse effects on integrity, either alone or in-combination with other plans and projects, as a result of cat predation can be avoided, subject to further information being provided at detailed design stage. This further information will need to include the detailed design of the Tom Tiddlers Ground habitats and the ditches and dykes, in order to ensure that cats are sufficiently deterred.

Noise disturbance to wintering waterfowl

Background

4.37 The construction and operational phases of the development project are likely to generate noise, some of which will exceed the levels which birds are known to tolerate. The Environmental Statement concludes that "without the implementation of mitigation measures, there is likely to be a direct, temporary, short-term major negative effect on all nearby sensitive receptors during the construction works, which is considered to be significant, during the average-case scenario." Given the development site's proximity to the Solent and Southampton Water SPA and Ramsar, in the absence of mitigation, there is potential for adverse effects on the integrity of the European sites to arise as a result of noise disturbance.

Mitigation and Avoidance

4.38 A Construction Environmental Management Plan (CEMP) has been prepared which outlines the potential sources of noise during construction and the relevant mitigation measures that will be employed. The CEMP is an iterative document and will be updated as more detail becomes available. Further information on these mitigation measures is provided in Section 9.8 of the Shadow HRA.

Conclusions

4.39 The information provided within the Shadow HRA and the mitigation and avoidance measures proposed (CEMP) is

sufficient at this stage for the competent authority to have sufficient certainty that adverse effects on integrity can be avoided, either alone or in-combination with other plans and projects as a result of noise disturbance to wintering birds.

The Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC

Recreation disturbance to birds and damage to coastal habitats in the Solent

Background

4.40 Section 9.3 of the Shadow HRA identifies that the development project will result in an increased number of visitors to the Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC. This increased number of visitors is likely to result in an increase in visitor pressure. In particular, this can take the form of recreational disturbance to the qualifying bird species and species assemblages which are sensitive to disturbance. In the absence of mitigation, these impacts could result in adverse effects on the integrity AEoI of these European sites.

Mitigation and Avoidance

4.41 Key elements of the mitigation include:

- The provision of Suitable Alternative Natural Greenspace (SANGs) in close proximity to the proposed development, to direct visitors away from the sensitive areas of the Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC.
- A comprehensive plan of sensitively positioned coastal paths, fencing, habitat management and creation of water filled ditches around the proposed development to manage public access and minimise disturbance to birds.
- The implementation of the Fawley Nature Park Management Plan (FNPMP) (April 2020) which covers an area of 275 hectares, including the SANGs and provides opportunities for recreation.
- The implementation of the Marine Management Plan (MMP) (May 2020)
- The provision of a team of rangers to deliver the FNPMP and manage visitor access.
- A financial contribution to the Solent Recreation Mitigation Partnership (SRMP) of 75% of the standard rates, made as part of a S106 agreement.

Conclusions

4.42 The information provided is sufficient for the competent authority to conclude no adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC, either alone or in combination with other plans and projects, as a result of recreation, subject to the following matters outlined below. The proposals involve a high degree of reliance on the combined effectiveness of a suite of mitigation and avoidance measures acting in parallel. Therefore, it will be necessary for each component of the mitigation and avoidance package to function as intended, and for this suite of measures to be secured, delivered and monitored successfully for the lifetime of the impact to ensure that a conclusion of no AEoI can be reached. Further information is provided below.

SANGs

4.43 The proposals for SANG creation and management within the FNPMP are considered to be sufficient to mitigate for adverse effects on integrity, either alone or in-combination with other plans and projects, provided that an appropriate level of funding and number of ranger staff are provided, as outlined below. Given the ecological sensitivities within the site and the surroundings, the SANGs have been designed to be more naturalistic than would normally be required and some areas of habitat are intended to be managed as wildlife refuges with limited public access. This reduces the amount of easily accessible open space; and for this reason it is considered important that the SANGs form part of the wider Fawley Nature Park, rather than being provided in isolation, to ensure that they are effective in mitigating adverse effects on integrity.

4.44 In addition, concerns have been raised by Natural England over the phasing of the SANGs delivery and the impact that the on-going development and quarry works may have on the attractiveness and accessibility of the Phase 1 SANG provision for visitors. This is particularly key for avoiding adverse effects on coastal habitats, as these areas are likely to draw a lot of attention from visitors. In response to this, additional areas of SANGs have been brought forward for delivery in Phase 1, to provide improved connectivity and provision, as shown in drawing D2502-L214 rev 04.

4.45 This additional information provides sufficient certainty that the SANGs will, in principle, function as intended in its role in avoiding and mitigating recreational effects which could otherwise lead to AEoI, subject to agreement of further details on design and phasing at the detailed design stage. This will need to include information on how the Phase 1 SANGs will be designed/managed to ensure that their attractiveness to visitors is not significantly compromised by the ongoing development and quarry work.

The FNPMP and MMP

4.46 The information provided in the FNPMP and MMP provides sufficient certainty that these measures will, in principle, function as intended in their contributory role in avoiding and mitigating recreational impacts which could otherwise lead to AEoI, subject to agreement of further details on design and phasing at the detailed design stage, subject to the matters raised below..

The Provision of Rangers

4.47 Concerns have been raised by Natural England, the NFDC and the RSPB over the proposed number of rangers who will be responsible for implementing the mitigation. A primary concern is that ranger teams work best in pairs and therefore a team of three reduces the effectiveness significantly. Furthermore, there is uncertainty as to whether this number of rangers would provide sufficient resources for delivering all relevant aspects of the mitigation to a standard that enables certainty in a conclusion of no adverse effects on integrity.

4.48 Following further correspondence between NFDC and the applicant³⁰, the following additional resources have been proposed, in addition to the three full-time rangers:

- The employment of a full-time apprentice ranger to work with the other three rangers making a four-person ranger team to operate across the Nature Park and Marine Management Plan area.
- Employment of a temporary seasonal ranger to assist the permanent ranger team.

4.49 The new proposals also include a commitment to ongoing monitoring and review of the level of staff, in consultation with the Nature Park Steering Group, as described in the Nature Park Management Plan.

4.50 These updated proposals are considered to provide sufficient staff resources, to ensure that the proposed mitigation role that they are intended to provide in avoiding AEoI as a result of recreational disturbance, either alone or in combination with other plans and projects, will be successfully delivered.

Section 106 Financial Contributions

4.51 The applicant is proposing to pay 75% of the standard rates of financial contribution to the Solent Recreation Mitigation Partnership (SRMP), secured through a Section 106 agreement. This reduction from the full contribution amount is

in recognition of the mitigation measures outlined above, including the provision of SANGs, rangers, the implementation of the FNPMP and MMP and the fact that these measures will involve the direct management of recreational activity within and adjacent to a small section of the Solent.

4.52 The main justifications for the reduction, as provided in the Shadow HRA and the supporting information provided by Jonathan Cox^{31,32,33}, are:

- Given that the proposed mitigation will involve the management of recreational activity within and adjacent to part of the Solent, there is some overlap between these measures and the strategic mitigation provided by SRMP.
- The majority of visitors to the coast travel a short distance and therefore the FNPMP and MMP will be providing mitigation in the core area of recreational pressure that will result from the development project.

4.53 The combination of these mitigation measures and a 75% financial contribution is considered to be sufficient to avoid AEoI, either alone or in combination with other plans and projects, to the Solent European sites both within and outside of the development project area.

Reduction in water quality within the Solent

Background

Section 9.5 of the Shadow HRA outlines how due to the nature and location of the development project, there is potential for the surrounding water quality to be impacted, primarily through wastewater. In the absence of mitigation, this is likely to result in adverse effects on integrity of the Solent and Southampton Water SPA and Ramsar Site and Solent Maritime SAC. Natural England therefore advised that the development project should achieve nutrient neutrality.

Mitigation and Avoidance

4.54 Following consultation with Natural England, the Fawley Waterside Strategy for Reaching Nutrient Neutrality has been provided in Appendix 6 of the Shadow HRA. The key elements of this strategy are:

- The creation of an interceptor wetland on the Stone Stream within the Cadland Estate. This is to be secured through the S.106 agreement and/or conditions attached to any planning permission.

³⁰ Jonathan Cox (3rd July 2020) Note on wardening and peregrine nesting compensation.

³¹ Jonathan Cox (19th June 2020) Fawley Waterside calculation of contribution to the New Forest Habitat Mitigation Scheme

³² Jonathan Cox (19th June 2020) Fawley Waterside calculation of contribution to the SRMP

³³ Jonathan Cox (6th July 2020) Nature conservation and Recreation benefits of the proposed Fawley Waterside Development

- The creation of a 10ha tidal creek within Tom Tiddlers Ground, which will adjust with sea level rise to maintain or increase saltmarsh extent over the next 80-100 years.
- The conversion of farmland to semi-natural habitats including woodland, acid grassland and heathland, as defined within the Nature Park Management Plan, to be regulated through the S.106 agreement.
- The removal of the existing consented wastewater treatment plant from within the former Power Station.
- In addition, any short falls in nutrient removal due to slower than predicted rates of wetland and saltmarsh establishment or other unforeseen delays will be offset through the planting of winter cover crops within the Cadland Estate.

Conclusions

4.55 Following a request for clarification on what baseline has been used for the quarry in calculating the nutrient budget, further information has been provided³⁴. In principle, based on the information that has been provided to date, the mitigation measures proposed are sufficient to achieve nitrogen neutrality, and therefore to avoid AEoI of the European sites, either alone or in-combination with other plans and projects, in relation to this matter. However, in line with Natural England's comments, this conclusion is based on further information being provided in relation to the Stone Stream, as outlined below.

4.56 In order to be able to conclude no adverse effects on integrity, there must be sufficient certainty that the Stone Stream wetland can be delivered as proposed and will fulfil the role for which it is intended. Whilst it is our conclusion that this feature can provide sufficient mitigation to ensure no adverse effects on integrity, this is dependent on the successful delivery of the stone stream. It is our understanding at this stage that this element of the application will require a separate planning application; and therefore, its delivery should be secured within the planning applications to which this HRA relates via a Grampian Condition.

4.57 In the event that the stone stream cannot be delivered, alternative means of mitigation will need to be provided to satisfy the Habitat Regulations, in reaching a conclusion on no adverse effects on integrity.

Hydrological impacts on intertidal marine habitats

Background

4.58 The intertidal mudflats and sheltered muddy gravels adjacent to the development site are qualifying features of the Solent Maritime SAC and provide habitat for the qualifying features (bird species and species assemblages) of the Solent and Southampton Water SPA and Ramsar Site. As such, any significant changes to these habitats has the potential to result in an adverse effect on integrity.

4.59 Section 9.6 of the Shadow HRA states that "Changes in the tidal prism or volume of water moving along the Fawley access channel as the new canal fills and empties with the tide could result in increased water velocity along the channel and hence increased rates of sediment erosion leading to the loss of the extent of intertidal mudflat. In addition, similar changes in the tidal prism will result from proposals to create a new intertidal creek within the Tom Tiddlers Ground. Occasional emptying or release of water from the proposed tidal lagoon could also result in short-term increases in flow velocities across the intertidal flats associated with the outfall culvert from the lagoon."

4.60 Hydrodynamic modelling was undertaken to determine the impact that the proposals will have on currents and sediment transport, (WSP, 2018)³⁵. Following comments from the Environment Agency, the RSPB and Kenneth Pye Associates, further assessment work was undertaken to increase confidence in the conclusions reached in the 2018 modelling (WSP, 2019)³⁶, particularly in relation to the harbour, canal, saline lagoon and tidal creek. The further assessment work supported the previous conclusions and clarified that the expected changes are minor (affecting any freshly consolidated finer sediment fractions only), temporary/short-term and highly localised.

4.61 The effect of sea level rise and coastal squeeze when combined with the development project was also raised by Natural England and the Environment Agency.

Mitigation and Avoidance

4.62 Further, more detailed hydromorphological modelling work will be undertaken to support the detailed design and reserved matters planning applications. A programme of monitoring work will also be implemented to ensure that the

³⁴ Jonathan Cox (13th July 2020) Note on Nutrient Budget and Quarry Restoration. Version 2.

³⁵ Ecospan (2018) Marine ecological surveys in support of the Fawley Waterside development project, Report No. 17-353. Ecospan Environmental Ltd. Report to WSP/Parsons Brinkerhoff.

³⁶ WSP (2019) Fawley Waterside: Tidal Creek Hydromorphology Supplementary Assessment'.

proposals develops in accordance with the modelled predictions.

Conclusions

4.63 It is considered that adverse effects on the integrity of the European sites as a result of hydromorphological impacts, either alone or in-combination with other plans and projects, can be avoided, subject to further information being provided at the detailed design stage. This information will need to include further hydromorphological modelling work and further refinement of the designs of the saline lagoon and sluices, the tidal creek, sea defences, the marina and boat channel.

4.64 In relation to sea level rise and coastal squeeze, the development will strengthen sea defences without resulting in a loss of European site habitat, which is in accordance with the Shoreline Management Plan (SMP) policy of 'Hold the Line'. In addition, the Section 3.2.4 of the Information for Appropriate Assessment of Proposed Development Report (May 2020) and Section 5.3.1.1 of the Fawley Nature Park Management Plan (April 2020) outline how the coastal grazing marsh within Tom Tiddlers Ground SINC will be designed with diffuse borders, thereby enabling inland coastal migration to offset any saltmarsh losses as a result of sea level rise and coastal squeeze. As such, the proposals are considered to be robust and sufficient to avoid adverse effects on integrity resulting, either alone or in-combination with other plans and projects.

The River Itchen SAC, the Solent Maritime SAC and the Solent and Southampton Water Ramsar site

Disturbance to migratory fish from noise and vibration

Background

4.65 Southampton Water provides an important channel for migratory fish passage and is ecologically and hydrologically connected to a number of rivers, including the River Itchen SAC, which supports Annex II species (Atlantic salmon, river lamprey and sea lamprey). Noise disturbance to these migratory fish has the potential to impact on the estuarine habitats and fish populations, which are qualifying features of the River Itchen SAC, Solent Maritime SAC and Solent and Southampton Water Ramsar site.

Mitigation and Avoidance

4.66 In the event that impacts of noise on migrant fish are likely to occur, operational guidance and avoidance measures, such as ensuring sensitive periods of fish migration are avoided, will be employed.

Conclusions

4.67 The information in the Shadow HRA provides a robust rationale for why the potential for impacts to migrating fish is low and outlines the mitigation measures that will be implemented when needed. This information is sufficient to conclude no adverse effects on integrity of the European sites, either alone or in-combination with other plans and projects, in relation to this matter.

Chapter 5

Summary Conclusions

HRA Screening Summary Conclusions

5.1 The HRA screening of the development project, alone and in combination with other relevant plans and projects, was unable to rule the following types of likely significant effect on European sites:

The New Forest SAC, SPA and Ramsar site

- Recreation disturbance to birds and damage to habitats within the New Forest;
- Reduced air quality from increased traffic; and
- Road traffic accidents to New Forest livestock.

The Solent and Southampton Water SPA and Ramsar Site

- Direct loss of SPA supporting habitat;
- Boat disturbance to wintering waterfowl including recreation and commercial shipping movements;
- Cat predation of wintering waterfowl; and
- Noise disturbance to wintering waterfowl.

The Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC

- Recreation disturbance to birds and damage to coastal habitats in the Solent;
- Reduction in water quality within the Solent; and
- Hydrological impacts on intertidal marine habitats.

The River Itchen SAC, the Solent Maritime SAC and the Solent and Southampton Water Ramsar site

- Disturbance to migratory fish from noise and vibration.

Appropriate Assessment Summary Conclusions

5.2 An Appropriate Assessment was completed to determine whether the above effects would result in adverse effects on the integrity of a European site, either alone or in combination with other plans or projects. This assessment found that effective avoidance and reduction measures can be secured and delivered with sufficient certainty, and therefore **Fawley Waterside will not have an adverse effect on the integrity**

of any European site, either alone or in combination with other plans and projects. For many of the impact types identified, particularly in relation to recreational disturbance, there is a high degree of reliance on the combined effectiveness of a suite of measures acting in parallel. Therefore, it will be necessary for each of these measures to

function as intended, and for these to be secured, delivered and monitored successfully for the lifetime of the impact to ensure that no AEoI will result.

5.3 Further information is provided in **Table 5.1**.

Table 5.1: Summary of conclusions

Likely significant effect	Adverse Effect on Integrity - Conclusion
The New Forest SAC, SPA and Ramsar site	
Recreation disturbance to birds and damage to habitats within the New Forest	No adverse effects on integrity, subject to the following: <ul style="list-style-type: none"> – Further information provided at the detailed design stage on how the Phase 1 SANGs will be designed/managed to ensure that their attractiveness to visitors is not significantly compromised by the ongoing development and quarry work – A financial contribution towards the on-going monitoring of the New Forest SAC, SPA and Ramsar Site and Ramsar site, constituting 100% of the standard rate in line with planning policy and the existing strategic approach to mitigation and avoidance, as part of a Section 106 agreement. – The provision of rangers, as outlined in Section 4.
Reduced air quality from increased traffic	No adverse effects on integrity
Road traffic accidents to New Forest livestock	No adverse effects on integrity
The Solent and Southampton Water SPA and Ramsar Site	
Direct loss of SPA supporting habitat	No adverse effects on integrity
Boat disturbance to wintering waterfowl including recreation and commercial shipping movements	No adverse effects on integrity
Cat predation of wintering waterfowl	No adverse effects on integrity, subject to the following further information being provided at the detailed design stage: <ul style="list-style-type: none"> – the detailed design of the Tom Tiddlers Ground habitats and the ditches and dykes, in order to ensure that cats are sufficiently deterred.
Noise disturbance to wintering waterfowl	No adverse effects on integrity
The Solent and Southampton Water SPA and Ramsar Site and the Solent Maritime SAC	
Recreation disturbance to birds and damage to coastal habitats in the Solent	No adverse effects on integrity, subject to the following: <ul style="list-style-type: none"> – Further information provided at the detailed design stage on how the Phase 1 SANGs will be designed/managed to ensure that their attractiveness to visitors is not significantly compromised by the ongoing development and quarry work – A financial contribution to the Solent Recreation Mitigation Partnership (SRMP) of 75% of the standard rates, secured through Section 106 agreements

Likely significant effect	Adverse Effect on Integrity - Conclusion
	<ul style="list-style-type: none"> – The provision of rangers, as outlined in Section 4.
Reduction in water quality within the Solent	No adverse effects on integrity, subject to the Stone Stream wetland being delivered as proposed.
Hydrological impacts on intertidal marine habitats	No adverse effects on integrity, subject to the following further information being provided at the detailed design stage: <ul style="list-style-type: none"> – further hydromorphological modelling work and further refinement of the designs of the saline lagoon and sluices, the tidal creek, sea defences, the marina and boat channel
The River Itchen SAC, the Solent Maritime SAC and the Solent and Southampton Water Ramsar site	
Disturbance to migratory fish from noise and vibration	No adverse effects on integrity

Appendix A
Review Matrix

Table A.1: Review matrix of final consultation comments provided in 2020

Consultee	Final consultation comments provided in 2020	Review of the applicant's response
Section 1. Visitor surveys		
	No further matters raised.	
Section 2. Matters relating specifically to Tom Tiddlers SINC		
	No further matters raised.	
Section 3. Land-based recreational disturbance		
a) New Forest District Council (NFDC) 6 th February 2020	<p>Some comments relating to footpaths have already been relayed to you. In terms of SANG phasing, your phase 1-3 plan is showing different proposals to the drawing D2502-L214 rev 01 that was submitted in November. This change needs justification. There is a concern that by not bringing forward the Fawley SANG link, connectivity to the Ashlett SANG will be much weaker, which would be a concern.</p> <p>The proposed tidal creek should be marked more clearly on the plans so that we can understand how it relates to the proposed footpath routes. As submitted, it appears as if part of the southern footpath link would be within the proposed tidal creek.</p> <p>The mechanism by which existing public footpaths are to be diverted requires clarification.</p> <p>We have already made some comment on the nature of the droveway. In terms of phasing, it would be logical to bring the droveway to the west of the B3053 forward as part of Phase 4 (rather than later) to provide appropriate connectivity to the droveway on the east side of the road.</p>	<p>Section 4.3.4 of the Fawley Nature Park Management Plan (April 2020) outlines how the Fawley SANG link will be provided as part of Phase 1 to improve connectivity between the Ashlett Green and Tom Tiddlers SANGs. This description of phasing matches Figures A4.4 and A4.5 within the Information for Appropriate Assessment of Proposed Development Report (May 2020) and drawing D2502-L214 rev 01 that was submitted in November. However, it does not match the naming shown in Figure 4 in the Fawley Nature Park Management Plan. This requires clarification.</p> <p>The Fawley Waterside – Clarifications prepared by Deloitte on 30th June 2020 confirm that footpath diversions shown on the plans are illustrative. Any diversion would need to be dealt with through a separate legal process which is outside of the outline planning applications.</p> <p>In summary, provided that the SANG phasing is delivered in line with drawing D2502-L214 rev 01, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
b) Natural England 22 nd June 2020	<p>In our previous response on this application we raised concerns over the phasing of the SANG delivery. We note that the first phase of development will be within the housing development in the New Forest DC area. The applicant has proposed that the first phase of SANGs available will be Tom Tiddlers, Fawley South, Fawley Link and Ashlett Green. The Fawley South, Fawley Link and Ashlett Green sites are adjacent to phase 2 and 3 development areas and the gravel workings site, that is proposed to form Fawley SANG – Central. The appropriate assessment has not assessed the impact that the proposed continuing development may have on the attractiveness of the SANG delivery. These</p>	<p>At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>

	impacts should be considered on the short and longer-term effectiveness of the SANGs on offer and their ability to meet the criteria of your SPD. We emphasise our previous comments that further thought should be given to walking times, ease of access and quality of experience. We note that access to the wider Nature Park is past the gravel workings and that assessment of the accessibility of the Nature Park and the additional mitigation benefits it will bring should be considered as part of the phasing assessment.	
Section 4. Water-based recreational and commercial disturbance		
a) NFDC 6 th February 2020	An initial round of comments were provided on the Marine Management Plan in February 2020. These raised a number of issues and requests for clarification, which are summarised below: <ul style="list-style-type: none"> Clarity on the extent of the geographical area to which the MMP applies and concern raised over the inclusion of an 'optional additional area'. Inclusion of land within New Forest District Council's ownership. References made to sections of coastline that are outside of the MMP areas that are defined on the plan. A vagueness to some of the proposals. Concern over whether the appointment of a single coastal ranger and marina manager would be sufficient to secure the effective implementation of the management plan. A recommendation to see more information on enforcement mechanisms, monitoring and a suitable monitoring feedback loop. 	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter, provided that appropriate funding and wardening is put in place.
b) Natural England 22 nd June 2020	To ensure no alone adverse impact, mitigation measures to address impacts from increased recreation along the shoreline on intertidal habitats and those supporting habitats used by SPA birds for resting and feeding will need to be delivered. Natural England welcomes the measures set out in the Marine Management Plan to address these and provided you are satisfied that they can be secured in perpetuity we are satisfied with the proposals providing appropriate mitigation at this site.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter, provided that appropriate funding and wardening is put in place.
Section 5. Managing and maintaining mitigation and enhancement measures in perpetuity		
a) Natural England 9 th July 2020	Natural England welcomes the inclusion of an additional ranger to implement delivery of the SANGs management and Nature Park and Marine Management Plans, and welcome that this post will be an apprenticeship post. We note that the review of the wardening levels will form part of the remit of the Nature Park Steering Group and provided this new level of provision and review is secured with the planning application we are satisfied with this increased level of onsite mitigation and raise no further questions on it.	These updated proposals are considered to provide sufficient staff resources, to ensure that the proposed mitigation can be adequately implemented in order to avoid adverse effects on integrity. This will need to be secured, delivered, monitored and managed effectively for as long at the effect on the designated sites remain.
b) Natural England	Clarification on how the level of wardening has been calculated and how this will be reviewed and amended throughout the lifetime of the development:	Uncertainty remains as to whether three wardens would be sufficient to avoid adverse effects on integrity.

<p>22nd June 2020</p>	<p>The applicant has proposed three wardens will be employed to deliver the management plan for the Nature Park, SANGs and deliver the Marine Management Plan. Natural England would like further evidence on the justification for this number of wardens as appropriate to deliver the breadth of work needed to manage and mitigate impacts at the site for both the designated sites. Anecdotal evidence from the existing New Forest mitigation scheme suggests that working in rangers need to work in pairs when providing engagement work. We recommend that consideration is given on how this may limit the effectiveness of a three-person team.</p> <p>As mentioned above Natural England has concerns that a warden team of three is not sufficient to enable delivery of the Nature Park, SANG and Marine Management Plan. You will need to ensure you are satisfied with the level of wardening to be provided and that there are adequate measures to enable the number of wardens to be reviewed and amended throughout the lifetime of the development.</p>	<p>Following further correspondence between NFDC and the applicant (Note on wardening and peregrine nesting compensation. Jonathan Cox, 3rd July 2020), the following additional resources have been proposed, in addition to the three full-time rangers:</p> <ul style="list-style-type: none"> – The employment of a full-time apprentice ranger to work with the other three rangers making a four-person ranger team to operate across the Nature Park and Marine Management Plan area. – Employment of a temporary seasonal ranger to assist the permanent ranger team. <p>These updated proposals are considered to provide sufficient staff resources, to ensure that the proposed mitigation can be adequately implemented in order to avoid adverse effects on integrity.</p>
<p>c) Natural England 22nd June 2020</p>	<p>We would welcome close working between the proposed warden team on the Fawley site with the wider New Forest mitigation officers from the NPA and District Council teams. Efforts should be sought for joint training and to ensure that monitoring standards are such that any information gathered is to the same parameters to ensure it can be combined.</p> <p>We recommend that the warden team work closely with the wider Bird Aware warden team to share learning and ensure a consistent message for recreational users across the Solent designated sites.</p>	<p>We are in agreement on this point with Natural England. The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter, provided that appropriate funding and wardening is put in place, as outlined above.</p>
<p>d) RSPB 24th June 2020</p>	<p>We are not currently able to provide detailed comments due to staffing constraints, but we do have some comments to make.</p> <p>Along with others, we have had subsequent discussions with the applicant concerning these matters and note that additional information and clarification has been presented in the recently submitted application documents. We remain concerned however over the reliance on a diverse and extensive suite of mitigation measures to avoid harm, these will need to be successfully delivered, managed and monitored over the lifetime of the development to ensure their effectiveness and the avoidance of harm to statutorily protected sites.</p>	<p>Agreed that the extensive suite of mitigation measures proposed to avoid harm, will need to be successfully delivered, managed and monitored over the lifetime of the development to ensure their effectiveness and the avoidance of harm to statutorily protected sites, notwithstanding those issues detailed herein where further information or clarity is required to enable certainty in a conclusion of no adverse effect on integrity.</p>
<p>Section 6. Strategic financial contributions</p>		
<p>a) Natural England 9th July 2020</p>	<p>We note that the commuted sum payment has been calculated to cover a period of 120 years. Our opinion is that this approach is appropriate and an acceptable approach to calculating such figures but we would note that the expectation is that the monitoring and management will continue for as long as the impact on the designated sites remain. This expectation also relates to the retaining of the SANGs and wider nature park access and management proposals.</p> <p>Thank you for updating us on your ongoing conversations with the applicants regarding contributions to the relevant strategic mitigation schemes for mitigating in combination effects of the proposed development. We have nothing further to add to our previous comments on these contributions at this time. Please note our previous advice that your</p>	<p>The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter, provided that appropriate funding is put in place and the mitigation proposed is secured, delivered, monitored and managed effectively for as long as the effect on the designated sites remain.</p>

	Appropriate Assessment should set out the level of contributions that will be collected for each scheme. Any deviation from using the most up to date strategy rates would need to be fully justified and evidence based.	
b) NFDC 10 th June 2020	<p>We have carefully considered your proposals to seek a discount in respect of the Solent Recreation Mitigation Contribution. You point out that you have developed a comprehensive package of mitigation proposals to offset the impacts of the proposed development on the coast between Fawley and Calshot. This includes the implementation of a Marine Management Plan in conjunction with Hampshire County Council and the employment of a team of three Rangers to cover the management of the proposed Nature Park, including the coast. You have calculated that the management of the SANG will be in the order of £70,000 for the employment of one full time equivalent member of staff, and you suggest that the additional 2 rangers will cost a further £140,000 per annum to be funded through an annual levy on the occupants of the new development. You believe that most of this additional ranger effort would be expended on management of coastal access, and therefore take the view that the development would be contributing up to £1.4 million to the management of coastal access over a 10 year period, which is well in excess of the required Solent Mitigation Contribution. Nevertheless, you acknowledge that a proportion of residents will visit areas of the coastline not covered by the Fawley Waterside rangers, but have suggested that the vast majority of visits would be within 5km of the development site, which you say would be within most of the sphere of the Fawley Rangers. You suggest that any impact beyond 5km of the site will be small and definitely no more than 25% of the total impact. You are therefore proposing to pay 25% of the Solent Recreation Mitigation Contribution.</p> <p>In response, we accept that your proposals to employ a team of 3 rangers and to implement a Marine Management Plan will to a small degree offset the policy requirement for the development's impact on the Solent and Southampton Water European sites to be mitigated (in part) through payment of the Solent Recreation Mitigation Contribution. However, it is important that the precautionary principle is applied when considering any possible discount, and in this respect we have a number of concerns. Firstly, we would have to question whether 2 of your ranger team will be employed full time on management of coastal access. The ranger team will be managing the full 275 hectares of the Nature Park, most of which does not have coastal access. Management of the SANGS and wider Nature Park will, we suspect, demand a significant proportion of the ranger resource. (It is perhaps worth highlighting that if the SANGs were to be transferred to the Local Planning Authorities, then we would be seeking a maintenance contribution of in excess of £3 million.) Secondly, the Marine Management Plan covers an area of coastline between the existing access channel and Calshot Spit that is less than 1.5km from North to South. The sphere of influence that would be secured through the Marine Management Plan would therefore be much less than the 5km sphere that you have referred to. Also, the Solent Recreation Mitigation Contribution is designed to mitigate recreational impacts covering the full extent of the designated Solent area of which your area of control will form just a very small part. It is worth noting that the Bird Aware Strategy refers to a 250km section of coastline. Therefore, we cannot accept your suggestion to pay only 25% of the required contribution. We will to some extent need to be guided by Natural England and our own ecological advisors but, to be clear, our expectation is that the vast majority of the Solent Recreation Mitigation Contribution needs to be paid. We would ask you to review your position, making it clear to you that if we are to accept any discount at all, then we must come to an agreed position before both our Committee reports and the Appropriate Assessment are finalised.</p>	<p>Uncertainty remains as to whether the proposed level of strategic contribution payments are sufficient to ensure that funding is available to implement the mitigation measures and avoid adverse effects on integrity.</p> <p>Further clarification is required from the applicant which provides certainty that the proposed levels of funding contributions are acceptable. Or a commitment to providing the full contribution in line with planning policy.</p>
c) Natural England 22 nd June 2020	The draft section 106 agreement includes measures to secure the delivery of the wider Nature Park and its monitoring and management. We welcome the Nature Park Conservation Action Plan delivery and maintenance forming part of the s106 agreement and that public access will be secured across this landscape in perpetuity.	See 6a above.

<p>d) Natural England 22nd June 2020</p>	<p>The site is adjacent to the New Forest SSSI which is also designated as The New Forest SAC, SPA and Ramsar. Your authority has a supplementary planning document (SPD) to mitigate against adverse effects from recreational disturbance on the European sites. We welcome the commitment from the applicant to provide mitigation through delivery of SANGs and a contribution towards monitoring and access management on the New Forest. Natural England advises that your AA should set out the level of contributions that will be collected in this case and that these are in line with your most up to date rates in your planning policy guidance.</p>	<p>See 6a above.</p>
<p>e) Natural England 22nd June 2020</p>	<p>Natural England is aware that your authority has an SPD to mitigate against adverse effects from recreational disturbance on the European sites. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the in combination recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.</p> <p>Natural England advise that the Appropriate Assessment sets out the level of contributions that will be collected in this case. Please note that Natural England's own legal advice is that the Appropriate Assessment needs to include the new Bird Aware Solent Definitive Strategy Rates which came into force on 1st April 2020. In our view any deviation from the agreed SRMP would need to be fully justified and evidenced based.</p>	<p>See 6a above.</p>
<p>Section 7. Hydromorphology</p>		
<p>a) Natural England 22nd June 2020</p>	<p>Natural England welcomes the additional information that has been provided by the applicant that has addressed the majority of points raised in our previous response.</p> <p>The expansion of the dock, creation of the canal in addition to the creation of the tidal creek could all potentially have an impact on the designated intertidal habitats of the Solent Maritime SAC which are supporting features for the Solent and Southampton Water SPA. Natural England welcomes the further detail provided on this aspect of the application. We would welcome the opportunity to comment further on the design at the detailed design application stage.</p>	<p>We are in agreement with Natural England and consider the measures outlined in the Marine Management Plan (May 2020) as sufficient to avoid adverse effects on integrity, provided that appropriate funding is put in place to ensure that the plan is implemented and maintained in perpetuity. At this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>b) Natural England 22nd June 2020</p>	<p>The expansion of the harbour and the potential increase of water-based recreation as a result of the development may, without mitigation, result in 'loss' of and or change to the fronting intertidal habitat. Increased current speeds, velocity and sediment mobility will change the habitat at the mouth of the harbour, and also at the mouth of the tidal creek.</p> <p>Natural England welcomes and supports the measures set out in the Marine Management Plan to mitigate these potential impacts and the setting up of a liaison group to oversee and influence the work undertaken to mitigate recreational impacts.</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>c) Natural England 5th August 2019</p>	<p>Impacts on Solent & Southampton Water SPA and Ramsar and Solent Maritime SAC from habitat loss of intertidal habitats as a result of sea level rise and coastal squeeze: the current Shoreline Management Plan for this area is to hold the line. We accept that the proposals within this outline application are in line with this policy and therefore, provided the new defences themselves will not result in any direct loss of designated site, any indirect impacts on habitat as a result of coastal squeeze and sea level rise have been considered and compensated within the</p>	<p>We are in agreement with Natural England in respect of sea level rise and coastal squeeze. Section 3.2.4 of the Information for Appropriate Assessment of Proposed Development Report (May 2020) and Section 5.3.1.1 of the Fawley Nature Park Management Plan (April 2020) outline how the coastal grazing marsh within Tom Tiddlers Ground SINC will be designed with diffuse borders, thereby enabling</p>

<p>And restated on 22nd June 2020</p>	<p>Environment Agency's Regional Habitat Compensation Scheme. In this instance we would have no further comments to make regarding this part of the application</p>	<p>inland coastal migration to offset any saltmarsh losses as a result of sea level rise and coastal squeeze. As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>d) The Environment Agency 25th June 2020</p>	<p>Following the submission of additional information, we can confirm that we are able to remove our previous objections subject to conditions (Further information on this response is provided in the Environment Agency's response letter).</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>e) The Environment Agency 25th June 2020</p>	<p>We understand that there will be no dredging or marine disposal associated with the proposed development of the canal and harbour as these areas have existing concrete/hard bottoms. The entrance channel to the development is already maintenance-dredged periodically, and the current proposals do not include any changes to this operation.</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>f) The Environment Agency 25th June 2020</p>	<p>We note that water quality impacts are not anticipated in relation to surface water discharges into the canal and harbour. The WFD assessment confirms that "drainage from the proposed development will include water and sediment quality control measures to prevent any deterioration in water quality" and that " as part of the Drainage Strategy, a number of pollution control measures have been implemented in line with the CIRIA SuDS Manual (C753) which will control the influx of fine sediments and associated contaminants which may adversely affect water clarity, nutrients or microbial patterns. Currently there are limited measures in place, so localised benefits to sediment and water quality are anticipated. Increased surface water discharge into the canal is unlikely to affect temperature, salinity or oxygen levels within Southampton Water."</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>g) The Environment Agency 25th June 2020</p>	<p>We believe that the proposed lagoon/creek has the potential to deliver significant biodiversity gains. However, this will only be realised via continued robust design, good implementation, and appropriate long-term management, underpinned by monitoring.</p> <p>We welcome the future steps proposed for detailed design, management and monitoring, as summarised under 12.7.33 and 12.7.34 of the Environmental Statement (ES) chapter 12.</p> <p>We are in broad agreement with the lagoon perimeters as set out in Appendix 12.2 of the ES. We would welcome the opportunity to further comment on the lagoon design at detailed design. As per section 3 of Appendix 12.2, we would advise that the minimum size of the lagoon should be no less than 7ha. This is to ensure the lagoon can meet the design objectives, and provide sufficient space to accommodate the design characteristics that have been identified to provide suitable habitat for the target species.</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>

h) The Environment Agency 25 th June 2020	<p>We would advise that recreational boating poses a risk to water quality through the discharge of untreated effluent into waterbodies. This risks causing a deterioration of the WFD water body status through impacting on designated bathing and shellfish waters. Any deterioration to water body status is contrary to the WFD's no deterioration in status' objective. We would therefore advise the Applicant to consider the installation of sewage pump out facilities as part of the canal and harbour development, to reduce the risk to water quality from recreational boating. The size of the pump out facility should be appropriate to that of the development.</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
i) RSPB 24 th June 2020	<p>On the specific issue of the impacts relating to the creation of the tidal creek and possible hydromorphological impacts, we note the further assessment work submitted by the applicant, and we may seek our consultants' views (Ken Pye Associates) on this. We will provide any such further information to the applicant and local planning authority.</p>	<p>As noted above, at this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
Section 8. Nitrates and nutrient neutrality		
a) NFDC 6 th February 2020	<p><u>A Strategy for Reaching Nutrient Neutrality</u></p> <p>This is a complex matter, and we will obviously need to understand what Natural England's position is on your strategy, before being able to come to any definitive conclusions.</p> <p>We note that your strategy is now based on the following five measures:</p> <ul style="list-style-type: none"> • Land use change resulting from the quarry restoration and arable reversion • The Stone Stream wetland creation • The intertidal creek restoration • Winter Cover Crops (29 hectares) • Woodland creation from improved grassland (21 hectares) <p>The table at 4.2 indicates that the proposed Stone Stream wetland creation would be the most significant of the 5 measures, followed by the intertidal creek creation.</p> <p>In respect of the Stone Stream wetland creation, which would be outside of the application red-line areas and within the National Park, the strategy should provide clearer mapping to show where this area is situated (1). In principle, it is accepted that such a wetland creation could be a useful solution, because as well as having the potential to address nitrates, it would also provide some local habitat, albeit that it would be sub-optimal habitat, as it would be fed by poorer water quality. However, we need to understand what is proposed for this area much more clearly (2), and you need to be presenting a scheme with timelines for both its creation and for its functioning (3). Would the creation of a wetland here be feasible from a hydraulic / engineering / consenting point of view? (4) Would it require engineering works for which planning permission would be required? (5) What would the area look like? (6) Again, we await Natural England's consideration of this measure.</p>	<p>At this stage, the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage and subject to clarification of the matters raised below.</p>

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	<p>In respect of the tidal creek, we consider that you are being optimistic in your projections for how quickly the creek would establish and work effectively. We accept that pioneer species will have started to spread after 3 years, but biomass will take time to develop. (7)</p> <p>The land use change from the quarry conversion and arable conversion needs to be clearly mapped, so that we can understand the location of the 26.2 hectares that the report refers to. (8)</p> <p>Winter cover crops would seem capable of addressing shorter term deficits, but we need to consider how such measures would be monitored and enforced. (9)</p> <p>Overall, we are concerned that the combined measures that you are proposing are, at present, still too much a collection of ideas, rather than a firm set of proposals that have been worked up in the level of detail that will be necessary to show that they are deliverable and effective. To be absolutely clear, you need to provide fully worked up details of the proposed measures for securing nutrient neutrality, to include detailed and specific proposals for each of the measures, and timings for delivery and for becoming effective. (10) It is a fundamental requirement that you are able to fully demonstrate how you will achieve nitrate neutrality, and without this we are unable to make progress on moving the applications towards a Committee. Also, without this detailed information, we will be unable to conclude with certainty that the development will deliver nutrient neutrality.</p> <p>The detailed proposals for securing nutrient neutrality will ultimately need to be secured through the Section 106 legal agreement. (11)</p>	
<p>b) Natural England 22nd June 2020</p>	<p>Natural England welcomes the additional information that has been provided by the applicant that has addressed the majority of points raised in our previous response.</p> <p>The applicant has provided a detailed nutrient strategy that sets out how the development will be nutrient neutral at each stage of the development. Although Natural England is satisfied, based on the information provided, that the development can achieve nutrient neutrality for each stage of building we have the following comments to make.</p> <p>Stone stream wetland: It is unclear if the creation of this wetland will require a separate planning application. We are satisfied from the report produced for this scheme that the expected levels of nutrient removal could be achieved from the catchment. Within your AA you will need to be satisfied of its delivery and the impact that further planning requirements may have on your surety of its delivery.</p> <p>Land use change from quarry restoration: We understand that the restoration for the quarry is subject to a separate planning application to change the restoration from the current final restoration plan. We recommend that you take your own legal advice on what the baseline restoration land use is for the quarry to inform your AA.</p>	<p>We are in broad agreement with Natural England on this matter. In principle, the measures proposed in the Nitrogen Neutrality Strategy (May 2020) are sufficient to avoid adverse effects on integrity in relation to nitrogen neutrality.</p> <p>However, in order to be able to conclude no adverse effects on integrity, there must be sufficient certainty that the stone stream wetland can be delivered as proposed and will fulfil the role for which it is intended. It is our understanding at this stage that delivery of this element of the application will require a separate planning application; and therefore, whilst it is our conclusion that this feature can provide sufficient mitigation to ensure no adverse effects on integrity, this conclusion is dependent on the successful delivery of the stone stream.</p> <p>In the event that the stone stream cannot be delivered, alternative means of mitigation will need to be provided to satisfy the Habitat Regulations, in reaching a conclusion on no adverse effects on integrity.</p> <p>Further information is required to clarify what baseline is being used for the quarry restoration as part of the nutrient calculations.</p>

<p>c) The Environment Agency 25th June 2020</p>	<p>Following the submission of additional information, we can confirm that we are able to remove our previous objections subject to conditions (Further information on this response is provided in the Environment Agency's response letter).</p>	<p>We are in broad agreement with Environment Agency on this matter. In principle, the measures proposed in the Nitrogen Neutrality Strategy (May 2020) are sufficient to avoid adverse effects on integrity in relation to nitrogen neutrality, subject to the matters raised above.</p>
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Table A.2: Review matrix of consultation comments provided in 2019

Consultee	Consultation comments provided in 2019	Review of the applicant's response based on the information currently available
Section 1. Visitor surveys		
<p>a) RSPB 13th June 2019</p>	<p>The visitor surveys in the Information for Appropriate Assessment (IAA) report are insufficient to predict the increase in visitor pressure to the designated sites (further detail on this comment is provided in RSPB's response letter dated 13th July 2019).</p>	<p>The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.</p>
Section 2. Matters relating specifically to Tom Tiddlers SINC		
<p>a) Natural England 5th August 2019</p>	<p>Natural England fully supports the proposals to create a saline lagoon and creek as part of the proposals and considers the measures will provide a significant enhancement for SPA birds within the locality. Further, provided it can be delivered and maintained in an appropriate way, and compensation for the loss of habitats within the SINC are secured, we believe it will contribute a substantive net gain for biodiversity.</p> <p>In order for the proposed lagoon to meet its potential you should consider the measures necessary for managing water levels and water quality within the lagoon.</p> <p>As the lagoon and creek features are not necessary as mitigation for impacts on the international sites it would be acceptable, provided sufficient detail is provided to rule out likely significant effects from construction and related hydro-morphological impacts, for the final detailed designs and management arrangements for the lagoon and creek to be agreed and implemented as a condition of any permission.</p>	<p>At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.</p>
<p>b) Natural England 5th August 2019</p>	<p>We would also recommend that the lagoon and associated creek are established as a Nature Reserve, with provision provided for its ongoing management by an appropriate body.</p>	<p>The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.</p>

<p>c) RSPB 13th June 2019</p>	<p>The IAA11 identifies the strip of grassland along the southern edge of Tom Tiddlers Ground as an important SPA supporting site for brent geese and waders (notably curlew). Although relatively modest numbers of these species were recorded during the Applicant's winter bird surveys (with peak counts of 98 brent geese and 38 curlew reported in the IAA), it is assumed the site has supported greater numbers and/or frequency of the SPA birds in the past, as it is identified as a "Core Site" (the top tier of site importance) in the current Solent Waders and Brent Goose Strategy (Area NF156B). The land to the north of this strip (Area NF156B) also identified as a "Primary Support Area" (second tier of site importance), suggesting that it also once had greater value to the SPA birds. However, no historic records have been presented by the Applicant to help understand the true past and potential future value of the land to the SPA species. Furthermore, we can find no clear proposals for how the SPA supporting function of this land will be retained or replaced.</p>	<p>The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.</p>
<p>d) RSPB 13th June 2019</p>	<p>There is confusion regarding the role of the proposed saline lagoon and tidal creek in respect of SPA mitigation.</p>	<p>The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.</p>
<p>Section 3. Land-based recreational disturbance</p>		
<p>a) Natural England 5th August 2019</p>	<p>Natural England has some concerns with the phasing of SANGs delivery alongside the development stages. In particular, currently the Ashlett Creek SANG is proposed to be the first SANG delivered but the first phase of development will be at the most southern end of the site which would require residents to walk past the ongoing development before reaching mitigation land, we would suggest that further thought is given to the phasing to ensure appropriate mitigation is given for each phase of development. We request that the applicant provides further detail for each development phase to show:</p> <ul style="list-style-type: none"> • The amount of financial contribution towards New Forest and Solent mitigation funds. • The area of SANG provided, including an assessment of its appropriateness for mitigating that phase of development, e.g. looking at walking times, ease of access and quality of experience. • The number and role description of wardens – will they be employed from phase one or will the numbers increase with the phases of development? • What wider access and habitat improvements will be secured within the wider access land. • How each phase will reach nutrient neutrality (see further comments on nutrient neutrality in relevant section later in this letter). 	<p>Further information required.</p>
<p>b) Natural England 5th August 2019</p>	<p>Due to the proximity of the site to the designated areas Natural England welcomes the approach taken by the applicant to provide the SANGs within a wider Nature Park and consider this element of the proposals key to support and better integrate the stand alone SANGs with the development and the wider landscape of the area. The wider nature park also provides an additional buffer between the development and the designated sites. It is our opinion that if the wider accessible landscape as described within the Nature Conservation and Access Plan (NCAP) is not secured then the SANGs, as designed, would not be as effective at mitigating adverse impacts.</p>	<p>Further information required.</p>

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	Further information is required on the quantum and location of SANG provided for each phase of the development, including an assessment of the appropriateness of the SANG to be made available for mitigating that phase of development, e.g. looking at walking times, ease of access and quality of experience.	
c) Natural England 5 th August 2019	In relation to Tom Tiddlers SINC, details should be provided on how public access for bird watching will be incorporated into the design.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
d) RSPB 13 th June 2019	It has not been demonstrated that the proposed SANGs are fit for purpose (further detail on this comment is provided in RSPB's response letter dated 13th July 2019).	Further information required.
e) RSPB 13 th June 2019	We note that the Fawley SANG will involve the phased restoration of areas of former arable land and minerals workings, which will clearly take time to mature into attractive landscapes. Furthermore, although not described in the IAA or Access and Nature Conservation Plan, it is understood that the minerals workings will continue beyond the first phases of SANG delivery and concurrent occupation of the new housing. Yet there appears to be no assessment of the potential effects of noise, dust or visual intrusions from the active quarry that may be experienced by people using the first phases of the Fawley SANG. It is important that the SANGs are attractive and also provide suitable footpaths with sensible walking circuits in these first stages of delivery, when access patterns of the first occupants of the new housing will become established. If the SANGs do not provide an attractive alternative to the designated sites from the outset it will be extremely difficult to change visitor behaviour at a later stage.	Further information required.
f) RSPB 13 th June 2019	The proposals include a number of access management measures that could play an important complementary role to the SANGs, thereby reducing recreational disturbance to the designated sites within the New Forest and Solent. However, on the whole, the measures are either poorly defined, fall short of what is required, or could themselves lead to increased impacts on the protected areas (further detail on this comment is provided in RSPB's response letter dated 13 th July 2019).	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
g) RSPB 13 th June 2019	A possible issue is the close alignment of the SANGs with the lagoon and tidal creek and their associated protection. For new residents of the Fawley development, this may create the sense that they have a nature reserve on their doorstep and therefore it is not a suitable area for letting dogs off the lead etc.; particularly if the area is regularly attended by wardening staff. The following issues were also raised in relation to : the potential for disturbance to birds caused by the proximity of foot paths and houses and the risk of cat predation from neighbouring houses.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
h) RSPB 13 th June 2019	It is stated in a number of places that the SANGs will be managed by extensive livestock grazing, creating a similar environment to the New Forest. The RSPB has repeatedly raised concerns with the Applicant that, without providing any areas of SANGs that are free (temporarily or permanently) of livestock, many dog-walkers who cannot trust their dogs off lead around livestock will be displaced to alternative sites. Those sites could well include areas of SPA, SAC	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.

	and Ramsar site that the SANGs are designed to draw people away from. As a minimum we strongly recommend that a system is in place to notify residents of areas of SANGs that are free from livestock grazing, temporally and/or spatially.	
Section 4. Water-based recreational and commercial disturbance		
a) NFDC 13 th November 2019	Marine Management Plan: this is an essential aspect of your development proposals that will need to be resolved if we are to be able to conclude that your development will not give rise to harmful recreational impacts on the adjacent Solent and Southampton Water European designated nature conservation sites. In the first instance, we need clarity on ownership of the intertidal and marine areas (to include a plan that we understand is being prepared), so that we can understand what can be controlled and where.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
b) Natural England 5 th August 2019	Natural England supports the mitigation measures set out in section 9.4.4 and suggests that an Aquatic (Marine) Mitigation Management Plan is produced by the applicant to bring together the mitigation required to manage the different user groups within the aquatic environment from both the recreational and commercial sides and in conjunction with Hampshire County Council include the management of marine recreational activities based at Calshot Spit. The plan should include details of boat speed limits, bird refuge areas and zoning for different recreational uses and set out who will be responsible for monitoring and policing of recreational activities, how user conformity will be enforced, along with details of how these measures will be retained and funded for perpetuity.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
c) RSPB 13 th June 2019	Far greater clarity and certainty is required regarding the impacts and mitigation of increased boat activities linked to the proposed development in order for the competent authorities to rule out adverse effects from boat disturbance on the integrity of the Solent and Southampton Water SPA and Ramsar site (further detail on this comment is provided in RSPB's response letter dated 13 th July 2019).	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
Section 5. Managing and maintaining mitigation and enhancement measures in perpetuity		
a) Natural England 5 th August 2019	Further information is requested as to the number and role description and responsibilities of the proposed wardens. To include details of who will employ them and when they will be employed (e.g. will they be employed from phase one or will the numbers increase with the phases of development?), how they will be funded for perpetuity, and how any permission will ensure the necessary level of wardening is retained for perpetuity.	Further information required.
b) Natural England 5 th August 2019	Natural England welcomes the Fawley Waterside Access and Nature Conservation Plan and considers the access and biodiversity enhancement measures within the wider estate as necessary for the delivery of an appropriate recreational mitigation strategy for the proposals. Further details are required on how the measures outlined in the plan will be delivered and secured for perpetuity.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
c) Natural England 5 th August 2019	We would welcome some further clarification on how the elements of the Nature Conservation and Access Plan (NCAP) are to be secured in perpetuity. We understand that the plan is to form part of the section 106 agreement should the proposals be approved. We welcome the NCAP delivery and maintenance forming part of the s106 agreement we would like to see further clarity included in the plan to show what level of public access will be maintained across the landscape, how this will be secured and enforced and how it will be funded.	Further information required.

d) RSPB 13 th June 2019	Wardens are proposed to manage public access and recreational use of the coastal zone. However, there is no information on how many 'full time equivalent' wardens will be employed, when they will work and how this wardening will be secured in-perpetuity.	Further information required.
Section 6. Strategic financial contributions		
a) NFDC 13 th November 2019	Contributions to Access Management and Monitoring of the New Forest European sites: Your position on this needs clarification. Our starting point is to secure what is required by policy. I would expressly refer you to New Forest District Council's 'Mitigation of Recreational Impacts SPD - dated June 2018 (draft)'. If you are not seeking to comply with policy, you need to demonstrate why, and we will need to consider your case.	Further information required.
b) NFDC 13 th November 2019	Contribution to Access Management of the Solent and Southampton Water European sites: You are still seeking to justify a rebate. To be clear, we cannot see a justification for this based on the case you have made to date and do not support this approach. Whilst discussions on the detailed wording of the Section 106 will be ongoing for some time after the amended package has been submitted, we need to try and lock down the Section 106 Heads of Terms as soon as we reasonably can. I would recommend that you submit an updated version of your Section 106 Heads of Terms letter with your amended application package.	Further information required.
c) Natural England 5 th August 2019	Confirmation is required on the final financial contribution towards New Forest and Solent mitigation funds and how payments will be phased with the development.	Further information required.
d) Natural England 5 th August 2019	We welcome the commitment to make a full contribution towards in combination mitigation as set out in the Solent Recreation Mitigation Strategy through the s106, although do not consider it appropriate to include reference to a potential reduction within the draft heads of terms document. Provided the full contribution is made in full prior to the occupation of the houses we are satisfied that in combination effects of this development with others around the Solent have been mitigated.	Further information required.
e) RSPB 13 th June 2019	We note the suggestion of a possible future (part) refund of the contribution that the Applicant intends to make to the Bird Aware Solent project. We do not consider this acceptable for a development of this scale and where there is such limited understanding of the likely spread of recreational use of the new residents across the Solent coast. We consider that the Applicant should make a full and permanent contribution. The RSPB considers that it is essential that the Applicant makes a full contribution to strategic wardening in the New Forest.	Further information required.
Section 7. Hydromorphology		

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a) NFDC 13 th November 2019	We note you have submitted a draft package of information to address concerns that have been raised previously. This is a technical area, and one where we will need to be guided by relevant consultees. You will need to be confident that the concerns of the key consultees have been adequately addressed before you formally submit the amended application package.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
b) Natural England 5 th August 2019	The expansion of the dock, creation of the canal in addition to the creation of the tidal creek could all potentially have an impact on the designated intertidal habitats of the Solent Maritime SAC which are supporting features for the Solent and Southampton Water SPA. The applicant has submitted a report modelling impacts of the proposals. Natural England does not consider this report as currently submitted provides enough detail, particularly in regards to medium and long-term impacts, to fully inform an AA. However, we consider that it should be possible to avoid such impacts through careful design and are aware that the applicant is now addressing these issues.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
c) Natural England 5 th August 2019	At present the landscape plans show that a chalk bank will be created by the importation of chalk material. The soils of the New Forest are acidic in nature and therefore the landscape is one of plants associated with these acidic soils. We feel that a chalk bank would not be in keeping with the local character and also have concerns regarding impacts on nearby designated sites from alkaline ground water as a result of the proposed features. If this is to be included within the final landscape plan for the site there would need to be a detailed hydrological assessment of potential impacts on designated sites.	The Fawley Waterside – Clarifications prepared by Deloitte on 30 th June 2020 confirm that a chalk bank is no longer proposed. Were this to be proposed in the future it would be subject to a separate planning application. The information provided is therefore sufficient to conclude no adverse effects on integrity in relation to this matter.
d) The Environment Agency 9 th July 2019	The report has considered the changes in the tidal prism and volume of water moving along the proposed Fawley access channel as a result of the new canal filling and emptying with the tide. This could result in increased water velocity along the channel, and hence increased rates of sediment erosion leading to the loss of the extent of intertidal mudflat. The report briefly describes similar effects as a result of the creation of the saline lagoon on Tom Tiddlers, but states that due to anticipated relatively small discharge, impacts are unlikely. Whilst this may be logical, the details surrounding the lagoon is lacking and the conclusion lacks certainty. This requires clarification.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
e) The Environment Agency 9 th July 2019	The report summarises information from the Coastal Environmental Model (ES – volume 2 – Appendix 12.4) and relied heavily on the results of the short-term modelling. Whilst we do not challenge the use of the DHI Mike21 modelling package, we believe the limitations of the methodology used to inform the assessment have not been explained sufficiently. The changes to hydrodynamic processes are discussed. However, the report then fails to relate this to the potential morphological change that may occur. The report lacks robust geomorphological assessment, and does not robustly explain the changes, especially over the medium and long term (3). Due to these concerns, we believe it is not possible to conclude at this time that the development will not result in a significant effect on the European protected marine sites. This requires further detail and clarification.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
f) The Environment Agency	Paragraph 9.6.1 describes proposed additional modelling of potential impacts of the proposed creek on the hydrology of Calshot Marshes will be undertaken to validate this assessment, and a programme of monitoring implemented to ensure modelling follows predicted levels. This suggests a degree of uncertainty. It would be helpful to understand what additional work is proposed.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.

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9 th July 2019		
g) The Environment Agency 9 th July 2019	<p>Paragraph 12.7.37 of the ES identifies that increased vessel movements as a result of the proposed Canal and Harbour “have the potential to impact on the protected intertidal habitat by changing sedimentation patterns (scour/deposition) due to associated changes in currents (from vessel wake and propeller wash).”</p> <p>In paragraph 12.7.39, it is suggested that by restricting the speed of leisure craft to 6 knots, the impact of boat wake and propeller wash will be reduced to “acceptable levels.” The nature of “acceptable levels” is not specified, and no supporting evidence of the efficacy of such speed restrictions elsewhere within Southampton Water and the Solent is provided.</p>	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
h) The Environment Agency 9 th July 2019	The Coastal Squeeze Assessment Technical Note (WSP, 2018c) describes that proposed development facing Southampton Water is already protected by defences, and it is planned that these will be improved along essentially their existing footprint. This is consistent with the Shoreline Management Plan (SMP) policy of ‘Hold the Line’. What is not clear from the information provided is, will there be any encroachment from increased footprint of improved defences? Statements are made in the report concerning compensation being delivered by our Regional Habitat Creation Programme (RHCP). This is the agreed mechanism for delivering losses that will occur from policy decisions made under the SMP. The RHCP will not compensate for losses that occur at the scheme level i.e. construction of new or improved. This needs clarification. (1)	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
i) RSPB 13 th June 2019	RSPB have raised concerns about the long-term hydrological stability of the proposed tidal creek and impacts it could have on the adjacent SAC, SPA/Ramsar site. In addition, they are concerned that the saline lagoon will not perform to provide proposed objectives.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
j) RSPB 13 th June 2019	The assessment of potential effects of the proposed development on the marine hydrodynamic and sediment environment has relied very heavily on the results of short-term modelling using the DHI Mike21 modelling suite. While this software is widely used and well-respected, it primarily provides a useful tool for the assessment of baseline and potential post-development water level, flows, and potential patterns of bed sediment erosion / deposition. Such modelling cannot provide information about morphological changes which may occur in response to changed hydrodynamic processes over the medium to longer term.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
k) RSPB 13 th June 2019	While the overall performance of the hydrodynamic model in replicating water levels and current speeds / direction within the open water environment can be regarded as ‘fit-for purpose’, the model grid has insufficiently high resolution to accurately replicate natural flows and sediment transport processes with the existing and proposed new tidal creeks. No model simulations of extreme tidal events appear to have been undertaken, very simplified assumptions have been made about bed sediment character and the transport / settling behaviour of suspended sediment, and the role of combined tidal flow and wave induced shear stresses on sediment erosion and dispersion has not been considered. As a result of these limitations, there are significant uncertainties regarding rates of sediment erosion and dispersion in the short, medium and longer term.	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.

l) RSPB 13 th June 2019	Assessment of short, medium and longer-term morphological changes requires the use of a number of complementary approaches, including simple modelling used on 'regime theory' type approaches, data analysis approaches, and expert geomorphological assessment. Such approaches have not to have been used to any significant degree in preparing the ES and the designs for the new habitat features (saline lagoon and tidal creek).	The information provided is sufficient to conclude no adverse effects on integrity in relation to this matter.
m) RSPB 13 th June 2019	In particular, the likely future evolution of the proposed new tidal creek system, the impact of it and the new canal and harbour on existing tidal flat / saltmarsh extent and quality, and the potentially dispersive behaviour of eroded sediment, have not been assessed in sufficient detail.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
n) RSPB 13 th June 2019	Based on the evidence presented, the possibility cannot be ruled out that the creation / modification of these features will have an adverse effect on the marine SAC and SPA features. Given the likely ebbdominant nature of the tidal regime within the proposed new tidal creek system, there is a high risk that a large proportion of eroded sediment from an enlarging saltmarsh creek network and fronting tidal flats will be transported in suspension towards the main low water channel and may be exported from Southampton Water into the Solent.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
o) RSPB 13 th June 2019	On the basis of this advice, the RSPB considers that without further modelling it will not be possible to rule out an adverse effect on the integrity of the Solent and Southampton Water SPA and Ramsar site, or of the Solent Maritime SAC.	At this stage the competent authority can have sufficient certainty that adverse effects on integrity can be avoided, subject to further information being provided at detailed design stage.
Section 8. Nitrates and nutrient neutrality		
a) NFDC 13 th November 2019	This remains a fundamental concern. You need to put forward a detailed strategy that satisfies both local authorities (and Natural England) that your proposed measures for achieving nitrate neutrality are appropriate, effective, deliverable and enforceable. Your most recent 'Note on Approach to achieving nutrient neutrality at Fawley Waterside' does not provide this strategy, and this issue remains one where considerable additional work is likely to be needed.	Further information required.
b) Natural England 5 th August 2019	<p>Natural England notes the applicant has made an assessment of impacts from waste water within the Information for Appropriate Assessment document. However, the approach adopted has taken account of the previous industrial use on the site. Natural England does not consider industrial or employment use should be factored into the calculation for either previous use or new uses included in the proposals.</p> <p>Since the application was submitted Natural England have produced an updated methodology to assess impacts of nitrates from new developments. You may wish to use the updated methodology within your own Appropriate Assessment.</p> <p>Natural England recommends that a revised nutrient budget is submitted with the application along with any measures necessary to ensure the scheme achieves nutrient neutrality throughout each phase of the development. Natural England would be happy to discuss potential additional mitigation measures in due course.</p>	Further information required.

Appendix A
 Review Matrix
 July 2020

c) The Environment Agency 9 th July 2019	We welcome measures to achieve nutrient neutrality as set out in the submitted reports, the phased approach that is described may be logical but feels less than secure. The provision of tertiary treatment is described. This aspect of the proposal lack details and security with regards to it being delivered and likely success. This requires clarification.	Further information required.
d) The Environment Agency 9 th July 2019	The Saline Lagoon and Tidal Creek Outline Feasibility report (WSP (2018b)) provides a summary of the existing environmental conditions around Tom Tiddlers ground where it is proposed to create a saline lagoon. The information provided does not consider the potential issue of impounding nutrient rich water in the lagoon. It is not clear if this could result in localised impacts to the adjacent marine sites or hinder the success of the proposal. This requires clarification.	Further information required.

Appendix B

European Sites Information

Table B.1: European sites information

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>New Forest SAC/ SPA/ Ramsar - The New Forest is a large and complex ecosystem and one of the largest remaining relatively wild areas in the South of England attracting very large numbers of visitors each year.</p> <p>The New Forest SAC supports an extensive and complex mosaic of habitats including wet and dry heaths and associated bogs and mires, wet and dry grasslands, ancient pasture woodlands, frequent permanent and temporary ponds and a network of streams and rivers. These habitats support an exceptional variety of flora and fauna including internationally important populations of breeding and over-wintering birds and other notable species such as southern damselfly, stag beetle and great crested newt.</p>			
<p>New Forest SAC (29,213.57 ha)</p>	<p><i>Qualifying features:</i></p> <ul style="list-style-type: none"> - H7140 Transition mires and quaking bogs - H7150 Depressions on peat substrates of the <i>Rhynchosporion</i> - H3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) - H3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> - H4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> - H4030 European dry heaths - H6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) - H7230 Alkaline fens - H9120 Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrub layer (<i>Quercion roboripetraeae</i> or <i>Ilici-Fagenion</i>) 	<p>Drainage</p> <p>A legacy of 150 years of drainage of mires, wet heathlands, wet grasslands and streams to improve grazing has led to a loss of peat, reduction of habitat condition, bracken and scrub encroachment. A programme of restoration has been going on for the past 10 years and around 3500ha of mire and streams has been identified as still requiring restoration.</p> <p>Inappropriate Scrub Control</p> <p>Lack of management and grazing, and inappropriate drainage has led to the loss of open habitats through encroachment of scrub and secondary woodland.</p> <p>Fish Stocking</p> <p>Hatchet Pond, whilst not actively stocked, is managed as a coarse fishery including carp and bream. The common practice of ground baiting, which is popular with carp fisherman, can introduce nutrients and there may also be deliberate extra feeding to encourage growth of specimen sized fish. In addition, benthivorous fish contribute nutrient through their feeding habits. This has contributed to high turbidity and algal biomass putting the submerged flora at risk. Public disturbance and invasive species have also contributed to the declining condition of Hatchet Pond.</p> <p>Deer</p> <p>High levels of browsing prevent regeneration and cause a decline in the shrub and field layer of woodlands. The Forestry Commission and other landowners are actively managing the deer population</p>	<p>Natural England's Conservation Objectives: Supplementary Advice for this site³⁷ identify the following dependencies:</p> <p>The New Forest sits in the centre of a dip in the surrounding chalk known as the Hampshire Basin and comprises a series of eroded terraces of soft sedimentary clays and sands capped with flint gravel, brickearth and other superficial deposits. The Soils are mainly acid, poor in nutrients, susceptible to leaching and only slowly permeable with locally enriched areas. This great variation in its soils is reflected in the New Forest's distinctive vegetation. The habitats include lowland heath, valley and seepage step mire, or fen, and ancient pasture woodland, including riparian and bog woodland and a range of acid to neutral grasslands. These habitats support an exceptionally rich diversity of fauna and flora which for much of the site are dependent on traditional management practices of grazing through Rights of Common complemented by annual heathland burning and cutting programmes. These provide structural diversity and a range of niches for plants and animals to utilise.</p> <p>Changes in surrounding land-use may adversely (directly/indirectly) affect the functioning of qualifying features and its component species.</p> <ul style="list-style-type: none"> - For H3110 - The passage of common eels upstream into Hatchet Pond are being restricted by a sluice - For H3130 - Ponds are at risk from inputs and runoff from land adjacent to the SAC

³⁷ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features the New Forest (SAC): <http://publications.naturalengland.org.uk/publication/5727577884852224>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<ul style="list-style-type: none"> - H9130 <i>Asperulo-Fagetum</i> beech forests <p>H9190 Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains</p> <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> - the extent and distribution of qualifying natural habitats and habitats of qualifying species; - the structure and function (including typical species) of qualifying natural habitats; - the structure and function of the habitats of qualifying species; - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; - the populations of qualifying species; and <p>the distribution of qualifying species within the site.</p>	<p>and cooperating with existing strategies but levels are still perceived to be high.</p> <p><u>Air Pollution: impact of atmospheric nitrogen deposition</u></p> <p>Air pollution impacts on vegetation diversity. Aerial deposits of nitrogen may exceed the threshold limits above which the quality and character of vegetation begins to be altered and adversely impacted. This could potentially lead to a loss or change of habitat type which in turn will impact on species reliant on that habitat.</p> <p><u>Public Access/Disturbance</u></p> <p>The New Forest attracts high numbers of visitors annually and there is an assumption that disturbance affects SAC habitats through erosion, compaction and damage to vegetation and water bodies. Investigation into understanding the impact of recreation is required and recreation should be managed to minimise the impact and protect the European features. Hatchet pond attracts high numbers of visitors, walkers along the shoreline have eroded the banks and introduced sediment into the water, this together with feeding of birds and fishing activities has polluted the water and put the habitat at risk. Many of the 10 designated campsites within the New Forest are located in sensitive areas and have impoverished vegetation due to trampling and infrastructure. Sites in or adjacent to pasture woodland in particular are likely to progressively decline due to the impact on tree regeneration, levels of dead wood, lichens and ground flora.</p> <p><u>Change in land management</u></p> <p>Restoration of conifer plantation to heathland and grassland habitats is taking place throughout the New Forest on private land, on the adjacent commons and on the Crown Lands where the Verderers Enclosures are being returned to open forest. Following initial felling there is often extensive regeneration of conifer which requires management. Lack of funds for follow-up management could lead to a failure of the restoration.</p> <p><u>Water Pollution</u></p> <p>Many villages have properties that are not on mains sewerage and have domestic treatment units which discharge into ditches and</p>	<p>Stream and river catchments extend beyond the boundary of the site and water quality and availability can be impacted by changes anywhere within the catchment. Changes outside of the site can affect the hydrological regime within the site and have significant implications for the assemblage of characteristic plants and animals present. Off-site land use change driven by the planning process or caused by other activities such as agriculture, recreational demands, or infrastructure provision need to take account of this connectivity and not be to the detriment of the ongoing structure and function of the habitats on-site. Consideration needs to be given to both direct and in-direct impacts on the SAC features</p>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>streams that are either within or flow into the SAC. The ditches and streams have seasonal flow and this in combination with a number of properties all discharging into the same channel could lead to an increase in nutrient levels impacting on the habitats they flow through, reducing species richness and diversity.</p> <p><u>Forestry and woodland management</u></p> <p>Lack of management of woodlands in private ownership has led to loss of characteristic ground flora and shrubs and threat from non-natives such as scots pine, turkey oak and rhododendron. Artificial drainage can impact on wetter habitats leading to loss of sphagnum and bryophytes.</p> <p><u>Inappropriate ditch management</u></p> <p>Ditches alongside tracks, roads, private property and for forestry practices can impact on wet habitats which causes a loss or conversion of habitat. Drainage into streams and bogs can carry silt adding nutrients and negatively impacting on species relying on the low nutrient status of the habitats.</p> <p><u>Invasive species</u></p> <p>A wide range of non-native invasive species such as Crassula helmslii, parrots feather, pitcher plant, rhododendron, turkey oak and Himalayan balsam can be found within the SAC habitats of the New Forest. Many non-native species invade and out compete native species.</p> <p><u>Parking</u></p> <p>Much of the SAC is unfenced with open access and numerous roads crisscrossing the site. Although the area is well served by car parks, parking on the verges is common, this is a particular problem in villages with parking on verges outside properties, village greens and Manorial wastes. This leads to a loss of vegetation, compaction of the soil and pollution. There are a variety of solutions available but funding will be required.</p> <p><u>Inappropriate cutting/ mowing/ grazing</u></p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>Loss of traditional hay cutting, grazing and scrub management in privately owned meadows and heathlands leading to a loss or conversion of habitat.</p> <p>In addition, there has been a significant long-term reduction in grazing pressure through loss of communing, which could lead to scrub encroachment and loss of habitat diversity.</p> <p>Direct impact from 3rd party</p> <p>Private property owners modify verges which are SAC habitats outside of their ownership. Issues include: creating new drives; re-turfing; planting hedges; encroachment by moving boundaries, and storage of material and equipment.</p>	
<p>New Forest SPA (27,968.96 ha)</p>	<p><i>Qualifying features:</i></p> <ul style="list-style-type: none"> - A072(B) <i>Pernis apivorus</i>: European honey-buzzard - A082(NB) <i>Circus cyaneus</i>: Hen harrier - A099(B) <i>Falco subbuteo</i>: Eurasian hobby - A224(B) <i>Caprimulgus europaeus</i>: European nightjar - A246(B) <i>Lullula arborea</i>: Woodlark - A302(B) <i>Sylvia undata</i>: Dartford warbler - A314(B) <i>Phylloscopus sibilatrix</i>: Wood warbler <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and</p>	<p>Public Access/Disturbance</p> <p>The New Forest attracts high numbers of visitors annually and there is an assumption that disturbance affects the breeding success of SPA birds. The pressures are not fully understood but a recent study concluded that nightjar, woodlark and Dartford warbler densities are notably low compared with other large heathland areas such as the Dorset Heaths and Thames Basin Heaths. Investigation into understanding the impact of recreation is required and recreation should be managed to minimise the impact and protect the European designated features.</p> <p>Inappropriate scrub control</p> <p>Lack of management and grazing, and inappropriate drainage has led to the loss of open habitats through encroachment of scrub and secondary woodland with potential knock-on effects on the SPA bird species using these habitats.</p> <p>Air Pollution: impact of atmospheric nitrogen deposition</p> <p>Air pollution impacts on vegetation diversity. Aerial deposits of nitrogen may exceed the threshold limits above which the quality and character of vegetation begins to be altered and adversely</p>	<p>Natural England's Conservation Objectives: Supplementary Advice for this site³⁸ identify the following dependencies:</p> <p>The qualifying bird species of the SPA are dependent on the range of habitats at the site (as designated by the SAC). Within this SPA the principal habitats supporting these qualifying species are as follows:</p> <ul style="list-style-type: none"> - Dartford warbler: mature lowland heathland, generally with abundant stands of mature gorse, clear-felled coniferous plantation woodland being restored to heathland - Honey buzzard: woodland - Hobby: lowland heathland / woodland - Hen harrier: lowland heathland - Woodlark: lowland heathland, clear-felled coniferous plantation woodland being restored to heathland, grassland and lichen heath - Wood warbler: broad-leaved woodland

³⁸ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features the New Forest (SPA): <http://publications.naturalengland.org.uk/publication/5816333400801280>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p>ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> - the extent and distribution of the habitats of the qualifying features; - the structure and function of the habitats of the qualifying features; - the supporting processes on which the habitats of the qualifying features rely; - the population of each of the qualifying features; and <p>the distribution of the qualifying features within the site.</p>	<p>impacted. This could potentially lead to a loss or change of habitat type which in turn will impact on species reliant on that habitat.</p> <p><u>Change in land management</u></p> <p>Restoration of conifer plantation to heathland and grassland habitats is taking place throughout the New Forest on private land, on the adjacent commons and on the Crown Lands where the Verderers Inclosures are being returned to open forest. Following initial felling there is often extensive regeneration of conifer which requires management. Lack of funds for follow-up management could lead to a failure of the restoration with potential knock-on effects on the SPA birds that rely on open habitats.</p> <p><u>Inappropriate cutting/ mowing/ grazing</u></p> <p>Loss of traditional hay cutting, grazing and scrub management in privately owned meadows and heathlands leading to a loss or conversion of habitat with potential knock-on effects on the SPA birds that rely on open habitats.</p>	<ul style="list-style-type: none"> - Nightjar: lowland heathland, woodland edge, coppiced woodland and clear-felled coniferous plantation woodland being restored to heathland <p>The ability of many bird species to safely and successfully move to and from nesting, feeding and roosting areas is critical to their breeding success and to the adult fitness and survival. An open landscape may also be required to facilitate movement of birds between the SPA and any off-site supporting habitat.</p> <p>Honey buzzard, hobby, woodlark and nightjar are known to favour large areas of open terrain, largely free of obstructions, in and around its nesting, roosting and feeding areas. Often there is a need to maintain an unobstructed line of sight within nesting, feeding or roosting habitat to detect approaching predators, or to ensure visibility of displaying behaviour. The home range of breeding Honey buzzards can extend to several kilometres from its nesting area.</p> <p>The nightjar is insectivorous, feeding primarily on moths and beetles during the summer. The location of feeding areas which support the SPA's nightjar population is often not well understood and may require further studies or research. More generally, nightjars are known to forage in such habitats as open forest and heathland. This target will apply within the site boundary and where birds regularly move to and from off-site habitat where this is relevant. The foraging range of nightjar is known to extend up to several kilometres from their nest sites.</p> <p>Local populations of Dartford Warbler are subject to large variation in numbers in response to changing weather patterns and habitat structure. It is important that birds are able to move across the landscape and between patches of suitable habitat so they can re-colonise readily from strongholds. Habitat connectivity is particularly important for this species.</p>
<p>New Forest Ramsar (28,002.81 ha)</p>	<p><i>Qualifying features:</i></p> <p><u>Ramsar Criterion 1</u></p> <p>Valley mires and wet heaths are found throughout the site and are of outstanding</p>	<p><u>Commercial-scale forest exploitation</u></p> <p>No information available.</p> <p><u>Drainage/land-claim (unspecified)</u></p>	<p>See SAC and SPA, above</p>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p>scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.</p> <p><u>Ramsar Criterion 2</u></p> <p>The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.</p> <p><u>Ramsar Criterion 3</u></p> <p>The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.</p>	<p>No information available.</p> <p><u>Introduction/invasion of non-native plant species</u></p> <p>No information available.</p> <p><u>Recreational/tourism disturbance (unspecified)</u></p> <p>No information available.</p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p>Solent Maritime SAC - The Solent is a complex site encompassing a major estuarine system on the south coast of England. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime with double tides, as well as for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive areas of intertidal mudflats, often supporting eelgrass <i>Zostera</i> spp. and green algae, saltmarshes and natural shoreline transitions, such as drift line vegetation. The SAC forms part of the Solent & Southampton Water SPA/Ramsar.</p> <p>All four species of cordgrass found within the UK are present within the Solent and it is one of only two UK sites with significant amounts of the native small cordgrass <i>Spartina maritima</i>. The SAC contains rich intertidal mudflats, saltmarsh, shingle beaches and adjacent coastal habitats, including grazing marsh, reedbeds and damp woodland.</p>		

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>Solent Maritime SAC (11,243.12 ha)</p>	<p><i>Qualifying features:</i></p> <ul style="list-style-type: none"> - H1110 Sandbanks which are slightly covered by sea water all the time - H1320 <i>Spartina</i> swards (<i>Spartinion maritimae</i>) - H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) - S1016 <i>Vertigo moulinsiana</i>: Desmoulin's whorl snail - H1130 Estuaries - H1210 Annual vegetation of drift lines - H1220 Perennial vegetation of stony banks - H1140 Mudflats and sandflats not covered by seawater at low tide - H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") - H1150 Coastal lagoons - H1310 <i>Salicornia</i> and other annuals colonising mud and sand <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p>	<p><u>Public Access/Disturbance</u></p> <p>Recreational activities can affect annual vegetation of drift lines (H1210) and the vegetation of stony banks (H1220).</p> <p><u>Coastal squeeze</u></p> <p>Habitats are being lost as they are squeezed between rising sea levels and hard coastal defences that are maintained. There is a direct impact due to loss of the SAC habitats such as saltmarsh. In some areas rising sea levels will result in coastal grasslands being lost to more saline grasslands. The habitats that are lost could be created elsewhere, but there is difficulty in finding suitable areas. The neutral grassland habitats will take a long time to create as mitigation, but intertidal habitat can be created relatively quickly. Current compensation provides required habitat for Epoch 1 of the Shoreline Management Plan 2, further investigation is required for Epoch 2 and 3. This project will utilise outputs from Shoreline Management Plans, the Environment Agency's Regional Habitat Creation Project and the New Forest District Council/Channel Coastal Observatory's Solent Dynamic Coast Project.</p> <p><u>Water pollution</u></p> <p>Water pollution affects a range of habitats at the site through eutrophication and toxicity. Sources include both point source discharges (including flood alleviation / storm discharges) and diffuse water pollution from agriculture / road runoff, as well as historic contamination of marine sediments, primarily from copper and Tributyltin (TBT). A position statement from the Environment Agency and Natural England on water quality in the Solent and housing growth confirms the need to control nitrogen inputs to the Solent from development growth. Environment Agency flood event discharge consents allow untreated waters to be discharged which end up in the SAC and are likely to have a negative impact. There is a threat of spillage from oil transportation and transfer and by the usage by ships and pilotage.</p> <p><u>Changes in species distributions</u></p> <p>Areas of saltmarsh are eroding and decreasing.</p>	<p>The qualifying habitats of the SAC are reliant a range of coastal factors, including salinity, sedimentation, tide, sea level, turbidity and elevation, which influence the interdependent intertidal, subtidal and terrestrial habitats. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.</p> <p>There are no Natural England Conservation Objectives: Supplementary Advice for this site.</p>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<ul style="list-style-type: none"> - the extent and distribution of qualifying natural habitats and habitats of qualifying species - the structure and function (including typical species) of qualifying natural habitats - the structure and function of the habitats of qualifying species - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely - the populations of qualifying species; and - the distribution of qualifying species within the site. 	<p><u>Climate change</u></p> <p>Climate change has resulted in rising sea level causing flooding to habitats.</p> <p><u>Change to site conditions</u></p> <p>There is an increasing loss of saltmarsh in much of the Solent for reasons unknown, and this needs to be investigated.</p> <p><u>Invasive species</u></p> <p>The highest risk pathways through which marine INNS are introduced and then spread have been identified as: commercial shipping (through release of ballast water, and biofouling on hulls); recreational boating (through biofouling on hulls); aquaculture (through contamination of imported or moved stock - or escaped stock in the case of the pacific oyster), and natural dispersal.</p> <p><u>Direct land take from development</u></p> <p>Private sea defences are causing disruption to the natural processes of allowing erosion to move sediments around the SAC.</p> <p><u>Change in land management</u></p> <p>Changes to land management are likely to occur in areas where tidal flaps/sluices are altered and this results in changes to water levels or salinity of that land. Some sluices are failing, which may also result in changes to water levels or salinity of land. Some ditches and drains are neglected and this can cause difficulties in land management, resulting in changes.</p> <p><u>Air Pollution</u></p> <p>Impact of atmospheric nitrogen deposition</p> <p>Nitrogen deposition exceeds site relevant critical loads. Locally observed effects are unknown.</p> <p><u>Hydrological changes</u></p> <p>Titchfield Haven has a high level of water abstraction licences - if all were used then water levels would be too low in the SAC.</p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>Percolation of sea water through sea walls is causing saline intrusion into non-saline grassland habitats and changing them.</p> <p>Direct impact from 3rd party</p> <p>Off-roading is causing damage to some areas of grassland. Private sea defences are causing disruption to the natural movement processes of natural materials along the coast. House boats are unlicensed and have the potential to cause damage to intertidal habitats. Fly grazing is causing issues affecting large areas of Chichester Harbour.</p> <p>Extraction: non-living resources</p> <p>Shingle extraction for aggregates may have an adverse impact upon intertidal fauna and flora and may affect the movement of coastal sediments that would in turn have an impact upon intertidal habitats.</p> <p>Other</p> <p>SAC boundary may not cover the extent of all Annex 1 and Annex 2 features and/or supporting habitats.</p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>Solent and Southampton Water SPA/ Ramsar - The site comprises of estuaries and adjacent coastal habitats including intertidal flats, saline lagoons, shingle beaches, saltmarsh, reedbeds, damp woodland, and grazing marsh. The diversity of habitats support internationally important numbers of wintering waterfowl, important breeding gull and tern populations and an important assemblage of rare invertebrates and plants.</p>			
<p>Solent and Southampton Water SPA (5,401.12 ha)</p>	<p><i>Qualifying features:</i></p> <ul style="list-style-type: none"> - A046a(NB) <i>Branta bernicla bernicla</i>: Dark-bellied brent goose - A052(NB) <i>Anas crecca</i>: Eurasian teal - A156(NB) <i>Limosa limosa islandica</i>: Black-tailed godwit 	<p>Public Access/Disturbance</p> <p>Recreational activities can affect annual vegetation of drift lines (H1210) and the vegetation of stony banks (H1220).</p> <p>Coastal squeeze</p> <p>Habitats are being lost as they are squeezed between rising sea levels and hard coastal defences that are maintained. There is a direct impact due to loss of the SAC habitats such as saltmarsh. In some areas rising sea levels will result in coastal grasslands being</p>	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> - The site's ecosystem and hydrology as a whole - Maintenance of populations of species that they feed on - Off-site habitat, which provide foraging habitat for these species. - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<ul style="list-style-type: none"> - Waterbird assemblage - A176(B) <i>Larus melanocephalus</i>: Mediterranean gull - A191(B) <i>Sterna sandvicensis</i>: Sandwich tern - A192(B) <i>Sterna dougallii</i>: Roseate tern - A193(B) <i>Sterna hirundo</i>: Common tern - A195(B) <i>Sterna albifrons</i>: Little tern - A137(NB) <i>Charadrius hiaticula</i>: Ringed plover <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> - the extent and distribution of the habitats of the qualifying features; - the structure and function of the habitats of the qualifying features; - the supporting processes on which the habitats of the qualifying features rely; - the population of each of the qualifying features; and - the distribution of the qualifying features within the site. 	<p>lost to more saline grasslands. The habitats that are lost could be created elsewhere, but there is difficulty in finding suitable areas. The neutral grassland habitats will take a long time to create as mitigation, but intertidal habitat can be created relatively quickly. Current compensation provides required habitat for Epoch 1 of the Shoreline Management Plan 2, further investigation is required for Epoch 2 and 3. This project will utilise outputs from Shoreline Management Plans, the Environment Agency's Regional Habitat Creation Project and the New Forest District Council/Channel Coastal Observatory's Solent Dynamic Coast Project.</p> <p><u>Fisheries: Commercial marine and estuarine</u></p> <p>Towed gear, hand gathering of shellfish, bait digging and aquaculture are the main fishery activities in this site.</p> <p><u>Water pollution</u></p> <p>Water pollution affects a range of habitats at the site through eutrophication and toxicity. Sources include both point source discharges (including flood alleviation / storm discharges) and diffuse water pollution from agriculture / road runoff, as well as historic contamination of marine sediments, primarily from copper and Tributyltin (TBT). A position statement from the Environment Agency and Natural England on water quality in the Solent and housing growth confirms the need to control nitrogen inputs to the Solent from development growth. Environment Agency flood event discharge consents allow untreated waters to be discharged which end up in the SAC and are likely to have a negative impact. There is a threat of spillage from oil transportation and transfer and by the usage by ships and pilotage.</p> <p><u>Changes in species distributions</u></p> <p>Areas of saltmarsh are eroding and decreasing.</p> <p><u>Climate change</u></p> <p>Climate change has resulted in rising sea level causing flooding to habitats.</p> <p><u>Change to site conditions</u></p>	<p>There are no Natural England Conservation Objectives: Supplementary Advice for this site.</p>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>There is an increasing loss of saltmarsh in much of the Solent for reasons unknown, and this needs to be investigated.</p> <p><u>Invasive species</u></p> <p>The highest risk pathways through which marine INNS are introduced and then spread have been identified as: commercial shipping (through release of ballast water, and biofouling on hulls); recreational boating (through biofouling on hulls); aquaculture (through contamination of imported or moved stock - or escaped stock in the case of the pacific oyster), and natural dispersal.</p> <p><u>Biological Resource Use</u></p> <p>Gull egg collecting occurs in some places, and wildfowling occurs in several places. These activities are likely to be disturbing to breeding and wintering birds even though they are licenced/consented at the moment.</p> <p><u>Change in land management</u></p> <p>Changes to land management are likely to occur in areas where tidal flaps/sluices are altered and this results in changes to water levels or salinity of that land. Some sluices are failing, which may also result in changes to water levels or salinity of land. Some ditches and drains are neglected and this can cause difficulties in land management, resulting in changes.</p> <p><u>Inappropriate pest control</u></p> <p>Predator control is decreasing, resulting in increased predation by foxes etc. and this is the likely cause of decrease in successful breeding of gulls and terns.</p> <p><u>Air Pollution</u></p> <p>Impact of atmospheric nitrogen deposition</p> <p>Nitrogen deposition exceeds site relevant critical loads. Locally observed effects are unknown.</p> <p><u>Direct impact from 3rd party</u></p> <p>Off-roading is causing damage to some areas of grassland. Private sea defences are causing disruption to the natural movement</p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>processes of natural materials along the coast. House boats are unlicensed and have the potential to cause damage to intertidal habitats. Fly grazing is causing issues affecting large areas of Chichester Harbour.</p> <p>Other</p> <p>SAC boundary may not cover the extent of all Annex 1 and Annex 2 features and/or supporting habitats.</p>	
<p>Solent and Southampton Water Ramsar (5,346.44 ha)</p>	<p><i>Qualifying features:</i></p> <p><u>Ramsar Criterion 1</u></p> <p>The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.</p> <p><u>Ramsar Criterion 2</u></p> <p>The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.</p> <p><u>Ramsar Criterion 5</u></p> <p>Assemblages of international importance</p> <ul style="list-style-type: none"> - Species with peak counts in winter: 51343 waterfowl (5 year peak mean 1998/99-2002/2003) 	<p><u>Erosion</u></p> <p>Coastal Defence Strategies, regulation of private coastal defences, shoreline management plans.</p>	<p>In general, the qualifying bird species of the Ramsar site rely on:</p> <ul style="list-style-type: none"> - The site's ecosystem and hydrology as a whole - Maintenance of populations of species that they feed on - Off-site habitat, which provide foraging habitat for these species. - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p><u>Ramsar Criterion 6</u></p> <p>Species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <ul style="list-style-type: none"> – Species with peak counts in spring/autumn: Ringed plover <i>Charadrius hiaticula</i> – Species with peak counts in winter: Dark-bellied brent goose <i>Branta bernicla bernicla</i>, Eurasian teal <i>Anas crecca</i>, Black-tailed godwit <i>Limosa limosa islandica</i> 		

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>River Itchen SAC - The River Itchen is one of the `classic` chalk rivers of southern England, drawing most of its character from this geological stratum. The Itchen supports an abundant and exceptionally species rich aquatic flora. It has a primary notification for its river habitat, at SSSI level (chalk river type) and also under Habitats Directive Annex I (Code H3260, watercourses with <i>Ranunculion</i> and <i>Batrachion</i> vegetation). This habitat notification comprises the river channel, its banks and parts of its riparian zone. In addition, parts of the floodplain are notified for their wetland habitat, and the river discharges via Southampton Water into the Solent which has a range of habitat designations.</p>			
River Itchen SAC (303.98 ha)	<p><u>Qualifying features:</u></p> <ul style="list-style-type: none"> – H3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation – S1044 Southern damselfly <i>Coenagrion mercuriale</i> 	<p><u>Water Pollution</u></p> <p>The Diffuse Water Pollution Plan identifies numerous issues with water quality, in addition to point sources from Waste Water Treatment Works. The Plan is a critical document to achieve favourable condition, and action-owners were consulted as part of the process of revising the plan. Pollution causes excessive algal growth, smothering macrophytes, and increased BOD, decreasing oxygen availability for spawning gravels used by salmon and trout.</p>	<p>Natural England's Conservation Objectives: Supplementary Advice for this site³⁹ identify the following dependencies:</p> <p>The Itchen is mainly spring-fed and has only a narrow range of seasonal variation in physical and chemical characteristics. The water is of high quality, being naturally base-rich and of great clarity; and its temperature is relatively constant, with dissolved oxygen levels at or near saturation. The majority of species are present throughout the system and downstream changes are less than in most other rivers. The river provides good water quality,</p>

³⁹ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features River Itchen: <http://publications.naturalengland.org.uk/publication/5130124110331904>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<ul style="list-style-type: none"> – S1163 Bullhead <i>Cottus gobio</i> – S1092 White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i> – S1096 Brook lamprey <i>Lampetra planeri</i> – S1106 Atlantic salmon <i>Salmo salar</i> – S1355 Otter <i>Lutra lutra</i> <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> – The extent and distribution of qualifying natural habitats and habitats of qualifying species; – The structure and function (including typical species) of qualifying natural habitats; – The structure and function of the habitats of qualifying species; – The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; – The populations of qualifying species; and – The distribution of qualifying species within the site. 	<p>Reducing road run off can build on the existing Environment Agency and Highways Agency project assessing priority outfalls and use existing Memorandum of Understanding to highlight any known issues with trunk roads for potential remedial funding.</p> <p>Work is needed with the Environment Agency to quantify any impacts. Possible role for Test and Itchen Catchment Partnership (TICP) through the Catchment Action Plan, to focus on non-trunk roads with Hampshire County Council. Environment Agency (EA) Review of Consents (RoC) process has been completed, but phosphate standards used conform to previous Common Standards Monitoring (CSM) guidance (used for setting SSSI and SAC targets). There is a risk of permitting several years of non-compliance from affected discharges. Revised CSM targets may impact on all discharges.</p> <p><u>Physical modification</u></p> <p>A range of physical modifications affect the Annex I river habitat, which have adverse consequences for characteristic biological communities of the habitat including specifically notified species. Modifications include weirs and other in-channel structures causing impoundment, siltation and interruptions to biological movements, over-deepening, over-widening and straightening of channels, and bank re-sectioning and reinforcement.</p> <p><u>Siltation</u></p> <p>Siltation resulting from a variety of factors (direct inputs of silt into the system from land use, runoff from diffuse sources, deposition arising from impoundments and overwide channels) is a widespread problem affecting the Annex I river habitat, with consequences for macrophytes, southern damselfly habitat (where in ditches) and spawning gravels for fish.</p> <p><u>Overgrazing</u></p> <p>Impacts of over-grazing on river banks and wet meadow systems, removing riparian and meadow habitat and causing runoff into watercourses.</p>	<p>extensive beds of submerged plants that act as a refuge for fish species, and coarse sediments that are vital for spawning and juvenile development.</p> <p>The Itchen valley contains areas of fen, swamp and meadow supporting vegetation with diverse plant communities, some typically species-rich. Water courses, including meadow ditches, base-rich runnels and flushes in open areas, and small side-channels. The diverse and stable habitat conditions support the qualifying species.</p> <p>The characteristic biological communities of the site (including its qualifying species) are dependent on the integrity of sections of river channel, riparian areas, and transitional and marine waters that lie outside of the site boundary. Headwater areas and tributaries may not fall within the site boundary, yet a range of species characteristic of the site may use these areas for spawning and juvenile development and be critical for sustaining populations within the site. Fully developed riparian zones are essential to site integrity, yet part of this zone may lie outside of the site boundary, particularly if the river channel is operating under natural processes and moves laterally over time within the floodplain. The conditions experienced by long-distance migratory species (such as salmon, sea and river lampreys, allis and twaite shads and eels) outwith the site (through the saline transition zone, estuary, coastal waters and into the high seas) are critical to the well-being of populations within the site. Off-site influences that may impact on the well-being of the population within the site may include, but not limited to, entrainment, temperature, water quality, mortality from exploitation. The adjacent habitat is in hydrological continuity with the river. The river floodplain comprises characteristic vegetation types that reflect the natural variation in topographical and hydrological conditions. The fen habitats show characteristic zonations of vegetation types arising from hydrological factors and the zonation is not truncated or fragmented by land use or management factors.</p>

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p><u>Water abstraction</u></p> <p>Abstraction modifies the natural flow regime on which the Annex I river habitat depends for its proper functioning. Impacts may occur on habitat character and habitat extent, within the channel or in riparian wetland areas. All parts of the flow regime may be affected but low-to-intermediate flows are most likely to be significantly impacted. Abstraction should not impact on floodplain SAC features such as southern damselfly, as well as riverine features such as salmon. Effects on the habitat can have various effects on individual notified species. Activities outside of the SAC may also have detrimental impacts on site features and habitats. Natural England does not endorse any particular solution at this time.</p> <p><u>Inappropriate weed control</u></p> <p>Management of aquatic weed for fishery activities affects protected habitats e.g. <i>Ranunculus</i>. This activity is currently exempted under the OLDs list (Operations Likely to Damage), and the extent and level of impacts on the watercourse is not conclusively known.</p> <p><u>Hydrological changes</u></p> <p>Some locations on the floodplains are too dry, with reasons not clear - impacts on ditches (decreased flowing water) for southern damselfly and meadow flora.</p> <p><u>Inappropriate water levels</u></p> <p>Water levels are not appropriate. The Water Level Management Plan (Natural England with Environment Agency) agreed options to re-wet the floodplain, benefitting flora and connecting habitat for southern damselfly. These need re-appraisal and implementation where possible.</p> <p><u>Change in land management</u></p> <p>Risk of non-compliance with HLS agreements may be affecting water quality of the river and floodplain carriers.</p> <p><u>Inappropriate cutting/mowing</u></p> <p>There are some instances of inappropriate management of riverbanks, which impacts on marginal habitat, with consequences</p>	

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>for riparian and in-channel biota. These affect the biota using the riparian zone directly, and the biota of the river channel in terms of reducing bankside cover and enhancing silt inputs. Better bankside management can help prevent runoff from adjacent fields into the river, protecting water quality.</p> <p><u>Invasive species</u></p> <p>The presence of signal crayfish in parts of the catchment is suspected posing a significant risk to the white-clawed crayfish population through crayfish plague. However, white-clawed crayfish populations are fragmented, and therefore direct impacts from signals are suspected not to be significant. Also, there are widespread issues with Himalayan and orange balsam along the riparian corridor but the extent of the problem is unknown.</p> <p><u>Undergrazing</u></p> <p>Undergrazing impacts on wet meadow systems, causing degradation of southern damselfly habitat in particular. Bridges are required to access and manage sites and prevent SAC condition to deteriorate. This requires special project funding, which is currently prohibited in HLS agreements.</p> <p><u>Inappropriate ditch management</u></p> <p>Some ditches are not managed, leading to reed encroachment, reducing flow and therefore prohibiting southern damselfly breeding habitat.</p> <p><u>Inappropriate scrub control</u></p> <p>Inappropriate scrub control impacts particularly around ditches for southern damselfly, where scrub shades some ditches, preventing growth of marginal plants for egg-laying, and reduce flow in ditches.</p> <p><u>Forestry and woodland management</u></p> <p>Some parts of channel are excessively shaded by wet woodland, impacting on the macrophyte community. The River Restoration Strategy identifies some stretches where excessive shading is causing a problem, but it is important to look at whole catchment, and assess against all SAC features when reviewing locations/actions. Some stretches may benefit from tree planting to</p>	

Appendix B
European Sites Information

Habitats Regulations Assessment: Fawley Waterside (19/00365)
July 2020

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		reduce water temperatures, particularly in light of climate change, but must again be carefully assessed.	

Planning Committee

Consultation Application No: 19/00365/OUT Outline Planning Permission

Site: Land Adjacent To Fawley Power Station. Fawley

Proposal: Outline application for land within the New Forest National Park Authority comprising the removal of structures on the quarry site and provision of 120 new homes, 1000 square metres of new civic space including provision for Early Years Learning (Use Class D1), 200 square metres of drinking establishments (Use Class A4), a two form entry primary school, flood defences / sea wall, public open space and habitat enhancement of existing land, hard and soft landscaping, Suitable Alternative Natural Greenspace, a saline lagoon, tidal creek, reconfiguration of the existing access and creation of a new access from the B3053 and access road through the site, associated infrastructure and engineering works (access to be considered) (AMENDED DESCRIPTION AND AMENDED PLANS).

Applicant: Fawley Waterside Ltd

Case Officer: Ian Rayner

Parish: FAWLEY

1. Introduction

- 1.1 This report seeks to confirm the Authority's formal response to the concurrent outline planning application submitted to the National Park Authority (19 /00365/OUT). The Fawley redevelopment is allocated in both authorities' respective Local Plans for development. NFDC supported the allocation of Fawley through the National Park Local Plan. Planning and specialist officers from both authorities have worked closely together in assessing the two applications, liaising with consultees and negotiating appropriate amendments.
- 1.2 It is normal practice for adjoining planning authorities to be consulted and comment on applications of significant scale or on applications that could have cross boundary impact. In this case, whilst each planning authority has an application proposing a level of development within its administrative boundary, the applications are co-dependent, with mitigation and supporting infrastructure being proposed within the National Park Authority. It is considered appropriate that the Authority's formal consultation response to that application be confirmed by the Planning Committee.

2. **Relevant Issues**

- 2.1 Policy SS4 of the adopted Local Plan identifies the need to incorporate and facilitate appropriate measures to ensure the conservation and enhancement of the landscape and scenic beauty of the New Forest National Park. The Authority's planning and specialist officers have had direct engagement with and influence over the proposed development within the National Park area, working closely with colleagues to ensure that the development in the National Park protects the interest and setting of the National Park and that this is positively enhanced through the two applications. The major development test has also been applied and met across both sites.
- 2.3 For the reasons set out in the respective Committee reports, officers believe that the application to the National Park, in conjunction with the application to NFDC, will deliver clear net positive public benefits for the environment, the surrounding communities and the National Park.

3. **Recommendation**

The Planning Committee confirms its support for application 19/00365/OUT (subject to the completion of the s106 agreement and relevant conditions) and that the Secretary of State be advised accordingly.