

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: Natalie Walter

Parish: FAWLEY

SUMMARY

This is an outline planning application with all detailed matters (layout, scale, appearance and landscaping) reserved for subsequent approval. The only matter of detail to be considered at this time is the means of access. The application is though accompanied by very detailed supporting documents that include an Environmental Statement, Parameter Plans and a Design Code that subsequent reserved matters' applications must adhere to.

Submitted in May last year, the application has been the subject of extensive discussions and negotiations with the applicant and statutory consultees, both prior to and following submission. The principle of the proposed development has been established through the site-specific allocation in the Authority's recently adopted Local Plan (Policy SP26).

The application has been assessed in tandem with the concurrent application to New Forest District Council, which is due to be reported to the District Council's Planning Committee meeting on 27 July 2020. Planning and specialist officers from both authorities have worked closely together, pooling expertise and jointly commissioning specialist reports to inform the detailed assessment of the two applications.

This report sets out the relevant planning policies, the responses from consultees and interested third parties and a detailed assessment of all the relevant issues. As might be expected, there are a range of views from the various consultees but it is important to note that the application is supported by the Highway Authority in

respect of traffic and transport considerations, Natural England in respect of biodiversity mitigation and enhancement measures and the Environment Agency in respect of flood risk, flood defence and site remediation.

The report concludes that the application meets national policy tests and satisfies the requirements of Policy SP26. The balance between built development and landscape infrastructure is considered to have been successfully reached and will mitigate the impact of the proposed development on the landscape.

For these reasons, as elaborated upon in this report, the officer recommendation is that outline planning permission should be granted subject to the prior completion of a detailed s106 legal agreement and detailed planning conditions.

Members will be aware that the Authority is obliged to inform the Secretary of State of its intended decision who will then consider whether to call-in the application.

1. REASON FOR COMMITTEE CONSIDERATION

Major Development and significant local interest

2. DEVELOPMENT PLAN DESIGNATION

Flood Zone
Site Allocation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP26 Land adjacent to the former Fawley Power Station
SP3 Major development in the National Park
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP7 Landscape character
SP9 Green infrastructure
SP11 Climate change
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP19 New residential development in the National Park
SP38 Infrastructure provision and developer contributions
SP39 Local community facilities
SP55 Access
DP2 General development principles
DP8 Safeguarding and improving water resources
DP10 Open space
DP12 Flood risk
DP13 Coastal development
DP18 Design principles
3 Protection of habitats and species
4 Protection of the designated landscape
5 Protection of the countryside

- 7 Conserving the historic environment and heritage assets
- 8 Protection of soils
- 9 Restoration of Minerals and Waste Developments
- 10 Protecting public health, safety and amenity
- 11 Flood risk and prevention
- 12 Managing traffic
- 15 Safeguarding - minerals
- 16 Safeguarding - minerals infrastructure
- 26 Safeguarding - waste infrastructure

4. SUPPLEMENTARY PLANNING GUIDANCE

Development Standards SPD
Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
Sec 8 - Promoting healthy and safe communities
Sec 11 - Making effective use of land
Sec 12 - Achieving well-designed places
Sec 14 - Meeting the challenge of climate change, flooding and coastal change
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment
Sec 17 - Facilitating the sustainable use of minerals

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

7.1 The application is located within Fawley Parish but a number of other parish councils have also commented on the application.

7.2 Fawley Parish Council:

Recommend permission subject to major improvements to the A326, and Long Lane to Calshot site (BO3053).

Amended Plans

Recommend permission as per previous comment made in June 2019 with the same proviso – this permission should be subject to major improvements to the A326, and Long Lane to Calshot site (BO3053).

Continue to be concerned regarding the entire road journey from the new development along the B3053 and A326, not just at the roundabouts. It is acknowledged that a number of improvements are being made to these roads but query whether these will improve the current traffic flow and the increased traffic flow expected despite the modelling appearing to indicate

they will work.

Whilst not included specifically in this amended application, the development of a cycle route is planned. In this instance, the council would prefer to see that any cycle route should take the most direct route parallel to the B3053 and A326 otherwise we consider the desire line of cyclists will be to travel on the roads and not the cycle route. If the aspirations of the travel plan are realised and there is a significant increase in cycle travel; this would impact on the potential to improve traffic flow and might reduce the safety of cyclists who choose to use the direct route along the B3053 and A326 unless a separate cycle path is provided.

With regards to the NFNPA policy document SP26 that requires the development to be of an exceptionally high standard of design and layout, the illustrations provided by Fawley Waterside Ltd demonstrating what the development will look like imply that the development will meet the standards required.

The new addition of early years provision will also be a good addition to current provision to meet the needs as the community grows.

At a recent briefing of Fawley Waterside Ltd to Fawley Parish Council a commitment was given that medical services will be available within the development.

Other Parish Councils have commented as set out below.

7.3 Ashurst and Colbury Parish Council:

- 7.4 Whilst the committee responded positively to the development in principle, noting that it takes advantage of developing a brownfield site, they do have some concerns on how the proposals will impact the wider area, particularly the road networks.

Concerns were raised regarding the impact of increased vehicle numbers on open forest roads and the impact, and potential for damage, this may have on New Forest plant and wildlife. It was very strongly felt that sustainable methods of transport (railways/ cycle ways/ ferry crossings) should be thoroughly investigated and implemented where possible.

Most local B roads were formed for light traffic use and it is noted that, at present, when there are problems with traffic congestion on the A326 local roads, such as Deerleap Lane in Ashurst, are used as rat runs to avoid any problems. This can result in speeding traffic on a road without footpaths which is used to access local facilities by foot (such as Longdown Farm and Colbury Church Rooms).

The Committee would like to request that a full traffic management report is carried out by Hampshire County Council as part of this application process, and that due and proper consideration is given to the impact of an increase in vehicle numbers and how this may be mitigated.

Finally, the committee recommends that the developers prioritise and adopt the latest environmental technologies and practices in the construction and ongoing management of the site.

Amended Plans

Recommend refusal for the reasons listed below but would accept the decision reached by the National Park Authority's Officers under their delegated powers.

The committee continues to respond positively to the development in principal but there are still concerns. There would likely be a negative impact on the adjacent open forest and wetlands from pressure of the development: additional traffic and people movements on open forest roads, and the impact and potential for damage this may have on New Forest plant and wildlife.

The detrimental impact of the additional traffic on local roads was still of concern as set out in the initial consultation response. Consideration needs to be given to the impact of an increase in vehicle numbers and how this may be mitigated and in addition a provision made for alternative methods of transport.

7.5 Hythe and Dibden Parish Council:

Recommend permission subject to major improvements of the A326 and public transport links to the development being made.

Concerns were raised over the location of the junction nearest to Calshot. The proposed junction is in close proximity to a section of road that is undulating and is on a bend. Concerns were also made about the speed of the traffic on the B3053.

Amended Plans

Recommend refusal. The Council acknowledges that this may counter their original comment but on further consultation and review the Council feels that the A326 planned works do little to counter the impact on the roads and access in and out of the area. There is also concern for bicycle and pedestrian safety over the site, and the genuine concern for significant additional traffic using the A326 and other roads that link to the area such as the B3053.

Until there is a sufficient public transport programme to reflect the vast number of additional homes and residents and limit the impact on an already struggling road in and out of the Waterside, then this Council will have to object to this planning application.

The Council welcomes much needed additional housing and understands it is a positive use for this site that will offer homes and improvements to the local area. However, as the next door community, the Council's concerns

remain over lack of public and sustainable transport access in and out of the development site, and safe bicycle and pedestrian access. The Council has concerns over the additional vehicle journeys on the road system and air quality.

7.6 Marchwood Parish Council:

Sympathetic to the comments made by the Friends of the New Forest particularly regarding the already stressed local road network (including the A326 and the B3053) and the request to return the land to agricultural uses.

The Parish Council recognises that a return of the land to an agricultural use may be highly desirable but does not believe this can be achieved when considering the current demand for all forms of housing both locally and nationally.

The Parish Council therefore accepts the principal of development is established.

The Parish Council accepts 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, in our view, 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. This 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.

Therefore, the Parish Council objects in the strongest possible terms to this planning application as currently worded.

Amended Plans

Continue to strongly object as above.

7.7 Netley Marsh Parish Council:

Councillors are concerned about the traffic bottle neck that could be caused by the increased traffic passing through Netley Marsh and the surrounding roads. There is also a concern that larger lorries would try to avoid the busy roads and divert via the rural road of our parish. A request for weight limits to be considered on our road to stop lorries making the diversion.

Amended Plans

Recommend refusal for the reason listed below.

Cannot support this application 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. This application will worsen the traffic situation and encourage more traffic to use small forest roads, including the A326 and other roads through Netley Marsh Parish to the detriment of residents and putting forest animals at even greater risk than at present.

8. CONSULTEEES

- 8.1 **Associated British Ports:** Support. The applications collectively take advantage of some of 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.
- 8.2 **Eastleigh Borough Council:** No planning comments to make.
- 8.3 **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.
- 8.4 **Fareham Borough Council:** No objection.
- 8.5 **Hampshire and Isle of Wight Wildlife Trust:** Not currently in a position to comment on the considerable detail contained within the application documentation but wish to highlight several high-level issues:

In general terms, the Wildlife Trust firmly opposes the quantum of

housing proposed for the area surrounding the New Forest National Park and lining the Solent. Believe the comprehensive evidence for the effectiveness of mitigation for existing housing is yet to emerge. Concerned about combined impact with other significant development proposals coming forward on internationally designated wildlife of the Solent and New Forest in ways which are irreversible and cannot be effectively mitigated or compensated and so must be avoided.

In the absence of mitigation, the development proposals would have a likely significant effect on the sites statutorily designated for their nature conservation interests, impacting wildlife of both the Solent and New Forest.

Any development requiring a high standard of flood defence is arguably in the wrong place and should not have been brought forward but acknowledge the unique situation of the site and are pleased to see the proposed designs increase the much needed shortfall in coastal habitats. Remain opposed in principle to the development of a site of importance for nature conservation and development of the scale proposed in the National Park.

Accept that the proposal seeks to address the requirements of the Habitat Regulations in relation to nutrients and would deliver biodiversity net gain in a meaningful way. Expect to see any permission secure net gains in perpetuity.

Suggest that there should be a significant overprovision of SANG provided in order to address the current strategic shortfall in recreational green space.

8.6 Hampshire County Council (Countryside Service): No objection.

- Note that the applicant does not propose any improvements to the existing rights of way network.
- Note the indicative location of pedestrian crossings on the B3053 and recommend that these should consider the location of the rights of way network for connectivity.
- Support the request that droveways be dedicated as open access land to improve countryside access and links to the rights of way network.
- Request that the S106 legal agreement should secure a commuted sum for the maintenance of the upgraded right of way as the Highway Authority.

8.7 Health & Safety Executive: No objection. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

- 8.8 **Hampshire County Council (Surface Water Drainage):** No objection subject to conditions. The principles of the flood risk assessment and overall drainage strategy are suitable. The proposed conditions in relation to each application would ensure that the surface water drainage proposals are acceptable. Prior consent would be needed from the Local Lead Flood Authority in advance of any works to ordinary watercourses within the site boundaries.
- 8.9 **Highway Authority (Hampshire County Council):** No objection subject to conditions and S106 legal agreement to secure mitigation measures. The following matters need to be secured within a Section 106 legal agreement (in respect of both planning applications):
- 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.

8.10 **Historic England:** Concerns about the application on heritage grounds.

The proposed development will cause harm to the designated heritage assets, specifically those located on the Calshot Spit, through the erosion of the sense of isolation which is intrinsic to the significance of these structures.

Acknowledge the positive steps that have been made to lessen the impact on Calshot Castle and the WW1 hangers and the landscaping proposals, together with the Design Code which demonstrates a clear aspiration for high quality design and

materials. Despite these improvements, there will still be a harmful impact on the heritage assets. Until a heritage strategy is outlined, the harm caused to the significance of the designated heritage assets has not been sufficiently offset and not fully justified.

Consider archaeological evaluation should be undertaken as part of the application, pre-determination. An overarching written scheme of investigation would provide oversight and an archaeological strategy for the development as a whole.

Recommend a programme of recording and archiving of the former power station.

- 8.11 **Isle of Wight Council:** No objection. The proposed development will have no direct impacts on the County. The removal of the various chimneys at the site will improve the setting of the Cowes and East Cowes conservation areas while removing a negative landmark that is currently readily visible from north western and north eastern sections of the Isle of Wight AONB landscape. We consider this to be a positive enhancement of the AONB.
- 8.12 **Marine Management Organisation:** Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (2009).
- 8.13 **The Victorian Society:** No comments received.
- 8.14 **Ancient Monuments Society:** No comments received.
- 8.15 **Council for British Archaeology:** No comments received.
- 8.16 **Society for the Protection of Ancient Buildings:** No response received.
- 8.17 **Georgian Group:** No comments received.
- 8.18 **National Grid:** Holding objection due to proximity of development to a high voltage overhead transmission line.
- 8.19 **Natural England:** No objection to the principle of residential development at this location.

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. The additional information provided by the applicant has addressed the majority of points raised in previous response. Request clarification and further information

on the following points to ensure that the proposals and the package of measures proposed will provide sufficient mitigation:

International Wildlife Sites

- Confirmation on the final financial contribution towards New Forest and Solent mitigation funds and how payments will be phased with the development.
- Clarification on how the level of wardening has been calculated and how this will be reviewed and amended throughout the lifetime of the development.

Other biodiversity interests

- Further information on location of peregrine falcon nesting compensation.

Natural England's further advice on designated sites / landscapes and advice on other issues is set out below.

Concur with the impacts identified as having the potential to impact on the integrity of the designated sites and recommend the Authority completes its own appropriate assessment to consider these impacts.

The level of contributions towards monitoring and access management of the New Forest should be set out in the appropriate assessment.

Welcome 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.

In relation to SANG phasing, consideration should be given to walking times, ease of access and quality of experience.

In relation to the Nature Park, note that the access outside of the existing Countryside and Rights of Way Act Land will have limited access with users kept to designated paths. Although does not consider wider access to this land to be required for mitigation purposes, recommend that the more land that can be secured for wider public access the greater the benefits would be provided by the scheme.

Satisfied with the revised level of wardening to be provided (three full time rangers; one apprentice ranger; and one seasonal ranger). 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.

Recreational impacts on Solent & Southampton Water SPA and Ramsar and Solent Maritime SAC - 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). Natural England advise that the Appropriate Assessment sets out the level of contributions that will be collected in this case.

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.

Welcome the measures set out in the Marine Management Plan to address these and provided the Authority is satisfied that they can be secured in perpetuity Natural England are satisfied with the proposals providing appropriate mitigation at this site.

Welcome and support the measures set out in the Marine Management Plan to mitigate the potential impacts of boat disturbance and the setting up of a liaison group to oversee and influence the work undertaken to mitigate recreational impacts.

Welcome the further detail provided on hydro- morphological impacts of the application and the opportunity to comment further on the design at the detailed design application stage.

Noise disturbance to SPA birds - understand from the Environmental Statement that, with mitigation measures in place, the noise during construction is not expected to exceed 69.9dB. Provided the Authority is 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. Suggest use of condition to restrict percussive piling or works with heavy machinery during the bird overwintering period (i.e. October to March inclusive).

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.

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 appropriate assessment you will need to be satisfied of its delivery and the impact that further planning requirements may have on your surety of its delivery.

Land use change from quarry restoration

Understand that the restoration for the quarry is subject to a separate planning application to change the restoration from the current final restoration plan. Recommend that the Authority takes its own legal advice on what the baseline restoration land use is for the quarry to inform the appropriate assessment.

Saline lagoon and tidal creek and impacts on Tom Tiddlers SINC

Fully support 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, believe it will contribute a substantive net gain for biodiversity. Welcome 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.

Whilst Natural England supports the proposals to create the lagoon and creek on the site of the Tom Tiddlers SINC as an important biodiversity enhancement measure the loss of the designated SINC habitats will nevertheless need to be compensated.

Peregrine falcon nesting compensation - suggest that the nest facility is positioned further back in the landscape in an area where there are not clear sight lines to functioning habitats on the lagoon and associated habitats.

Built form and heights within the development- consider the demolition of the chimney from the old Power Station as a significant improvement for the landscape of the New Forest National Park. Note from the Building Heights parameter plan that a number of tall buildings are proposed, question their appropriateness within the setting of the protected landscape of the National Park. Particular attention should be given to the visual impacts on night views of lighting on, or from, the taller buildings. Advise that the maximum height of buildings within the development is considered in relation to existing tall structures within and within the setting of the Park.

8.21 **Environmental Protection (Pollution):**

Air Quality

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 one 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, 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.

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 approved by Environmental Health (pollution). As such planning conditions are recommended.

Lighting

No objection subject to conditions requiring details for any external lighting on the site and a construction environmental management plan to include details of all proposed external lighting during construction.

Noise and Vibration

The levels of vibration during construction detailed as part of the noise and vibration report can be tolerated if prior warning and explanation has been given to residents. Details of monitoring and notification of neighbouring properties should be included in the construction environmental management plan.

Object on the basis of the noise impact from the predicted increase in traffic noise from the operational stage of this development which is deemed by the applicant as a significant impact at the location on the B3053 west of Blackfield Road. Although mitigation options have been considered, these have not been deemed as possible by the applicant and therefore a

significant long term impact (large negative effect in the short term (5.8dB LA10 (18hr) increase by 2029) and a long term medium negative impact (7.1dB LA10 (18hr) by the year 2036) will be caused to the occupiers of these properties.

Contaminated Land

Environmental Protection are agreeable with the submitted Outline Remediation Strategy and proposal for further site investigation. It is imperative that as reserved matters applications for each phase of development are submitted, further site investigations and risk assessments are carried out to fully inform and as required update the remediation strategy for each phase, prior to commencement of development of that phase.

In light of the submitted outline application, conditions are recommended to ensure appropriate detailed site investigation, remediation and validation are undertaken to ensure all phases of the development are safe and suitable for the proposed end use.

8.22 Tree Officer: No objection subject to conditions.

The submitted arboricultural information is very comprehensive and the contents are agreed with. There are no Tree Preservation Orders within the application site and there would be no direct impact or tree felling necessary within the area of ancient woodland. The majority of the proposed tree losses can be mitigated through replacement planting and there is an overall net gain in replacement tree numbers. Maintenance and management of the proposed landscaping is vital for successful establishment. Satisfied with the information provided within the further Technical Note in relation to trees T86 and T126.

8.23 Archaeologist: Support subject to conditions to minimise harm to the archaeological resource, by way of an acceptable mitigation strategy.

8.24 Building Design and Conservation: Detailed comments provided in relation to:

- The design approach;
- The parameter plans and Design Code;
- The road design;
- The flood defence strategy; and
- Impacts of the proposals.

Comments conclude that, in summary, the scheme has moved on from its early stages and a great deal of additional information has been produced to support the aims and aspirations for a high-quality mixed-use development. There are a number of changes

which have been made along with the submission of a large portfolio of additional documents and codes. There is no question that the changes, the parameter plans, the design code and the landscape work results 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 proposals. The work of the applicant and their professional team in achieving this is to be supported, as many other national schemes fail to get these fundamental issues right. I would therefore fully support these aspects of the scheme.

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. It is felt that 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 I feel the scheme has not addressed these matters as successfully as it has 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.

- 8.25 **Ecologist:** The outline application is supported by professional ecological surveys and information that are of a suitable standard for this level of outline application and where necessary greater detail has been secured through parameter plans. The level of importance ascribed to the habitats within the Environmental Statement and associated documents is acceptable. Species have been investigated appropriately and there is opportunity to ensure measures for them are further addressed as details progress. Impacts in relation to internationally protected sites have been reviewed by Land Use Consultants.

The mitigation hierarchy (avoid impacts wherever possible, mitigate those impacts, seek to compensate for any residual impact) has already been strategically considered in policy approaches to the allocation of the development site. Whilst the

development potentially has impacts on highly sensitive and important nature conservation sites, and involves the direct loss of a proportion of a local wildlife site with additional impacts through measures to mitigate human pressures, these have already been considered and justified in planning terms and further rationale and compensation is provided in the application.

The application seeks to mitigate and compensate from the ecological harm of the development (both during construction and post-construction due to wider human impacts) by means of a range of measures for greenspace provision with multiple uses, covering both the application area and beyond. The Environmental Statement and associated supporting information utilise suitable methodologies to assess and summarise impacts and the weight afforded to mitigation and compensation is supported by adequate rationale.

Taken as a whole, it is accepted that 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.

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 reaffirm commitment to the delivery of high-quality biodiversity outcomes for the Nature Park, act to coordinate them strategically, and deliver new additional supporting benefits

The application has demonstrated compliance with national and local plan policy in respect of biodiversity (noting matters in respect of Appropriate Assessment are covered by LUC). The delivery of the necessary quality to achieve this policy accordance 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.

Reserved matters, conditions and S106 will all be important to ensure the necessary resources and decision making at future phases. Matters of importance which require careful consideration include:

- Securing the necessary details of further design stages to ensure created habitats deliver their predicted function, including amongst other aspects the lagoon, creek, SANG, SINC compensation and species compensation.

- Securing suitable management of habitat and greenspace areas for the lifetime of the development's impacts, via a management model that is resourced and suitably managed with input and direction from Local Planning Authorities
- Ensuring robust measures are in place to resource future ecological professional monitoring and management, and that they have sufficient level of control to direct activity as required, as opposed to merely receiving reports from the management company.
- Securing details of built structure enhancement via condition at suitable rate - one feature per dwelling if currently standard.

8.26 Landscape Officer: Support subject to conditions.

Detailed comments submitted in relation to:

- Parameters plans;
- Illustrative masterplans;
- Access Road landscape plans;
- Planning Statement;
- Design Code;
- Landscape and Visual Impact Assessment;
- Design and Access Statement;
- B3053 indicative traffic calming measures; and
- Environmental Statement Chapter 14 (external lighting).

The balance between built development and landscape 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 which will be enhanced over time as trees and other planting grows and matures. Use of conditions suggested to secure successful establishment of all plant material including trees, all hard surfaces and details of any external lighting. Successful establishment of the semi-mature tree avenue along the new access road is considered to be an essential feature and key part of the landscape strategy which should be secured and requires successful establishment.

8.27 Planning Policy: Support.

Land adjacent to the former Fawley Power Station is allocated within the Authority's adopted Local Plan (August 2019) and

therefore the principle of development is firmly established within the statutory development plan. This allocation follows four years of public consultation and a 14-month independent Examination. The Local Plan Inspectors supported the allocation in July 2019.

It is common ground between all of the main parties that the proposals constitute 'major development' in the National Park and therefore the NPPF paragraph 172 tests are relevant. Annex 2 to this consultation response sets out an assessment of the latest proposals against the major development test and concludes that there are exceptional, site-specific circumstances that justify major development in the National Park.

The key requirements in Policy SP26 have been addressed through the information submitted as part of application 19/00365. For example, provision is made for 50% affordable housing and half of the 120 dwellings proposed within the National Park to be smaller dwellings. Details have also been submitted to inform the appropriate assessment of the proposals.

The updated information submitted by the applicant in May 2020 has provided greater clarity and certainty over other aspects of the proposals.

The key requirements in Policy SP26 in the Authority's adopted Local Plan have been addressed through the information submitted by the applicant in May 2020.

Subject to these requirements being legally secured through the Section 106 agreement that would accompany a planning decision, there is planning policy support for application 19/00365. The revised proposals are in accordance with the Authority's up-to-date Local Plan. In line with the principles of the 'Plan-led system', there is planning policy support.

8.28 RSPB: Currently unable to provide detailed comments.

Previous concerns centred on possible long-term effects from the proposal on the sensitive wildlife areas of the Solent and New Forest from a substantial increase in recreational disturbance and potential detrimental changes to coastal processes affecting the inter-tidal habitats of the Solent.

Along with others, discussions have taken place with the applicant concerning these matters and additional information and clarification has been presented.

Remain concerned 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.

Note the reference to the establishment of a steering group for the Nature Park and a marine management liaison forum to oversee the Marine Management Plan and welcome this initiative. These groups will be essential in ensuring the timely delivery, management and monitoring of mitigation, and for determining and securing any additional requirements.

Note the further assessment work submitted by the applicant in relation to the impacts relating to the creation of the tidal creek.

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

Recommend that specific advice is sought from Natural England on the adequacy of the report entitled Information for Appropriate Assessment of Proposed Development (05/05/20).

8.29 **Scottish & Southern Energy PLC:** No comments received.

8.30 **Southampton City Council:** No comments received.

8.31 **Southern Water:** The impact of any works within highways / access road on public critical water and sewerage apparatus located within roads shall be assessed and approved in consultation with Southern Water.

The development should ensure that access to one of the Southern Water's Waste Water treatment works is not impeded from the proposed development. 24/7 access rights are required through the perimeter security fence.

The developer proposes to requisition the public pumping station to be located within the development site and rising main to convey flows from the development to the existing public foul sewerage network. The design and estimate of cost have been discussed. No habitable rooms should be located less than 15 metres from the proposed pumping station compound boundary, in order to protect the amenity of prospective residents. The pumping station should be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required (100 square metres in area or of an approved lesser area as would provide an operationally satisfactory layout).

Southern Water confirm they can provide a water supply to the site. Formal applications required for connections to the public foul sewerage network and on-site mains.

8.32 **Health and Safety Executive:** No objection. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

- 8.33 **HCC Minerals and Waste:** No objection to the applications but notes that the proposed development will include the potential importation of a significant volume of marine aggregates to land raise the site. 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.
- 8.34 **Southern Gas Network:** No response received.
- 8.35 **The Twentieth Century Society:** No response received.
- 8.36 **Forestry Commission (Trees):** 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 Fawley Waterside Nature Park Management Plan. Keen to see a Forestry-Commission-approved woodland management plan submitted to ensure ongoing maintenance is maintained.
- Suggest inclusion on steering group for Nature Park.
- Would prefer that Chambers Copse not be grazed to protect the valuable ground flora and proposed natural regeneration and coppicing.
- Recommend the Nature Park Management Plan be updated to reflect the risk of Ash dieback and how it is intended to be dealt with, ideally via a Forestry-Commission-approved woodland management plan.
- Keen to recommend that any future woodland creation and tree planting takes into consideration the effects of climate change and that resilient tree species are chosen able to cope with the predicted changes.
- Keen for any planning permission to stipulate the use of FSC-and Grown in Britain- certified timber, preferably locally sourced, to be used within the construction of buildings, fences and other appropriate structures.
- Recommend exploration of the feasibility of installing a district woodfuel system.
- Interested in the biodiversity net gain and nitrate neutrality aspects of the proposed development.
- Refer to standing advice in relation to ancient woodlands.

8.37 **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.

All housing developments in and around the New Forest increase recreational pressure and thus have an adverse impact on the forest and its highly designated landscape.

The package of environmental enhancements and mitigation measures that the developer is putting forward is very welcome and is essential in order to give protection to the New Forest. They must, however, be the subject of a legal agreement that bind the land and applies to this development only and not to others which may follow in the future. Future development will require entirely separate mitigation. They must be maintained in perpetuity and monitored to ensure their continued effectiveness.

8.38 **Access Officer:** Comments:

The indicative diversion of footpaths 4, 46 and 515 are welcomed.

B3053 permeability issues- the B3053 forms a serious barrier between the new housing development and the National Park. The indicative measures, to narrow the road down to one lane at one crossing point and have calming measures at two other points are inadequate. At least one lighted crossing point is needed and a crossing point by Badminton Drove where the two droveways meet is suggested. If the permeability issue is not addressed, new residents will be deterred from exploring the New Forest on foot or bicycle with consequent impacts on numbers visiting by car.

The areas of drove-way are supported. However, the drove-ways are pedestrian only denying access to horse-riders and cyclists. As a minimum, permissive cycling and permissive horse-riding access should be included in all three drove-ways.

The proposed shared use path does not link Calshot with Ashlett (previous plans showed the link through to Ashlett). As a minimum, permissive cycling is suggested along footpaths 46 and 515.

8.39 **Hampshire County Council (Local Education Authority):** No objection to the application subject to:

- Provision of 138 places for early years and childcare services.
- Review and monitoring of early years provision.
- Some early years provision in the early phases of development.
- Involvement of the County Council in discussions on the

- siting of the early years provision.
- Monitoring of pupil yield in relation to demand for primary school places.
- Based on the potential requirement (depending on yields) for a two-form entry primary school, a site is reserved in the development for such uses.
- A contribution of £8,671,036 towards the two-form entry primary school from the development.
- Should the yield monitoring necessitate the need for the school, the engagement of the Local Education Authority in the future design and layout of the school, including accessibility considerations.

8.40 **Hampshire County Council (Adult Health and Care Team):**
Encourage and support compliance with Building Regulations Part M4 (2 and 3) across the whole development.

8.41 **Hampshire County Council (Economic Development):**
Encourage and support:

- Continued engagement with business to shape the commercial offer;
- Assurance that the offer to business at Fawley Waterside is considered alongside the wider marine offer, the New Forest Economic Development Strategy and Solent LEP Local Industrial Strategy.

8.42 **Southern Health NHS Foundation Trust:** Seek a S106 contribution to mitigate the impact upon health services provided by the Southern Health NHS Foundation Trust of £32,616 for planning gain for health.

9. REPRESENTATIONS

Responses from Initial Consultation

9.1 One representation was received in support, however, lacking comment.

9.2 **97 representations were received objecting to the proposal,** 78 of which were in the form of a pro-forma.

The pro-forma objections were made on the grounds that the proposed development is an urbanisation of a SINC (Site of Interest for Nature Conservation).

Eight further pro-forma objections were received which did not contain addresses and objected on the same grounds.

9.3 Other reasons for objection cited in non-proforma representations include:

Environmental reasons:

- Disturbance of wildlife.
- Loss of an undisturbed habitat.
- Questions why an 'alternative' natural greenspace is planned if one already exists.
- Development to remove beauty of the New forest.
- Proposal will contribute to national decline of wildlife.
- Development to take place on Tom Tiddler's ground, a SINC.

Effects of Development:

- Raising of ground levels leads to concerns of final height of proposed buildings, leading to visual pollution.
- Building work to disrupt quiet environment.
- Light pollution.
- Proposal will contribute to urbanisation of the New Forest.
- Building designs inappropriate for the Southampton Waterside.
- No benefit to existing neighbouring communities.
- Tranquillity of rural communities to be disrupted/destroyed.
- Flood defences may not protect the development against rising sea levels (possible changes to recent climate change predictions).
- Scale not appropriate given the proximity to the New Forest.
- Housing units too high density for such limited land space and access.
- Homes to be provided may become second/holiday homes.
- Locals not being able to afford the houses.

Traffic/ Transport Infrastructure Concerns:

- Increased traffic.
- Concerns whether the current infrastructure could handle increase in traffic (A326 and B5053).
- Concerns of increased traffic on roads in the New Forest.

- Impact on ability to walk safely to the Forest.
- Uncertain where funding for proposed infrastructure will come from.
- Unlikely opening of a rail link means increased pressure on roads.
- Safety issues for students of Hardley School students when crossing road already.
- Upgrades to roundabouts on A326 not to improve traffic situation, let alone an increase in traffic.
- Ferry services cannot be guaranteed.
- Future development of Dibden Bay would further exacerbate traffic.
- Growth in traffic is already substantial without the development of Fawley site.
- Safety of cyclists.
- Environmental impact of increased traffic.

9.4 **Friends of New Forest:** Object for the following reasons:

- Adverse impact on the forest.
- Increase in traffic flow across the forest.
- Light pollution.
- Visual and landscape impact.
- Impact on adjoining SSSI, SPA and SAC.
- Development to take place on Tom Tiddler's ground, a SINC.
- Already stressed A326.
- Disturbance to habitat and livestock.

9.5 **Waterside Cycling Action Group:** object on the following grounds:

- Cycling in the waterside area will become more dangerous and less attractive.
- Increased traffic means increased danger for cyclists.
- Environmental impact of increased traffic.
- Increased traffic on adjacent roads, and the dangers this

presents to cyclists.

- Speed limits, and road design facilitating potential for speeding.
- Safety of cyclists at roundabouts.
- Crossing points for cyclists to/ from the Forest.

9.6 **Solent Protection Society** comment as follows:

- Supportive of the planning policies but concerned that some aspects of the proposals that front the waterside do not adequately meet those policies:
- Size and scale of buildings fronting the water will be unacceptable when viewed from Southampton Water.
- Light pollution from these buildings will be to the detriment of the marine environment and would have a far greater impact than the existing building.
- Would expect to see the waterfront buildings set further back with extensive tree planting in front to mitigate the impact and enhance the coastal margin.

9.7 There have been four second comments made, on grounds including:

- Development is of an inappropriate scale given close proximity to New Forest.
- Existing transport infrastructure will not be able to support increase in traffic.
- Proposed development is urbanisation of a SINC (Site of Interest for Nature Conservation).

Responses from Second Consultation

9.8 Six letters of objection on the following grounds:

- Development on National Park land, this area should be protected.
- Development has been refused for the former Flying Boat Inn site, the new development may set a precedent for further development within the National Park.
- Believed the development would be contained to areas previously developed. Concern over disruption to wildlife, pressure on the road network, pressure from greater footfall in the local area

- Scale of development inappropriate; change of land use to residential and commercial and residential will have a large impact on the area – increase in traffic, noise, pollution, lighting, littering, general disturbance, disturbance to wildlife. Proposed Development will increase number of people coming to the area. Important that the relevant mitigation measures are put in place at the appropriate time to avoid long-term damage. Importance of ranger roles. The scale of the proposed development will create long-term recreational pressures and habitat loss if not managed correctly
- Documents are difficult to interpret; public consultation not adequate length of time; development is not appropriate to the location; adverse impact upon the natural environment; increased volumes of traffic and associated impacts; lack of public and sustainable transport methods; proposed use of the development appears more like a tourist destination rather than a self-contained community; emissions from vehicles and use of the development; environmental health impacts; nutrient neutrality; increased flood risk; housing need; design of development out of keeping with the area and the local built heritage; and impact upon nature conservation.
- Other developments within close proximity and more suitable locations refused; disturbance to the existing natural environment; traffic volume issues; unfortunate loss of the chimney.

9.9 One letter of support:

- The proposed development would be beneficial for the area.

9.10 **Friends of New Forest:** Continue to object. Disappointed at the inclusion of land to the south of the power station, believe it goes against the first statutory purpose for National Parks. Proposed development imposes social costs on New Forest, and traffic burdens. Extra recreational use will be detrimental to habitats and have an adverse impact upon wildlife. Importance of all conditions to be legally binding to ensure that mitigation and enhancement measures.

9.11 **Waterside Action Cycling Group** continue to object on the following grounds:

Primary concern is the impact upon cyclists with regard to safety. Consider that the proposals will make cycling more dangerous and unattractive, rather than encouraging safe, active and sustainable travel. The proposed alterations to the access focus upon reducing issues related to vehicular traffic rather than

improving cyclist and pedestrian safety and access. Concerns regarding increased pressure on other roads in the local area. The A326 presents a barrier between the New Forest National Park and the adjacent communities, the proposals do not improve access for non-vehicular traffic.

9.12 **New Forest Access Forum** object for the following reasons:

- SANGs and pathways present for 80 years, these should be dedicated as public rights of way;
- Proposed Development will destroy heathland within National Park and this is not sufficiently mitigated;
- Shared routes between walkers and cyclists presents safety issues;
- Horse riding provision is poor;
- B3053 forms barrier between residential development and National Park and the crossing points seem limited and inadequate and;
- Wish to be placed upon a steering group.

9.13 **Southampton Ramblers** comment as follows:

- Representation relates to footpaths FP4, FP46 and FP515. FP4 no objection to permanent diversion so long as the current route remains open until new route been opened. FP46 no objection to diversion or replacement of swing bridge. FP515 pleased with the proposals, no objections.

10. **RELEVANT HISTORY**

- 10.1 Application for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for A326 highways junction improvements and shared cycleway/ footpath (19/00957) EIA not required on 14 February 2020.
- 10.2 Application for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for importation of soils to improve restoration and regularise surrounding ground levels (19/00055) EIA required on 11 February 2019.
- 10.3 Application to vary conditions 2, 5 and 17 of planning permission 18/00437 to allow revised restoration scheme withdrawn on 19 December 2018.

- 10.4 Application for a Certificate of Lawful Development for proposed implementation of sand and gravel extraction in phase II in accordance with application NFDC/MIN/91/48794- Appeal reference APP/1700/A/94/246467 certificate issued (lawful) on 4 October 2018.
- 10.5 Application to vary condition 5 of planning permission 18/00140 to allow the restricted importation of sands and gravels (18/00437) approved on 4 September 2018.
- 10.6 Application to vary condition 2 of planning permission 18/00140 to allow revised working scheme for sand and gravel extraction (18/00140) granted on 11 May 2018.
- 10.7 Request for screening 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); refurbishment 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 (17/00975) scoping opinion issued on 17 January 2018.
- 10.8 Application to vary conditions 1 (timescale), 2 (Scheme of working), 4 (hours of working), 11 (plant details) and 20 (restoration scheme) of application 07/92181 (13/98825) approved on 21 November 2013.
- 10.9 Revised restoration scheme pursuant to Condition 20 of Permission 07/92181(12/97680) approved on 24 September 2012.
- 10.10 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 (Amended description) (07/92181) approved on 26 June 2008.
- 10.11 Extension to sand and gravel site (48796) (our reference: 91/48794) refused by HCC on 22 June 1994. Subsequent appeal (reference APP/21700/A/94/246467) allowed on 31 January 1996.

11. ASSESSMENT

Application Site

- 11.1 The 107.6 hectare site surrounds the former Fawley power station site. It comprises land at Tom Tiddler's Ground, located to the south of the power station; land to the west of the power station site, including part of Fawley Quarry; and land to the north of the power station site, which comprises the former Exxon laydown area. There are several public rights of way which run through the site.
- 11.2 The site includes an area of ancient woodland (Chamber's Copse) and three designated Sites of Importance for Nature Conservation (SINC), located on Tom Tiddler's Ground; Chamber's Copse and Solent View Valley. The Environment Agency's Flood Map indicates that parts of the application site lie within Flood Zones 2 and 3. The Health & Safety Executive's hazard consultation zone for the Fawley refinery complex covers the northern part of the site. The site does not lie within an Air Quality Management Areas nor are there any close to the site.
- 11.3 The site lies adjacent to the Solent Maritime Special Area of Conservation (SAC); and the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site. Calshot Marshes Local Nature Reserve and Site of Special Scientific Interest (SSSI) lies to the south-east. The North Solent SSSI is located to the south of the site.
- 11.4 There are no listed buildings within the application site and the site does not lie within a conservation area. There is an area of archaeological interest located on part of Fawley Quarry. The site lies to the south of Ashlett Creek Conservation Area; a number of listed buildings are located within close proximity to the boundaries of the site, including Badminton Farmhouse and Ower Farmhouse to the west of the site, and a number of listed buildings at Calshot Spit (including the hangers at Calshot Activities Centre). Calshot Castle to the south east of the site also comprises a Scheduled Ancient Monument.

Background to the Application

- 11.5 Fawley Power Station closed in 2013. The 49-hectare previously developed site is within the New Forest District Council Local Plan area but, uniquely, is entirely enclosed by the New Forest National Park. The redevelopment of the power station site represents a major brownfield redevelopment opportunity which also involves a number of challenges, such as the adjoining sensitive ecological designations and the impact on the National Park landscape setting. The site is one of the District Council's strategic development sites and has been allocated for

development in the recently adopted New Forest District Local Plan (Policy Strategic Site 4).

- 11.6 The site in the National Park was considered at the local plan stage and, following consideration of the unique, site-specific circumstances, the Authority concluded that the comprehensive redevelopment of the power station site to include a limited area of adjoining land within the National Park could be justified against the major development tests set out in the National Planning Policy Framework (NPPF).
- 11.7 The New Forest National Park Local Plan was formally adopted in August 2019. Paragraphs 120-138 of the Inspectors' Report following the independent examination of the Local Plan refer to the former power station site and concluded:

“The overall redevelopment of the Power Station site presents a significant opportunity to replace the large-scale industrial structures with a more appropriate built form for the National Park, thereby reducing the impact on the landscape...”
(paragraph 133)

“It would provide a major boost to the local and sub-regional economy including the creation of around 2,000 jobs, including in the marine industry. It would also make a significant contribution to meeting the housing needs of the District and the National Park. Furthermore, the landownership provides the opportunity to moderate the impacts of development on the landscape, biodiversity and habitats of the site and the SANG provides the opportunity to achieve net biodiversity gain. There would also be significant opportunities to secure public access improvements.”
(paragraph 134)

“The Viability Assessment demonstrates that these benefits could not be achieved without the element of development within the National Park. Consequently, in this case there are exceptional circumstances to justify the proposed major development within the National Park and it has been demonstrated that it is in the public interest.” (paragraph 135).

- 11.8 Policy SP26 allocates land within the National Park adjoining the former power station site for 120 dwellings, habitat mitigation, supporting infrastructure and community facilities as part of the comprehensive approach to the regeneration of the former power station site. The policy also contains site-specific requirements for detailed proposals for the site.

Proposed Development

Matters for Determination

- 11.9 The application comprises an outline application. The only

matters of detail are the means of access, comprising the two new access points onto the B3053 and the route and design of the new primary access road (of which the northern and southern parts lie within the New Forest National Park and the application site). The application is accompanied by detailed parameter plans and a Design Code which would provide a framework to which subsequent reserved matters applications must adhere.

Development Description

- 11.10 The description of development is:

"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)."

Residential

- 11.11 120 dwellings are proposed on the area of land immediately south of the former power station site (part of Tom Tiddler's ground SINC). 50% would be smaller dwellings (less than 100 square metres) and 50% would be affordable units.

Civic Space

- 11.12 700 square metres of early years provision is proposed in development block H in the western part of the area of proposed built development. A further 300 square metres of civic space is proposed within development block B adjacent to the central green.

Use Class A4 Space

- 11.13 A 200 square metre drinking establishment is proposed in development block A at the south-western corner of the area of built development within the National Park.

Primary School

- 11.14 An area of search for a proposed two-form entry primary school is located in the south western corner of the application red line area bisected by the B3053.

Open Space

- 11.15 The application proposes 2.5 hectares of informal open space (which includes 1 hectare of driveway) and 0.2 hectares of play space within the application site.

1.1 hectares of allotments are also proposed within the same area of search as the primary school.

Suitable Alternative Natural Green Space

- 11.16 A total of 35.3 hectares of suitable alternative natural green space (SANG) is proposed in three areas:

- 11.0 hectares at Ashlett Green to the north;
- 20.2 hectares on the former quarry site to the west; and
- 4.1 on Tom Tiddler's ground to the south.

[These areas exclude the areas at Ashlett Green and Tom Tiddler's ground which are required for sanctuary areas for Nightingales and seasonally wet areas].

Saline Lagoon and Tidal Creek

- 11.17 A saline lagoon is proposed to the south of the residential development (approximately 70 metres inland of the coastal footpath) and comprises 8 - 9 hectares including islands with a depth of 0.3 to 1.8 metres. To the south of this, a tidal creek is proposed with maximum parameters of 10 hectares.

Nature Parks

- 11.18 Two nature conservation areas are proposed within the application site: one within Tom Tiddler's ground to the south and the second on part of the former quarry site to the west.

Flood Defences

- 11.19 The application includes a sea-wall with defence crest elevation of +5.3 metres AOD (sea-facing) and +4.8 metres AOD (land-facing) to the west of the proposed residential development. A vegetated earth bund with impermeable core is also proposed on the southern perimeter of the area proposed for built development with a defence crest height of +4.8 metres AOD. [An additional 300mm of soil would be included above this to allow for seeding with grass and wildflowers].
- 11.20 In addition, the land would be raised to +4.2 metres AOD across the area of proposed built development.

Access Road and Junctions

- 11.21 The application proposes reconfiguration of the northern junction with the B3053 and a new access to the B3053 to the south west of the area of proposed built development. These would be linked by a new access road.
- 11.22 A section of the new access road to the north (circa 308 metres in length) and a further section to the south (circa 171 metres in length) are located within the application site [The remainder is located within the concurrent application to the District Council].

Other

- 11.23 The parameter plans also include proposed new footpaths in circular routes through the site and some cycle routes, including on the eastern edge of the site and along the proposed new access road.
- 11.24 In addition, the parameter plans set out areas of retained trees and hedgerows together with areas of tree planting. This includes tree planting within the Fawley SANG area to the west; within the proposed area of built development to the south of the former power station site; and to the south of the vegetated bund within Tom Tiddler's ground.

Application Amendments

- 11.25 The application has been amended since its original submission in May 2019 in response to comments raised by consultees and in representations. The amended plans and details include an amended Environmental Statement.

Concurrent Planning Application to New Forest District Council

- 11.26 The application has been submitted concurrently with planning application reference 19/10581 for the following proposed 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 a 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)."

Phasing

- 11.27 The redevelopment of the former power station site is proposed to be phased. The phases relevant to the land contained within the New Forest National Park are:
- Phase 1 (to 2022): Civil engineering including sea defences.
 - Phase 2 (to 2024): Early years facility and approximately 10 dwellings contained within development blocks H, J and K.
 - Phase 8 (to 2035): Approximately 110 residential units and 1,200 square metres of non-residential floor space.
- 11.28 The provision of the proposed SANG areas would be phased as follows:
- 24.4 hectares prior to occupation of the first residential unit;
 - 5.49 hectares prior to completion of 700 residential units; and
 - 5.33 hectares prior to completion of 1,300 residential units.
- 11.29 Phasing of tree planting is also proposed linked to the above phasing.

Policy Considerations

- 11.30 The key relevant policies are listed in sections two to five of this report and comprise policies contained within the following documents:
- The National Planning Policy Framework (NPPF);
 - The New Forest National Park Local Plan 2016-2036 (August 2019); and
 - Hampshire Minerals and Waste Plan (October 2013).

In addition, the Marine Policy Statement and South Inshore and South Offshore Marine Plan (July 2018) are material considerations.

Issues for Consideration

- 11.31 The main issues for consideration in relation to this application are:
- The principle of the proposed development;
 - The major development test (paragraph 172 of the NPPF);
 - Design;
 - The impact on the landscape setting of the National Park;
 - The impact on trees and ecology;
 - Site-specific requirements of Policy SP26; and
 - Other material considerations, including:
 - The impact on heritage assets;

- Minerals and waste policy considerations;
- Public open space requirements;
- Public access improvements;
- Transport matters;
- Flood risk and drainage;
- Air quality impacts;
- Contamination; and
- Noise.

These issues are considered in turn below.

Principle of Development

- 11.32 The application site is allocated within the adopted, up-to-date, New Forest National Park Local Plan 2016-2036 (August 2019) for 120 dwellings, habitat mitigation, supporting infrastructure and community facilities. The submitted application comprises an outline application for the proposed development described in paragraphs 11.10 to 11.29 above. The principle of the proposed development for 120 dwellings, habitat mitigation, supporting infrastructure and community facilities is firmly established.

Major Development Test

- 11.33 Paragraph 172 of the NPPF states:

"Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

- 11.34 This is also referenced in paragraph 041 (Ref. ID. 8-041-20190721) and in paragraph 31 of the *English National Parks & The Broads: UK Government Vision & Circular* (2010).

- 11.35 Whether a proposal is "major development" is a matter for the decision-maker (footnote 55 of the NPPF). Taking into account the nature, scale and setting and potential significant adverse impacts of the proposed redevelopment of the former power station site, the Authority, together with New Forest District Council, Natural England and the applicant, has concluded that the proposals constitute "major development" and the tests in

paragraph 172 of the NPPF ("the major development tests") are triggered.

- 11.36 Whilst the major development tests were assessed at the plan-making stage in respect of site allocation SP26, recent case law in *R (Advearse) v. Dorset Council* [2020] EWHC 807 (Admin), handed down on 6 April 2020 (case number CO/2277/2019), means that consideration and application of policy at paragraph 172 of the NPPF should take place at successive stages in the planning process. Therefore the tests set out in paragraph 172 of the NPPF have been applied to this planning application.
- 11.37 The Authority's detailed consideration of these tests is set out in Annex 2 of the Planning Policy Team consultation response, dated 12 June 2020, and is summarised in the following paragraphs:

Exceptional Circumstances

- 11.38 The Fawley site is unique and has a set of circumstances not replicated anywhere else in the New Forest. Although within NFDC's administrative boundaries, it is entirely surrounded by the National Park and the current Power Station buildings have a significant negative landscape impact across wide parts of the south east of the National Park. The site represents a 49-hectare brownfield site and benefits from existing infrastructure. However, there are exceptionally high costs associated with redeveloping the former power station site. The Local Plan Inspectors' Report conclusion that exceptional circumstances exist at Fawley still stands for consideration of the current planning application.

Public Interest

- 11.39 The current application (and the linked application being considered by New Forest District Council, reference 19/10581) would remove the existing industrial-scale power station buildings. This would deliver landscape benefits for the National Park, which is in the public interest. Related biodiversity, access, recreation, housing, employment and service provision benefits are also in the public interest.

(a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy

- 11.40 The comprehensive redevelopment of the site (which application 19/00365 enables) will deliver significant economic benefit for an area, which has pockets of deprivation. The site would make a significant contribution towards meeting housing needs, including affordable housing needs in the National Park.

(b) The cost of, and scope for, developing outside the designated

area, or meeting the need for it in some other way

- 11.41 The Local Plan Inspectors' conclusion of July 2019 that development in the National Park is "*critical to the viability and delivery of the larger site*" remains the case. The application accords with the development plan and alternative sites that could deliver the benefits associated with the redevelopment of the former Power Station site have not been promoted.

(c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

- 11.42 Significantly more detail is now available to assess whether adverse impacts on the environment, landscape and recreation can be moderated compared to the Local Plan Examination hearing sessions held in late 2018. The management and phasing of the proposals for new SANG provision, driveways and the Nature Park would be included in the S106 Legal Agreement. The landownership in the area enables landscape-scale mitigation and for major development test (c) to be met.
- 11.43 In conclusion, it is concluded that the current proposals are justified when considered against the NPPF major development tests as part of a comprehensive redevelopment.

Design

- 11.44 Paragraph 28 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals and paragraph 30 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy SP26 seeks an exceptionally high standard of design and layout across the whole of the power station site.
- 11.45 The outline application has been accompanied by parameter plans and a Design Code in order to provide the framework for the design of the detailed development at reserved matters stage. These are considered below.

Design Parameters

Quantum and Land-Use

- 11.46 The quantum of development and land-uses proposed, comprising 120 dwellings and 1,000 square metres of community facilities, together with 200 square metres of drinking establishment floor space, accords with Policy SP26. Both the quantum of development and proposed land-uses are considered to be appropriate to their location at the southern part of the overall wider development site.

- 11.47 The area of search for the primary school has been influenced by the Health and Safety Executive safety zones and is proposed to be located to the west of the Fawley SANG (south). Whilst the area of search is located at a distance of 210 metres at its closest point from the proposed residential development and the early years facility, it would be within walking distance via proposed new foot and cycle links. Comments have been received in relation to the proposed siting of the potential school. The detailed siting would be the subject of a reserved matters application should the pupil yield of the new population indicate that a new school is required. Hampshire County Council has no objection to the area of search for the school and the proposed early years provision subject to securing monitoring and contributions through the S106 legal agreement.
- 11.48 The provision of land for habitat mitigation within the National Park is supported by Policy SP26 and this element of the proposals is considered in detail below.

Layout, Density and Building Heights

- 11.49 For the scheme as a whole, urban design consultation comments consider that the basic layout and urban design building blocks of the scheme are well executed and the permeability, block sizes, proposed mix of uses, active edges, walkability and enclosure are well handled. In the southern area of built development proposed within the National Park, the design parameters include six development plots located wholly within the National Park and four further development plots located partially within the National Park. The layout of the plots around a central green space with a landmark building is appropriate to the National Park location and setting. The parameter plans assist in securing general building positions, heights and space requirements and set a robust framework for the proposed layouts. The development proposed is at a lower density (17 dwellings per hectare) than that proposed within the former power station site (92 dwellings per hectare) appropriate to the setting.
- 11.50 The storey height parameters are predominantly two to three storeys with one four-storey element in the north-eastern corner of development block G. The parameter plans contain maximum permitted floor to floor heights. For residential plots, the maximum ground floor height permitted would be 4m and the maximum upper floor(s) 3.4m in height. The landmark building within the central green would have a maximum permitted height of 14.3 metres. The heights proposed in the southern quarter are considered to be appropriate to their context.
- 11.51 The design code also contains details of maximum ridge and eaves heights on the southern edge of the development and controls in relation to the amount of glazing (maximum 35% of

wall area); the roof line arrangements; the arrangement and proportion of windows; and elevational treatment (architectural details and materials). These details are important to control the details of this edge, which would be viewed from Tom Tiddler's ground to the south.

- 11.52 Overall, the southern part of the scheme is considered to respond successfully to local character and is underpinned by a set of codes to be carried through into detailed application stage.
- 11.53 Concern has been raised in urban design comments in relation to the need for a 300mm threshold uplift in addition to the raising of ground levels to 4.2 metres and the impact on adaptability and inclusivity. Within the southern quarter, the local land raising proposed within the Design Code does not include stepped access points but includes gradual ramping and three areas of potential terrace with 0.3 metre level transition. In this part of the development, the proposed localised land raising is considered to be addressed.

Sustainability

- 11.54 The design code sets out the applicant's approach to sustainability. Buildings will be designed to achieve optimum energy performance and are proposed to incorporate the following design features:

- A fabric standard beyond Building Regulation values;
- An "all-electric" approach with no permitted use of gas;
- Use of air source heat pumps or photovoltaic panels;
- Minimising water consumption to 100 litres per day;
- Use of high efficiency lighting; and
- Provision of bird and bat boxes.

Whilst it is noted that targets and detail are lacking in this respect, the design intent of sustainability is supported and measures are proposed to be the subject of a planning condition. Subject to this, the incorporation of sustainable design features would accord with Policies DP18 and SP11 of the adopted Local Plan.

- 11.55 Through the controls set out in the parameter plans and Design Code and subject to securing these details, together with the above-mentioned sustainable design features, through planning conditions, it is considered that an exceptionally high quality of design could be achieved in accordance with Policy SP26, DP2, DP18 and SP11 of the adopted Local Plan.

The impact of the proposed development on the landscape setting of the National Park and on heritage assets is considered further below.

Road Design

- 11.56 The proposed new primary access road and the two associated junctions with the B3053 are matters for detailed approval. The new access road would be offered to the Highway Authority for adoption. The junctions are located wholly within the National Park. Approximately 300 metres of the new access road to the north and approximately 170 metres to the south are located within the application site.
- 11.57 The northern access would be realigned and priority would be given to traffic using the access road. The radii of the proposed right turn has been designed to slow traffic down. The new access road would run from the realigned junction with the B3053 in the north along a similar alignment to the existing Northern Access Road on site. It would then re-join the B3053 via a new junction at the southern end in Calshot. It is proposed to include eight pedestrian crossings, three bus stops on each side; road narrowing sections; a roundabout and a gateway feature. A shared use pedestrian/ cycle path would run beside the northern and eastern side of the new road until the final crossing point, after which it would be located to the western side of the new road as it curves to meet the B3053. The design speed of the new road is 30mph.
- 11.58 It is proposed that the design of the road is rural in character at the northern and southern ends with informal landscaping, no kerbs and grass verges. In the central section, within the District Council's application site, the access road is proposed to be lined with trees (Oak and a smaller area of Plane trees). The lighting strategy for the proposed road and shared foot/ cycleway is included in the Design Code. The southern section of the road is proposed to be unlit. The shared foot/ cycleway is proposed to be lit with solar studs.
- 11.59 Whilst the design of the road is a matter for detailed approval with this application, the proposed landscaping is a matter for reserved matters stage. However, the Design Code includes landscaping materials and details, such as kerb edge details, proposed materials and tree planting. The Design Code would be secured by planning condition. The design approach, with a more rural focus at the northern and southern ends of the road and a more urban character in the central part and the proposed indicative landscaping scheme is supported by the Authority's Landscape Officer.
- 11.60 Urban design comments have raised concerns in relation to the proposed new access road, including in relation to the two approach sections and wide junction alignments. The 30mph speed limit proposed is also considered to be too high. It is, however, noted that the applicant has sought to incorporate measures to slow vehicles with a number of narrowings and

granite sett features at crossing points and that detailed discussions have taken place between the local planning authorities and the Highway Authority.

- 11.61 Hampshire Highways have no objection to the proposed reconfiguration of the northern access and the new southern access. In addition, the Highway Authority notes that the access road design is influenced by the setting of the development alongside the 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 (one line of setts on the exit from Halfway Roundabout; two lines of setts at the narrowing with the pedestrian crossing at the centre of the longest stretch of straight road; and one line of setts on each of the pair of narrowings with crossings adjacent to the plaza). The Highway Authority has stated that it is now in a position to agree to the layout submitted and to work with the applicant to enable the access road to be offered for adoption through a Section 38 Agreement.

The impact of the proposed new access road on the landscape setting of the National Park is considered below.

Impact on Landscape Setting of National Park

- 11.62 Policy SP26 requires clear net positive public benefits to be demonstrated in relation to the landscape and setting of the National Park. Policy SP7 sets out that great weight should be given in planning decisions to conserving the landscape and scenic beauty of the National Park and to its wildlife and cultural heritage.
- 11.63 It is common ground between the Authority, the District Council and Natural England that the development of the site provides the opportunity to replace the existing large-scale power station buildings and structures with a more appropriate built form, thereby reducing the landscape impacts on the surrounding National Park.
- 11.64 Given the location of the proposed development within the National Park and the majority of the built development within the concurrent application adjacent to and surrounded by the National Park, the proposed comprehensive redevelopment will have an impact on the landscape setting of the National Park. The applicant has submitted a Landscape and Visual Impact Assessment which assesses the applications as a whole. The proposals have also been assessed in detail by the Authority's Landscape Officer. The methodology used is to the industry standard and follows the technical guidance issued by the Landscape Institute. The Landscape Officer considers that the baseline information is a comprehensive survey and analysis of the site and supports the landscape values given to the photograph locations (visual receptor types), all being described as in the high category of landscape value.

- 11.65 The assessment notes that there will be a change to the local landscape cover on completion of the proposed development where the site would change to a new settlement with associated green infrastructure and new areas of tree planting. The assessment concludes that the proposed development will provide a new, positive and active land use, delivering new built form and a range of green spaces. The key viewpoints are considered below, together with consideration of the northern edge which was not included as a key viewpoint, but is adjacent to the National Park and is proposed to be a SANG area.

Northern Edge (adjacent to National Park)

- 11.66 The commercial buildings in the northern quarter are proposed to be up to 25 metres in height. The revised design of the northern edge with set back of building ridge heights, as included in the Design Code, and the proposed landscaping have reduced the impact from the north. The building heights are considered to be appropriate, in particular, in the context of the existing 25 metre high National Grid building.

Eastern Edge (adjacent to National Park- viewpoint 5, from Southampton Water)

- 11.67 The proposals are viewed against a wooded backdrop and are considered to represent an improvement on the existing industrial view whilst noting that the spread of development is greater than what existed previously.

Western Edge (adjacent to National Park- viewpoint 62, from west)

- 11.68 A comparison between the existing chimney and now demolished deaerator building and the proposed development is provided in the assessment. The proposed development will include new buildings close to the National Park boundary (generally of between 19 and 27 metres in height with street frontage heights between 7 and 24 metres). This height has been reduced through design revisions and is considered to have been reduced to a height that can be justified in light of the adopted site allocations for a proposed quantum of development. However, urban design comments note that general heights are more city scale structures. The design also includes five tall buildings (over 30 metres in height). One would comprise a landmark building with maximum height of the main base to be 38 metres; maximum height of the plinth to be 55 metres; a more slender ornamental element to 92 metres; with a flagpole to 98 metres. It is accepted that visual interest provided by taller elements could be appropriate in urban design terms. However, detailed assessment of this element of the scheme was requested, given the proximity to the National Park landscape.

The Landscape and Visual Impact Assessment indicates that only sections of the former power station above a height of 24 metres are visible from the western viewpoint, due to the topography of the land and the existing vegetation. The design of the western edge has sought to ensure that general heights are at or below this height. However, the taller buildings would have an impact. As a whole, the impact on the western edge is noted as generally limited to views close to the new settlement and is considered to be acceptable in the overall context of the redevelopment proposals.

- 11.69 In relation to the proposed new access road, a significant element of tree planting is proposed alongside the road and within the areas of SANG to the south and west of this. The semi-mature tree avenue is noted by the Landscape Officer to comprise a key part of the landscape infrastructure for the site and an essential feature to help mitigate the visual impact. Subject to the securing of early planting and protection of these areas, it is considered that the landscape impact of the proposed new road would be minimised.

Southern Edge (within the National Park)

Viewpoint 32 (from south west: Calshot Spit)

- 11.70 The existing topography will rise behind the proposed southern village to give a wooded backdrop to the proposal. The southern quarter has been designed such that the view does not break the existing wooded skyline behind. Whilst the taller buildings will be visible, the impact of the proposal compared to the previous industrial buildings is considered to be positive.

Viewpoint 35 (from south: Tom Tiddler's ground)

- 11.71 The proposed built development will have an impact on the landscape setting of the National Park by way of land use change, the principle of which has been established at local plan stage. A large amount of the proposed built development will be screened with the taller buildings visible on the horizon. The proposed tree planting and vegetated bund would be important in ensuring an area of new development in the National Park appropriate to its landscape setting.

Tranquillity

- 11.72 Policy SP15 refers to tranquillity. It states that development proposals that seek to remove visually intrusive man-made structures from the landscape will be supported. The New Forest Tranquil Areas Mapping Report (2015) refers to the power station site as falling within a "most highly disturbed area" due to the visual intrusion of the large industrial scale buildings and

chimney. As set out above, the proposed development would remove these visually intrusive structures.

- 11.73 Policy SP15 also states that new development should avoid or provide mitigation measures if the proposal will lead to noise, visual intrusion, nuisance and other unacceptable environmental impacts on the National Park and its special qualities. This should include reducing the impacts of light pollution on the "dark skies" of the National Park and control of development to prevent artificial lighting from eroding rural darkness and tranquillity.
- 11.74 The noise impacts of the proposed development are considered in paragraphs 11.193 to 11.196 below. In respect of lighting, The applicant has provided a lighting report within Chapter 14 of the Environmental Statement carried out by WSP dated April 2020 which considers the existing lighting at the site and zones areas of the site in accordance with guidance within the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011.
- 11.75 The information provided is considered by Environmental Protection to provide enough characterization of the site for the local planning authorities to be satisfied with proposing a condition requiring a scheme for the operational stage of the development. In addition, the technical guidance section of the Design Code clarifies that further reserved matters applications will be made for lighting at the site. This is expected to be undertaken in accordance with the appropriate illuminance in the vertical plane for the designated environmental zone for each area as detailed in Table 3 of Institute of Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020.
- 11.76 Lighting during the construction phase is expected to be covered within a construction environmental management plan. This would include a scheme for lighting during the construction phase is required to be agreed with the local planning authorities. This would be required to include details of all proposed and operational external lighting, include timings of lighting operation, including a lighting plan showing locations and specifications of all proposed lighting and demonstrate that vertical illuminance into adjacent habitats has been minimised and avoided where possible, and considered in accordance with Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020. It is expected that all overspill of light from the site will be minimised as far as possible, and all onsite lighting only operated between the hours of 08:00hrs and 23:00hrs with the exception of perimeter lighting.
- 11.77 Natural England has commented that particular attention should be given to the visual impacts on night views of lighting on, or from, the taller buildings. The Authority's Landscape Officer has commented that light pollution, light spill and sky glow are the

main threats to the dark night skies of the immediate and wider areas to the site and notes that the District Council Environmental Protection department represents both the District Council and the National Park Authority in terms of protecting both jurisdictions from light pollution and also has a role in the planning process. The Landscape Officer further notes that the Access Road is proposed to be lit by street lights to Hampshire County Council adoptable standards and the rest of the development would be controlled by the respective local planning authorities. Parts of the site are not planned to be lit at all, for example, the SANGs and the wider Nature Park, including Tom Tiddler's Ground and the lagoon. The Landscape Officer recommends that the Southern Quarter is not lit with street lights due to its location adjacent to the open and flat landscapes of Tom Tiddlers Ground which is highly sensitive to potential light spillage and light pollution. Overall, the Authority's Landscape Officer is confident that Chapter 14 of 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 then detailed lighting design, including the design of buildings to minimise the emanation of light, is achievable. Environmental Protection has no objection subject to conditions in relation to external lighting and the construction environmental management plan. Subject to the imposition of appropriate conditions, the proposed development will accord with Policy SP15 in respect of lighting impacts.

- 11.78 The Landscape and Visual Impact Assessment recommends long-term management of existing hedgerows and trees; successful establishment of proposed planting; upkeep of high quality public realm; management and maintenance of landscaping; and a careful lighting specification. These are supported by the Authority's Landscape Officer, Senior Tree Officer and in urban design and heritage comments.
- 11.79 In conclusion, the proposed development will have an impact on the landscape of the New Forest National Park and the District Council area. The National Park as a receptor is of high sensitivity. The Authority's Landscape Officer concludes that the balance between built development and landscape infrastructure has been successfully reached and will mitigate the visual impact that the proposed development will have on the landscape of the New Forest National Park and the District Council area. The extensive use of proposed new tree planting, vegetated bunds and green open spaces within the development contributing to creating a positive landscape visual impact in both the New Forest National Park and District Council area. Subject to the controls set out in the parameter plans, the Design Code and appropriate planning conditions, such as in respect of lighting, the proposal is overall considered to have net positive public benefits in relation to the landscape and setting of the National Park in

accordance with Policies SP26 and SP15.

Impact on Trees and Ecology

Trees

- 11.80 The application includes a parameter plan (drawing number 2/11 Rev A) which, together with the associated parameter plan contained within the District Council application (drawing number 1/11 Rev A) set out areas of retained trees and hedgerows together with areas of tree planting. This includes tree planting within the Fawley SANG area to the west; within the proposed area of built development to the south of the former power station site; and to the south of the vegetated bund within Tom Tiddler's ground. An avenue of trees is also proposed adjacent to the new access road and a strip of trees is proposed between the northern quarter and central mixed use area proposed on the former power station site. A tree strategy including details of species and tree phasing are contained within the Design Code. The phasing of tree planting would include planting to the south of the proposed area of built development on Tom Tiddler's ground prior to the occupancy of any dwelling, together with an area in Fawley SANG (south). Later phases are proposed to be linked to dwelling completions across the site.
- 11.81 There are no Tree Preservation Orders (TPO) within the application site (there is one TPO (G92- TPO58/91- W1) which is off site and is not directly affected). An area of ancient woodland has been identified in the tree survey as W138 Chambers Copse located within the Fawley SANG area. There is no direct impact or tree felling necessary in this woodland. The tree survey included 63 trees, 47 groups of trees, 7 woodlands and 19 hedgerows. From these, 10 trees, 13 groups of trees and 9 hedgerows have been identified for removal. The Authority's Tree Officer has commented that the majority of the proposed tree losses can be mitigated through replacement planting and there is an overall net gain in replacement tree numbers, the canopy cover and habitat they provide. A further Technical Note has been provided in relation to trees T86 (veteran Willow tree) and T126 (Category A Oak tree) which are now proposed for retention.
- 11.82 In relation to the proposed tree planting adjacent to the new access road, the Authority's Tree Officer has commented that further detail will be needed in relation to tree size, species and whether they are container grown or root-balled, together with details in relation to root barriers and pit base materials. This would be the subject of a planning condition. The importance of watering, maintenance and monitoring is also emphasized. The Authority's Landscape Officer supports the proposed tree strategy with details of tree sizes and planting distances.

- 11.83 Overall, there are no objections to the application on tree grounds subject to tree protection and an arboricultural method statement being secured by condition together with tree maintenance and the securing of the tree strategy and phasing within the Design Code by condition.

Site-Specific Bird Surveys

- 11.84 The Authority's adopted Local Plan – including Policy SP26 - was subject to a Habitats Regulations Assessment (HRA). Updated information to inform the appropriate assessment of the proposed development at the planning application stage was subsequently submitted in May 2020 (Jonathan Cox Associates). This information reflects recent case law regarding the consideration of mitigation measures (the Sweetman case); and potential impacts on species and habitats of European importance not identified as features of European sites (the Holohan case).
- 11.85 The information submitted to inform the appropriate assessment includes bird survey data covering the period 2015 – 2018 and this includes the Annex 1 bird species of the Merlin, Hen Harrier and Dartford Warbler. It is therefore considered that this element of Policy SP26 is addressed.

Species Impacts

- 11.86 The Environmental Statement indicates that surveys of bat activity in and around the proposed development site have shown the importance of Chambers Copse, woodland within Ashlett Green and the woodland and tree belt that runs from north to south along the western side of the development for the movement of bats through the landscape. The mature trees and woodland in this belt have been assessed as being of District importance for bats. The lighting strategy for the proposed development will be conditioned and is proposed to be designed in a way to minimise the impacts on bats. Significant use will be made of low-level bollard and pavement lighting within street lighting kept to a minimum. The lighting strategy will ensure the important commuting and foraging habitat for bats, provided by the corridor linking Tom Tiddler's ground through Chambers Copse to Ashlett Green remains dark.
- 11.87 The amphibian and reptile populations occupying Tom Tiddler's ground, the western ditch and associated wetlands within the quarry have been identified as being of local importance. A Landscape and Ecological Management Plan would be required to be secured by condition. This would include management and monitoring of measures, such as translocation of reptiles.
- 11.88 Natural England has requested further information on the location of peregrine falcon nesting compensation for the loss of the nesting site associated with the former power station chimney.

The applicant has indicated that a replacement nest site will be positioned on the landmark building located to the north west corner of the heart of the town. This will have no direct line of sight to Tom Tiddler's ground and is located 850 metres from the saline lagoon. The Authority's Ecologist has commented that even if the replacement nest were not provided on site, birds would still be likely to be present in the forest and Waterside area as their home range is potentially over 100 square kilometres. Some predation is therefore still likely to occur but it is noted that the preferred diet is unlikely to be wading birds on the marsh.

Habitat Mitigation

- 11.89 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of the site's conservation objectives. The Appropriate Assessment indicates that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Mitigation is therefore required to ensure the integrity of the sites is maintained.
- 11.90 The adopted Local Plan supports the provision of habitat mitigation measures, supporting infrastructure and community facilities that cannot reasonably be achieved in the brownfield area of the former Power Station site. Given the unique 'island' geography of the site surrounded by the National Park and the site-specific redevelopment costs, it is accepted that the recreational mitigation land will need to be provided within the National Park. This accords with Policy SP26 and also Policy SP9 (Green Infrastructure), which states the provision of new greenspace (often referred to as SANGs) in the National Park to mitigate the impacts of development outside the National Park will be considered in exceptional circumstances.

Recreational Impacts

SANG

- 11.91 35.3 hectares of SANG will be provided in three locations:
- Ashlett Green (northern part of the application site): 11 hectares;
 - Fawley (western part of the application site): 20.2 hectares;
 - and
 - Tom Tiddler's: 4.1 hectares.

[This excludes an area of 5 hectares which have been discounted to allow for inaccessible areas in the Nightingale breeding season and seasonally wet areas on Tom Tiddler's ground].

- 11.92 The area of SANG to be provided has been calculated on the basis of the proposed 1,500 dwellings and 150-bedroom hotel within the wider development site. In response to feedback from the local planning authorities in 2019, the population projections for the development (and therefore the resultant open space and SANG requirements) are based on the actual proposed mix of dwellings in the development, rather than using a standardised figure. This approach accords with the District Council's draft Supplementary Planning Document (2018) and results in a projection of 2.5 people per dwelling. This is higher than the standard 2.4 people per dwelling figure used elsewhere. The applications also propose SANG provision at a higher level than the minimum quantitative requirement.
- 11.93 Provision of the areas of SANG would be phased to ensure that there is sufficient provision for new residents. 24.46 hectares would be provided prior to occupation of the first residential unit in the Ashlett SANG (north); Tom Tiddler's SANG (south); and the southern part of the Fawley SANG with a linking area between the northern and southern elements. 5.49 hectares would be provided within the Fawley SANG prior to the completion of 700 residential units and the remaining 5.33 hectares would be provided within the Fawley SANG prior to the completion of 1,300 residential units. In relation to the accessibility of SANG in the early phases of development, it is considered that the proposed revisions to ensure early delivery of the Tom Tiddler's SANG, together with a link to the Ashlett SANG will offer sufficient level of provision in association with their location within a wider Nature Park.
- 11.94 The proposed quantum of SANG would meet policy requirements. The detailed design of the SANG areas is a matter for subsequent reserved matters applications and attention will be needed to access proposals to the northern SANG from within the District Council's application site. However, the location of the SANG areas would be accessible to residents and would provide enhanced walking routes appropriate to their purpose. It is noted that this is within the context of a wider Nature Park, which would be secured through the S106 legal agreement, which would provide an additional buffer between the development and the designated sites. No grazing is proposed on the Tom Tiddler's SANG. However, it is proposed that controlled grazing at low stocking rates will take place on the Ashlett and Fawley SANG areas. This would be controlled through the Section 106 legal agreement. The establishment of a management company is proposed by the applicant to manage and maintain the SANG areas. Full details in respect of this will be secured through the S106 legal agreement, including details of proposed monitoring and "step-in" rights. Subject to this, it is considered that the proposed SANG would be effective in mitigating the impacts of development in relation to recreational pressure.

Marine Designated Sites

- 11.95 Any proposals for a net increase in dwellings or overnight visitor accommodation are required to mitigate recreational impacts on the Solent and Southampton Water designated European sites. The applicant is proposing to make a contribution to the Bird Aware mitigation strategy but has also developed a 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 and the employment of a team of rangers to cover the proposed nature park areas, including the coast. The contribution and proposed mitigation measures would be necessary to ensure that the proposed development meets the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) in relation to the Solent and Southampton Water designated European sites and would be secured through the S106 legal agreement.

Nutrient Impacts

- 11.96 Excessive nutrients (principally nitrogen and phosphates) in the Solent's European sites are causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within the European nature conservation designations sites in and around the Solent (including the Solent and Southampton Water SPA). Following recent case law, Natural England has advised that there is uncertainty as to whether the increase in wastewater from new housing in the Solent's catchment will have an adverse impact on the Solent's European sites. One way to address this uncertainty is for new development to achieve nutrient neutrality.
- 11.97 The application includes a strategy for achieving nutrient neutrality. It sets out how much nitrogen will be generated by the proposed development and how this will be offset. The nutrient strategy includes the following mechanisms:
- Creation of a 2-hectare freshwater wetland within the valley of the Stone Stream to the west of the application site within the Cadland Estate;
 - Creation of a 10-hectare tidal creek located to the south of the area of proposed built development on Tom Tiddler's ground;
 - Land-use change resulting from quarry restoration; and
 - The provision of winter cover cropping (to allow for the time it will take for the tidal creek to reach full mitigation potential).

The proposed stone stream wetland would require separate planning consent to the current application and this would be the subject of a planning condition.

- 11.98 The total nitrogen debit due to the development (as a whole) is 4,770 kg total Nitrogen per year. The proposed nutrient strategy would provide the following nitrogen credits:
- Stone stream wetland creation: 3,200 kg total Nitrogen per year;
 - Tidal creek: 2,983 kg total Nitrogen per year;
 - Land-use change: 812 kg total Nitrogen per year;
 - Removal of existing sewage works: 108 kg total Nitrogen per year; and
 - Winter cover crops: 34 kg total Nitrogen per year.
 - Total: 7,137 kg total Nitrogen per year.
- 11.99 Natural England is satisfied, based on the information provided, that the development can achieve nutrient neutrality for each stage of the development. However, the baseline relating to the quarry restoration has been queried. Further information has been provided by the applicant and, should the land-use change element proposed as part of the quarry restoration be excluded from the above credits, the nutrient budget would still provide a net reduction in Nitrogen of 6,325 kg total Nitrogen per annum which means the scheme can still achieve nutrient neutrality. The information provided also indicates that a minimum 100% of Nitrogen removal would be provided in each phase. Natural England note that the Authority should be satisfied in respect of the delivery of the stone stream wetland in order to achieve the expected levels of nutrient removal.
- 11.100 Subject to conditions requiring a planning application for the wetland creation; and monitoring of the establishment of the tidal creek, the Authority has concluded that the proposed development would not have an adverse impact on habitats and species within the European nature conservation designations sites in and around the Solent.

Habitat Compensation

- 11.101 Policy SP26 (d) requires the loss of designated SINC to be kept to an essential minimum and compensated through the enhancement of the biodiversity value of the remaining habitat and the compensatory provision of alternative habitats of equivalent or higher value to achieve a net gain for biodiversity.
- 11.102 The applicant has submitted a SINC Habitat Compensation and Improvement Plan in order to address this requirement. Eight hectares of SINC habitat will be lost as part of the proposed development. This would consist of the following habitat types: acid grassland; scrub and secondary woodland; neutral grassland; reedbed; and saltmarsh and swamp. A further 0.74 hectares of acid grassland and scrub outside of the SINC boundary but within the application red-line area will also be lost.

- 11.103 The DEFRA biodiversity metric has been used by the applicant to calculate the area of compensatory habitat required. This includes estimates of future condition and the time taken to reach that condition. Using this metric, the minimum area of compensation required would be a total of 6.3 hectares (split across the various habitat types).
- 11.104 The applicant's strategy is to provide an initial area of nine hectares in compensation. Early proposals were to provide this compensatory habitat within the restored quarry area of the application site. However, the quarry restoration is not planned to be completed until after 2027 and this would have resulted in a time lag between loss of SINC (during construction of the flood defences in the first phase of development) and the provision of compensatory habitat. It is therefore proposed that compensatory habitats are provided outside of the application red-line boundary within the boundary of the nature park. Compensatory acid and neutral grassland habitat will be provided within Badminton Common and reedbed and scrub habitat will be provided within the partially restored quarry workings to the west of the application site. This would be secured by planning condition. Once the quarry restoration has been completed, additional grassland, woodland, scrub and reed bed will be provided within the application red-line area. This would comprise an area of 26 hectares. The compensation requirements in relation to loss would therefore be met, subject to securing of the proposed compensation plan by planning condition.
- 11.105 In relation to the remaining SINC habitat on Tom Tiddler's ground, approximately 21 hectares will remain unchanged and management is proposed to improve the habitat for nesting birds. Water filled ditches will be created around the proposed saline lagoon to deter domestic cats from the proposed nature reserve area. This will result in a change in habitat from the existing scrub and reedbed. There will also be temporary disturbance from the creation of the saline lagoon and tidal creek. A construction environmental management plan is proposed to ensure disturbance to retained habitats is minimised during this period. Following the creation of the saline lagoon and tidal creek, a more diverse range of habitats will exist within the SINC and the strategy is to reverse the trends of ecological succession and terrestrialisation to restore coastal habitats of greater intrinsic nature conservation value. Net environmental gain is considered in the following section.

Habitat Enhancements

On-Site

- 11.106 The parameter plans include two nature reserve areas within the application site: one within Tom Tiddler's ground to the south and

the second on part of the former quarry site to the west. The area within the former quarry site forms part of the SINC compensation referred to above.

- 11.107 A saline lagoon of up to 9 hectares is proposed within the SINC to the south of the area of built development on Tom Tiddler's ground. The parameter plans show the maximum extent of the lagoon and the proposed depth is 0.3 to 1.8 metres. Salinity levels would be maintained at ambient sea water levels. To the south of this, a tidal creek (10 hectares) is proposed.
- 11.108 The saline lagoon and tidal creek will result in restoration of coastal habitats to Tom Tiddler's ground that will be of greater nature conservation value than those they displace. The habitats to be created would include open water; upper saltmarsh; vegetated shingle; grassland/saltmarsh/reed/scrub mosaic; and mid upper saltmarsh and mudflat. These would support marine fauna and flora and provide habitat for breeding and wintering SPA birds. Natural England fully supports the proposals to create the lagoon and creek as an important biodiversity enhancement measure.
- 11.109 The proposed tidal creek has the potential to impact on the hydro morphology of Southampton Water through changes to tidal currents and associated sediment transport patterns (localised to the connection/ entrance with Calshot Marshes). The Environment Agency and RSPB initially raised concerns about the impact of this on rates of sediment erosion leading to the loss of intertidal mudflats. The primary mitigation measures inherent in the scheme design (creek tidal prism and inlet characteristics) have been assessed and demonstrated negligible effects. These will be controlled through the parameter plans. At detailed design stage, the design will be refined further and measures put in place if necessary to enhance the existing saltmarsh through the use of vegetation planting and sedimentation fences. Monitoring of the tidal creek is also proposed. The Environment Agency now has no objection in relation to hydromorphological impacts and would welcome the opportunity to comment further at reserved matters stage.

Biodiversity Metric

- 11.110 The Environment Bill, which was introduced in the House of Commons in January, includes a requirement for a minimum 10% increase in the level of biodiversity as compared to the pre-development biodiversity value. The DEFRA biodiversity metric calculated by the applicant has been included within the application. This metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. It has been applied to existing and proposed habitats within the red-line area of the combined application sites. Whilst the metric relies on a number

of drop-down lists to identify the habitat types, which is simplistic, it does, however, provide a quantitative method of reviewing habitat enhancements. The calculation shows a total net habitat change of 257 units. This equates to a 36% positive net change within the red-line area of the combined applications which exceeds the requirement in the emerging legislation.

Off-Site

11.111 The applicant has also submitted a Nature Park Management Plan and proposes off-site habitat enhancements within the Cadland Estate. This indicates that an area of 188.66 hectares of enhancement would take place within the following habitats: heathland and grassland; wetland; woodland and scrub. It should be noted that approximately 78 hectares within this comprises existing SINc and approximately 55 hectares is SSSI. The off-site areas are proposed to be secured through the Section 106 legal agreement.

11.112 In summary, the application proposes the following:

Mitigation: 35.3 hectares of SANG; contributions to the Bird Aware Strategy; a Marine Management Plan; and a nutrient strategy.

Compensation for loss of SINc: 9 hectares in compensation plus a further 26 hectares in later phases.

Habitat Enhancement: 188.66 hectares of enhancements (although some of this is within existing nature conservation designations).

Wildlife Enhancement in the Built Form

11.113 The Authority's Ecologist notes that it is normal practice to secure habitats as part of built structures such as swift bricks and bat tubes; that the Design Code refers to provision for a range of species; and that the types and locations can be best agreed at later design stages. A planning condition is proposed to secure biodiversity enhancements, including these details.

11.114 Management and maintenance of the habitats would be secured through planning conditions and the Section 106 legal agreement. Ranger provision is proposed to comprise three full time permanent rangers; one full time apprentice ranger and a temporary seasonal ranger. This would cover ranger duties across the Nature Park and Marine Management Plan areas. This level of ranger provision has been agreed with Natural England and is assessed in the Appropriate Assessment as sufficient staff resource to ensure that the proposed mitigation role that they are intended to provide will be successfully delivered.

11.115 Subject to securing the above mitigation, compensation and habitat enhancements, the proposed development would accord

with the requirements of the NPPF and Policies SP26, SP5 and SP6 in relation to the impacts on ecology and trees.

Site-Specific Requirements of Policy SP26

Affordable Housing

- 11.116 The draft S106 heads of terms states that within the National Park area of the proposed development, “...*the agreement will require 50% of new dwellings (60 dwellings) to be provided as affordable homes to meet local need. In terms of tenure, 75% of these homes shall be affordable rent and 25% shall be intermediate / shared equity.*” This is supported and accords with the requirements of criterion (a) of Policy SP26 and the guidance on tenure mix of affordable housing contained within Policy SP27 in the Local Plan.

Dwelling Size

- 11.117 The revised proposals make provision for at least 50% of the dwellings proposed within the National Park to have a maximum total internal floor area of 100 square metres. This is supported in line with criterion (b) of Policy SP26 and would be secured by planning condition.

Comprehensive Redevelopment and Integrated Transport Strategy

- 11.118 The conclusions of the major development test paper (included at Annex 2 to the Planning Policy consultation response) make clear that development in the National Park alone will not be supported rather it must be part of the comprehensive redevelopment of the wider site. The planning application has been submitted concurrently with the proposed mixed-use redevelopment of the former power station site. An assessment of the scheme as a whole has taken place in relation to the likely impacts of the proposed development. Phasing of the scheme, to be secured through planning conditions would ensure that the elements of the scheme will be co-ordinated and the phasing of the development inside and outside the National Park will be secured to ensure a comprehensive redevelopment is delivered.
- 11.119 The transportation impacts of the proposed development have been considered in an integrated manner and are set out below.

Minimal Loss of SINC

- 11.120 Eight hectares of the designated Tom Tiddler's SINC would be lost as part of the redevelopment. Criterion (d) of Policy SP26 requires the loss of SINC habitat to be compensated.

- 11.121 As set out above, the Nature Park Management Plan contains the "Tom Tiddler's Ground SINC Habitat Compensation Plan." The revised plans make provision for a larger area of compensatory SINC habitat of higher value than that to be lost. In addition, the remaining area of SINC will be enhanced to support the adjacent coastal Natura 2000 sites. Subject to securing this through planning condition, it is considered that criterion (d) is met.

Site Specific Flood Risk Assessment

- 11.122 Paragraph 162 of the NPPF (2019) confirms that where applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. A Statement of Common Ground was signed between the NPA, NFDC, Fawley Waterside and the Environment Agency as part of the Authority's Local Plan examination in 2018 regarding the draft site allocation (what was draft Policy SP25 at the time) and flood risk. This concluded that, *"...the National Park Authority, Fawley Waterside Ltd, the Environment Agency and New Forest District Council consider that both the Sequential Test and the Exception Test have been met in relation to the proposed allocation in Policy SP25 of the Authority's Local Plan."*
- 11.123 A detailed flood risk assessment was submitted in May 2019 as part of the original application. This was prepared in consultation with the Environment Agency and concludes that the risk of flooding on the site will be addressed through a combination of land raising, coastal flood defences and a surface water drainage strategy, which includes SuDs. Since May 2019, further work has been undertaken on the design of the flood defence works and this is the subject of a dedicated chapter within the Design Code. In addition, Chapter 12 of the updated Environmental Statement provides more detail on flood risk. Perimeter sea defence works are proposed to be completed in phases 1 and 2 at the start of the development.
- 11.124 Overall the information submitted in the flood risk assessment and the updated Environmental Statement demonstrates the development will remain safe from the risk of flooding and climate change throughout its lifetime. Further consideration of flood risk and drainage is set out below.

Estate Plan

- 11.125 In line with Policy SP26 and its supporting text, a revised Estate Plan has been submitted illustrating how the planning application proposals fit with the wider Estate. The action plan reflects the draft guidance published by the National Park Authority on 'Estate Plans' and sets out outcomes. Key aspects of the Estate Plan, including the 'Nature Park' and the wetland creation area for nitrate mitigation, can be secured within the planning application

through planning conditions and the S106 legal agreement.

- 11.126 Formal endorsement of the Estate Plan would be a separate process outside of the current planning application determination process.

Other Material Considerations

Impact on Heritage Assets

- 11.127 The application site is located in close proximity to the heritage assets described in paragraph 11.4. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 of this Act requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 11.128 The applicant has assessed the impact of the proposed development on heritage assets across both the application site and the wider former power station site within Chapter 11 of the Environmental Statement, the Historic Environment Desk-Based Assessment and within Chapter 17 of the Planning Statement and Chapter 10 of the Design and Access Statement. An assessment of the significance of below-ground heritage assets and above-ground heritage assets has been made and the impact of the proposed development at both the construction and operational phases upon this significance.

Below-Ground Heritage Assets

- 11.129 In relation to below-ground heritage assets, archaeological survival across much of the wider site is uncertain but likely to be high as there has been no previous quarrying or building development and across much of the area has been subject to modern ground raising which would have buried any archaeological remains within its footprint. Elsewhere, survival is considered to be lower or negligible such as within the footprint of the turbine hall of the former power station and in parts of the Fawley Quarry. The main impacts of the proposed development on buried heritage assets during the construction stage include those resulting from the insertion of piled foundations for new buildings and other structures; the construction of the flood defences; the excavation of the saline lagoon and tidal creek; excavation for services trenches; tree and hedge removal and tree planting; and excavation for attenuation features. Any ground remediation may also impact on archaeological remains.
- 11.130 On the western side of the site, further investigative works are required in order to clarify the nature, survival, condition and extent of any archaeological assets that may be affected. A

mitigation strategy is also proposed to comprise targeted excavation informed by the geoarchaeological deposit model and an archaeological watching brief during construction. On the eastern side of the site, the proposed mitigation strategy is again targeted excavation informed by the geoarchaeological deposit model and an archaeological watching brief during construction. All archaeological work is proposed to be undertaken in accordance with a written scheme of investigation. Subject to this, the residual effects on below-ground heritage assets are considered to be negligible.

- 11.131 To satisfactorily mitigate the development's impact on potential archaeological remains, and in accordance with the advice of the Authority'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.
- 11.132 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 Authority's own Archaeologist, and, whilst it is appreciated that further evaluation may allow for a more informed assessment at this stage, it is considered that archaeological interests would still be reasonably safeguarded through the suggested conditions.
- 11.133 Subject to conditions to ensure an appropriate mitigation strategy through the submission of a written schemes of investigation, the proposed development is considered to accord with Policy SP16 in respect of the impact on below-ground heritage assets.

Above-Ground Heritage Assets

- 11.134 At the operational stage, the proposed development (comprising both planning applications) will result in less than substantial harm to the setting of the following above-ground heritage assets: Calshot Castle; Type G Hangar; Watersports Hangar, Main Hangar; Staniforth Cottage; Lawrence House and Ower Farm House (following the implementation of proposed mitigation measures in respect of nocturnal lighting).
- 11.135 Paragraph 196 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy SP16 (b) of the adopted Local Plan sets out that proposals will be resisted where they would harm the significance or special interest of a heritage asset unless any harm is outweighed by the public benefits of the proposal, proportionate to the degree of harm and significance of the asset, including securing optimum viable use.

- 11.136 The applicant has put forward a case in relation to the public benefits of the proposal in Chapter 18 of the Planning Statement. This comprises:
- The regeneration of a derelict power station site and removal of the power station structures;
 - The creation of a new community of high quality architectural design;
 - The provision of 1,500 homes in an area of housing need including affordable homes;
 - Provision of employment within the new community and associated economic benefits; and
 - A net environmental gain through the creation of the nature park.
- 11.137 Historic England advise that it remains the position that they consider that the proposed development will cause harm to the designated heritage assets, specifically those located on Calshot Spit, through the erosion of the sense of isolation which is intrinsic to the significance of these structures. Historic England acknowledge the positive steps that have been taken to lessen the impact on the setting of Calshot Castle and the WW1 hangers and note that the design code demonstrates a clear aspiration for high quality design and materials. Notwithstanding this, they note that the very existence of development in this location and so close to the Castle and the early 20th century hangers will continue to constitute a harmful impact on these designated heritage assets.
- 11.138 When considering the proposed development against paragraph 196 of the NPPF, the Authority has carefully considered the significance of the heritage assets and the potential public benefits to be brought about, should the scheme proceed. The scheme will involve removal of former industrial structures which are visually intrusive and detrimental to the National Park landscape. The scheme will provide a comprehensive, mixed-use redevelopment of high-quality design (controlled through parameter plans and the submitted Design Code). The scheme will also provide habitat enhancements and net environmental gain together with housing, including affordable housing, to meet local needs.
- 11.139 In conclusion, on balance, the public benefits are considered to outweigh the less-than-substantial harm to the heritage assets.

Minerals and Waste Policy Considerations

- 11.140 The following minerals and waste safeguards are present on or around the application site and the concurrent District Council's application site:

- Land at Fawley power station (NF228) is a minerals site to the south east of the brown field site. Planning permission 18/11145 permits the open storage of gravel and associated works for a temporary period of five years (ending 30 November 2023);
- Ashlett Creek wastewater treatment works (NF224) to the north west of the boundary of the application site has a safeguarding area which extends within the site.
- Fawley Quarry (NF161) is located on the western boundary of the site and covers a large part of the west of the site. Extraction of sand and gravel is permitted by planning permission 07/92181 as varied by planning permissions 13/98825, 18/00140 and 18/00437. The end date of permission 13/98825 is 14 January 2027 with restoration to be completed within a further six month period.
- Excluding the area within Fawley Quarry, approximately 25 hectares of the application site area falls within the Hampshire Minerals and Waste Plan (2013) mineral safeguarding area.
- The District Council's application site area includes existing docks.

11.141 Policy 15 (Safeguarding- mineral resources) sets out that development without prior extraction of mineral resources in the mineral safeguarding area may be permitted if it is demonstrated to meet one of four exceptions. The completion of extraction at Fawley Quarry as part of the proposals meets point (c) of that policy as the development would not pose a serious hindrance to mineral development in the vicinity.

11.142 Policy 9 (Restoration of minerals and waste developments) requires temporary minerals developments to be restored to beneficial after-uses. The proposal would restore the quarry with greater benefits than that of the existing permission. Information and details about the revised restoration (in the form of a restoration management plan) would be required through the submission of details, which would be secured by planning condition.

11.143 Fawley Quarry, Badminton Farm (NF161) also falls under Policy 16 (Safeguarding- minerals infrastructure). The completion of mineral extraction activities at the quarry is expected to be achieved as set out in the submitted application documentation and is required in order to allow the provision of SANG in SANG phase 3 to take place by 2030. Phasing would be secured by planning condition.

11.144 Ashlett Creek wastewater treatment works (NF224) falls under Policy 26 (Safeguarding- waste infrastructure) and the southern tip of the safeguarding buffer falls within the application site area.

11.145 The proposed development accords with adopted policy in relation to minerals and waste. There is no objection to the

proposed development from Hampshire County Council as Minerals and Waste Planning Authority for the former power station site or the New Forest National Park Authority as Minerals and Waste Planning Authority for the application site. It is noted that the proposed development would include the potential for the importation of a significant volume of marine aggregates to land raise the site. Notification as to where the minerals will be landed and consideration of recycled aggregates will be required and should be detailed within the Construction Environmental Management Plan. This will be secured by planning condition.

Public Open Space Requirements

- 11.146 The NPPF confirms the importance of access to high quality open spaces and opportunities for sport and recreation. Policy DP10 of the adopted Local Plan supports this approach and states that, where there is an identified need, development should provide on-site open space to the minimum provision standard of 3.5 hectares per 1,000 population. This should comprise 0.2 hectares per 1,000 population of play spaces for children and young people; 1.25 hectares of formal recreational space per 1,000 population; and 2 hectares of informal open space per 1,000 population. The requirement to provide public open space is separate to, and in addition to, the provision of alternative green space for mitigation against the impacts on internationally designated nature conservation sites.

Informal Public Open Space

- 11.147 The application proposes 2.5 hectares of informal open space (which includes 1 hectare of driveway) and 0.2 hectares of play space within the application site.
- 11.148 The proposed informal open space would comprise natural green spaces, including the central green, natural green space and general amenity areas which surround the area of proposed built development to the south of the former power station site. A driveway would also be provided to the west of the former quarry site adjacent to the B3053.
- 11.149 The open play space would consist of a locally equipped area of play in the south-western part of the proposed area of built development within the National Park and a local area of play within the central green space within the southern quarter. In addition, a neighbourhood equipped area of play to include two informal kickabout areas is proposed in the western part of the application site within the Fawley SANG area. As noted by the Authority's Landscape Officer, these would be informal spaces which would have a very low visual impact.
- 11.150 The proposed quantum of informal public open space accords with Policy DP10. The precise areas and detailed designs would

be determined through the submission of reserved matters applications. However, the design code includes details of key spaces, such as the central green space and the play spaces, to ensure that the resulting designs would be appropriate to the National Park setting (naturalistic with use of materials acceptable in their proposed location). This would be secured via a planning condition.

Formal Public Open Space

- 11.151 The application does not include any formal public open space. The revised proposals include informal kick-about spaces within the proposed neighbourhood equipped area of play instead of a more urban style multi-use games area. It is recognised that, in conjunction with the concurrent application to the District Council, the application is not meeting the requirement for on-site formal open space provision (1.25 hectares per 1000 population). Contributions towards the improvement of existing community sports facilities in the locality would be secured through the S106 legal agreement.

Phasing

- 11.152 The provision of informal public open space must be phased such that there is never less public open space available for public use in the development than a rate of 2.3 hectares of informal public open space per 1,000 population. This would be secured through the S106 legal agreement together with details in relation to the management and maintenance of the proposed open space.

Allotments

- 11.153 1.1 hectares of allotments are also proposed within the same area of search as the primary school. The design code includes design principles for the proposed allotments. There is no policy requirement for the provision of the proposed allotments. However, such provision would provide health and sustainability benefits in accordance with paragraph 91 (c) of the NPPF and is therefore supported.

Public Access Improvements

- 11.154 Policy SP26 supports the comprehensive redevelopment of the former power station site and the use of land within the National Park to provide habitat mitigation land, supporting infrastructure and community facilities, subject to, amongst other matters, public access improvements. The application proposes the following public access improvements:
- A 30mph new access road;
 - Bus service improvements and an extension to existing services (mitigation to be secured through the S106 legal

- agreement);
- Indicative traffic calming on the B3053 (to be secured by planning condition);
- New footpaths and cycleways within the proposed development.
- A footway/ cycleway from the site access to Holbury (mitigation to be secured through the S106 legal agreement).

Footpaths

- 11.155 The parameter plans include proposed new footpaths in circular routes through the site which will provide connectivity on foot. Details of the proposed footpath treatments are included in the design code, which would be secured by planning condition, and are appropriate to the context of the site.
- 11.156 No improvements to existing public rights of way are proposed as part of the application. No existing public rights of way are proposed to be extinguished and any indicative diversion of existing public rights of way is outside the scope of this application and would be subject to a separate legal process.
- 11.157 In relation to wider connectivity, the proposed driveway on the edge of the proposed Fawley SANG adjacent to the B3053 will provide pedestrian access. Concerns in relation to lack of cyclist and horse-rider access in the driveways and in relation to the indicative traffic calming and single crossing point on the B3053 have been raised by the Authority's Access Officer. The applicant has since stated that the driveway in Fawley SANG can be for cyclists and horse-riders due to links north/south and to Badminton Lane and Badminton Drove which would give access to the wider bridleway network.

Cycleways

- 11.158 The proposals include shared footway/ cycleway routes on the eastern edge of the site; along the proposed new access road; a linkage between these; and a circular route around the Fawley SANG (south) and the area of search for the proposed primary school. Details of the proposed surface treatments are included in the design code, which would be secured by planning condition, and are appropriate to the context of the site.
- 11.159 The opportunity to improve wider connectivity, such as through the provision of a shared use foot/ cycleway to the north to Ashlett has not been taken. The indicative crossing point on the B3053 is also shown as a permissive footpath only. Concern has been expressed by the Authority's Access Officer in this respect and the potential of this to deter new residents from accessing the New Forest by this means. An off-site shared use footpath/ cycleway is proposed from the reconfigured access to Holbury as part of the mitigation of the transport impacts of the scheme,

which is detailed below.

- 11.160 Overall, the proposed development will result in public access improvements, in particular within the site, in accordance with Policies SP26 and DP18. However, the opportunity to improve wider connectivity to the west, in particular for cyclists, has not been taken.

Transport Matters

Car Parking

- 11.161 Car parking is not a matter for detailed approval in this outline application. However, the Transport Assessment Addendum indicates that the level of parking proposed is assumed to be the maximum parking provision set out in adopted guidance. This would be secured via condition. Hampshire County Council have no objection to the level of car parking proposed. The Design Code includes the proposed parking strategy for the application site. Parking is proposed to comprise a combination of garages, curtilage spaces, off-street and on-street parking. Detail is also provided on garage sizes; garage door openings; and widths of gateways to driveways. The Design Code is proposed to be the subject of a planning condition.

Transport Impacts

- 11.162 The Transport Assessment indicates that a junction capacity assessment has been carried out for the site accesses and existing key junctions along the B3053 and the A326. The study area was agreed at pre-application stage and is considered by Hampshire County Council to be appropriate. The applicant has presented the modelling of the results for each junction during morning and afternoon peak times in year 2017 and 2036 (scenarios with and without the proposed development).
- 11.163 The junction capacity modelling results show that the on-site junctions will be within capacity in 2036 with the full proposed development flows and no mitigation is necessary. In relation to the off-site junctions, the assessment shows that all junctions south of Dibden (Junction 8), with the exception of Junction 6, are within capacity without the development but the development flows will take these over capacity (without mitigation). North of Dibden, the impact of the proposed development reduces as a proportion of the expected growth to 2036 and many of the junctions are already expected to operate at capacity in 2036 without the development.
- 11.164 The applicant has submitted further information in the Transport Assessment Addendum to demonstrate the impact of the development on the New Forest roads (through Beaulieu to access Brockenhurst, Lymington and the New Milton area). Traffic flow analysis was carried out on the assumed higher

vehicular trip rate as requested by Hampshire County Council. The results show that on all forest roads, the highest increase of daily traffic would be 15% on the B3054 (with peak hour two way flows of up to 60 additional vehicles) and between 3-12% on other roads. The assessment shows that the forecast flows remain within the design capacity of the modelled roads and the impact on junction capacity is forecast to be low. Following a review of this information, the highway authority is satisfied that the development traffic will not have a significant impact on capacity of these roads.

- 11.165 The Information for Appropriate Assessment submitted by the applicant highlights the potential for effects as a result of road traffic accidents to New Forest livestock. In the absence of mitigation, there is the potential for increased road traffic accidents with New Forest livestock, leading to the implementation of fencing and consequent impacts on the pattern and intensity of grazing. The Habitat Regulations Assessment at Local Plan stage assessed the impact of all proposed housing development in the New Forest and 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. As this assessment considered the combined impact of development across the New Forest, including the current application, it is concluded that the potential for increased road traffic accidents with New Forest livestock will not have an adverse impact on the integrity of the New Forest European sites. The Appropriate Assessment prepared in respect of the current applications agrees with this conclusion.

Mitigation

- 11.166 The applicant has submitted mitigation plans to improve the off-site junctions along the B3053 and the A326. Having reviewed the revised drawings and related road safety audit reports, the highway authority is satisfied that, subject to any required minor amendments identified through the Section 278 process, the amended 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 along the B3053 and the A326.
- 11.167 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 Section 278 process. These junctions comprise: southern site access tie-in with B3053; northern site access tie-in with B3053; Junction 3 (B3053/ Blackfield Road/ Church Lane staggered junction); Junction 4 (B3053 Fawley Road/ A326 Long Road/ Long Copse/ Long Lane Copse- Holbury roundabout); Junction 4b (A326 Long Lane North/ A326 Long Lane South/ Holbury Drove priority junction); Junction 4c (A326 Long Lane North/ A326

Long Lane South/ Southbourne Avenue priority junction); Junction 5 (A326 Hythe bypass/ Fawley Road/ Cadland Road/ A326-Hardley roundabout); Junction 6 (A326 Hythe bypass/ Beaulieu Road/ Roman Road- Heath roundabout); Junction 7 (A326/ Sizer Way/ A326 Hythe bypass/ Dibden Bottom Road- Applemore roundabout); Junction 8 (A326/ Main Road- Dibden roundabout). This requirement will be secured through the S106 legal agreement.

11.168 In relation to the impact north of Dibden, the highway authority has agreed that the development impact and associated mitigation should be in proportion to the scale and impact and the scale of mitigation measure. 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 contribution would be towards the highways improvements between Junction 9 (Twiggs Lane/ A326) and Junction 17 (Michigan Way/ A326 roundabout) of the A326 to mitigate the impact of development traffic on capacity and accessibility.

11.169 Mitigation measures to promote the use of sustainable modes of transport are also proposed, comprising:

- Provision of a walking/ cycling route between the site and Holbury;
- Delivery of a public transport strategy to provide a half hour frequent bus service;
- Provision of a full travel plan and associated monitoring.

These would be secured through the Section 106 legal agreement.

B3053

11.170 The applicant has submitted a plan seeking to reduce the traffic speed and improve the pedestrian crossing on the B3053 between the two site accesses. The importance of these crossing points has been stressed in several consultee responses and the detailed design will be important to the effectiveness of the measures. The highway authority has no objection to the principle of these proposals at the outline planning stage. The detail of these proposals will need to be agreed and approved at detailed design stage. These proposals would be delivered via the Section 278 process. A planning condition is proposed to secure the detail of the works in consultation with the local highway authority.

11.171 Subject to the securing of the above obligations, and conditions in relation to a construction traffic management plan, vehicle cleaning measures and details of pedestrian crossing points on the B3053, the highway authority raises no objection to the application. The proposed development would accord with Policy SP26 in relation to an integrated transport strategy and Policy

DP2.

Flood Risk and Drainage

- 11.172 The national policy requirements in relation to the sequential test and exception test (paragraph 162 of the NPPF) were applied at the Local Plan stage to the site allocation and do not need to be applied at application stage. The application is accompanied by a detailed Flood Risk Assessment and Outline Drainage Strategy as required by Policy SP26. The flood defence strategy involves a combination of land-raising and flood defences. The land would be raised to +4.2 metres AOD across the area of proposed built development. This level is based on the design flood event level of a 1 in 200-year level of protection plus climate change. The application includes a sea-wall with defence crest elevation of +5.3 metres AOD (sea-facing) and +4.8 metres AOD (land-facing) to the west of the proposed residential development. A vegetated earth bund with impermeable core is also proposed on the southern perimeter of the area proposed for built development with a defence crest height of +4.8 metres AOD [A further 300mm soil will be located above this to provide for wildflower and grass seeding]. The defences would provide a 1 in 200-year level of protection plus 100 years climate change consideration.
- 11.173 For the built-up areas of the proposed development, including the southern quarter, the proposed sea defences will be effective in eliminating coastal flooding for all events up to and including the design event (0.5% AEP in 2120). During the design event there are minor (acceptable) areas of flooding noted within the built areas of the wider development including the lower public open space areas either side of the harbour which step down from +4.2m AOD to +3.7m AOD and a short section of the access road close to the urban forest (depths under 0.25 metres). No proposed property, internal roads or open spaces are shown to flood and the main access/ egress routes to and from the development remain unaffected.
- 11.174 The proposed sea defences have 1.1 metre freeboard above the design coastal flood event boundary condition level (0.5% AEP in year 2120). This level of freeboard is primarily due to the need to provide a standard height above the coastal promenade for safety reasons due to the potential fall hazard and also to restrict access and disturbance to the foreshore (to maintain the integrity of the nature conservation designations). The freeboard is also sufficient to reduce wave overtopping rates to within appropriate thresholds and to account for any residual uncertainties in the boundary conditions and modelling undertaken.
- 11.175 For the proposed flood defences in locations not exposed to waves (the northern and southern boundaries of the built areas (subject to overland flow)), 0.6 metre freeboard is provided (above the design coastal flood boundary condition level) to account for any residual uncertainties in the boundary conditions

and modelling undertaken.

- 11.176 As a precautionary measure against residual risks, in combination with the proposed sea defences, land-raising within the built areas is proposed such that all open spaces and roads are at or above the design coastal flood event boundary condition level. A further precautionary measure has been incorporated by raising property thresholds an additional 300mm minimum above the land-raising levels.
- 11.177 Outside of the proposed built areas, some flooding is expected to occur across the Ashlett SANG and parts of the Fawley and Tom Tiddler's SANG. However, the SANG areas calculated have discounted areas of waterlogging and areas of board walk are envisaged in Tom Tiddler's SANG which will ensure accessibility to enable SANG functionality.
- 11.178 In relation to paragraph 163 of the NPPF, which states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The submitted flood risk assessment concludes that the proposed development will not increase coastal flood risk elsewhere. The Flood Risk Assessment sets out that, from the flood modelling undertaken, the pre-development and post-development situations, for all probability events and epochs modelled, areas outside of the proposed development boundary are observed to flood to the same extent in terms of area and depth. This is expected given the low-lying coastal land alongside Southampton Water, relatively higher land to the west and the nature of coastal flooding which have not been changed for areas outside of the proposed development and for which no flow pathways across the proposed development exist.
- 11.179 Appendix 12.9 of the Environmental Statement contains a flood defence management plan in order to maintain the functional integrity of the flood defences. The design code provides further details to inform the design, maintenance and management of the flood defence strategy. These would be secured by planning condition and the S106 legal agreement.
- 11.180 The Environment Agency has no objection to the proposed development subject to conditions in relation to details and the timing of the proposed land-raising; the finished ground and floor levels; the flood defence levels and timing of their construction; the remediation strategy (to prevent pollution of controlled waters); and in relation to piling.
- 11.181 The detailed design of the flood defences would be the subject of subsequent reserved matters applications. Subject to conditions to secure the parameters of the proposed flood defences and their maintenance and management, the proposed development would accord with the requirements of Policy SP26 and DP12 (Flood risk).

11.182 The Outline Drainage Strategy sets out that the two existing outfalls to Southampton Water which currently serve the western ditch will be re-purposed to drain the proposed access road and residential development in the southern quarter. The existing capacities of these should not be exceeded during the 1% annual probability pluvial storm event (including a 40% peak rainfall intensity increase allowance for climate change). The western ditch is to be disconnected from the existing outfalls and connected to the proposed tidal creek which is to run adjacent to Jack Maynard Road along the south-eastern boundary of the site. Surface water generated by the proposed primary school would be discharged directly to ground via infiltration. The following sustainable drainage features are proposed for incorporation in the development:

- Permeable paving (southern quarter);
- Swales (southern quarter);
- Vortex flow control device (southern quarter); and
- Infiltration basin (primary school).

11.183 Hampshire County Council as the Local Lead Flood Authority (LLFA) has been consulted on the proposed drainage strategy. Since consultation in May 2019, the LLFA have updated the requirements for applicants in relation to drainage. Whilst they would now normally ask for more information at this stage, the LLFA are satisfied that the further requirements could be addressed by planning conditions. The principles of the flood risk assessment and overall drainage strategy are considered by the LLFA to be suitable subject to the imposition of conditions requiring the submission and approval of a detailed surface water drainage scheme together with the submission and approval of details for the long-term maintenance arrangements for the surface water drainage system. The LLFA therefore has no objection to the application subject to the proposed conditions and the obtaining of consent from the LLFA prior to any works to ordinary watercourses within the site boundaries.

11.184 The drainage of the new access road is a matter for detailed approval. The LLFA notes that the applicant has demonstrated that there are suitable outfalls for the surface water systems and has provided full network drainage calculations. The LLFA has advised that this provides confidence that the surface water drainage network in relation to the access road can be implemented within the current layout and this would be conditioned. The proposed development would therefore accord with Policy DP8 (Safeguarding and improving water resources).

Air Quality Impacts

11.185 Air quality has been assessed within the Environmental Statement (Chapter 8) for the scheme as a whole (this application and the concurrent application to the District Council).

Environmental Health (Pollution) have been consulted on the applications.

- 11.186 The air quality assessment submitted follows current guidance and methodologies and is accepted. The pollutants assessed within the report are those associated with vehicle and construction emissions, namely nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). The assessment also utilises traffic information, for example flow rates, vehicle numbers and routes provided in the submitted transport report (Chapter 7: Traffic and Transportation). It is understood that the traffic data utilised in the air quality assessment has been agreed by the transport regulator (Hampshire County Council) and represents a worst-case scenario with regards to the volume of the traffic. This has also been confirmed with the authors of the air quality assessment; WSP.
- 11.187 In addition to vehicle emission rates, local weather and pollutant monitoring data has been utilised to predict the impact of the proposed developments on local air quality at over 100 agreed sensitive receptor locations on the development site and along transport routes. The transport routes assessed include B3053, A326 (until M27), A35 into Southampton and Lyndhurst. The air quality assessment is provided as a baseline year, then predicted pollutant concentrations for 2021, 2029 and 2036, both with and without the proposed development.
- 11.188 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 overall is assessed as negligible with one site predicting a moderate impact and three sites a minor negative impact. However, the assessment demonstrates that no exceedances of statutory objectives are predicated. 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.
- 11.189 No objection has been received from Environmental Health subject to conditions in relation to the number of electric vehicle charging points; the submission of additional air quality assessments when further details of the design and end users are known and the submission and approval of a detailed Construction Environmental Management Plan. It is therefore considered, subject to conditions, that the proposed development would not have a significant adverse impact on air quality in accordance with Policy DP2.
- 11.190 In relation to the potential impact on air quality from increased traffic, the Information for Appropriate Assessment submitted by the application 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 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 SPA, SAC and Ramsar site." However, periodic monitoring of sensitive vegetation will be undertaken by local authorities during the life of the two Local Plan, which will identify habitat management and mitigation actions should these be required. The Appropriate Assessment undertaken for the current applications concludes that the information provided by the applicant in respect of this is robust and the information provided is sufficient to conclude no adverse effects on the integrity of the European sites, either alone or in-combination with other plans and projects, provided that the commitment to monitoring of sensitive habitats is provided through the commitment in the Local Plans.

Contamination

- 11.191 As part of this outline application, assessments have been carried out to assess the suitability of the site for the proposed sensitive uses, including residential and educational purposes as part of the updated Environmental Statement relating to contaminated land (Chapter 13).
- 11.192 An Outline Remediation Strategy has been submitted with the application and covers generally what ground contamination has been found so far on site. The remediation proposed largely involves 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 report also states, "Further site characterisation, at reserved matters, is proposed in areas with limited available data and at a spatial density appropriate to the proposed end use."
- 11.193 Environmental Protection (Pollution) have been consulted on the applications and are agreeable with the submitted Outline Remediation Strategy and proposal for further site investigation. However, they consider that it is imperative that as reserved matters applications for each phase of development are submitted, further site investigations and risk assessments are carried out to fully inform and as required update the remediation strategy for each phase, prior to commencement of development of that phase. Environmental Protection have no objection subject to conditions to ensure appropriate detailed site investigation, remediation and validation are undertaken to ensure all phases of the development are safe and suitable for the proposed end use. Subject to conditions, the proposed development would accord with Policy DP2 (f).

Noise

- 11.194 Noise has been assessed in the Environmental Statement (Chapter 9). Environmental Health (Pollution) have been consulted on the applications and consider that the noise assessment correctly addresses the main concerns of existing noise sources and potential likely new sources, including road traffic, following guidance documents and appropriate assessment criteria.
- 11.195 The proposed development will have noise impacts at the construction and operational phases. At the construction phase, noise will have an impact on nearby residential properties, in particular at Ower Lane, Bus Drove, Tristan Close, Calshot Close and the Fawley bypass. In order to keep noise levels acceptable and within those stated in the proposed methodology, a condition is suggested to secure a detailed Construction Environmental Management Plan to contain monitoring and details in respect of construction techniques and hours of working.
- 11.196 At the operational stage, two key impacts are identified within the assessment: firstly, noise from commercial industrial sources associated with the employment and mixed uses. With mitigation, this is not anticipated to have significant adverse noise effects. The other key impact is from operational road traffic. This has been assessed as negligible in most areas but likely to have negative impacts for a small number of receptors close to the Fawley bypass. The applicant has considered mitigation in the form of reducing traffic speed, use of a low-noise thin surface course system and use of roadside acoustic barriers. However, these have been discounted: the surface system would not be effective at speeds under 50mph; further traffic speed reduction is not considered to be viable; and access would be required onto existing properties in order to position acoustic barriers outside of the site boundary and ownership of the applicant.
- 11.197 Whilst Environmental Protection have raised an objection in this respect, the sites have been allocated for this level of development, the applicant's case in relation to mitigation is accepted. This impact has to be balanced against other considerations. Whilst 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 be no greater than what many existing properties further north on the A326 corridor experience. Taking these factors into account, it is not considered it would be appropriate to withhold granting of planning permission on the basis of the specific objection from Environmental Protection. Conditions recommended by Environmental Protection in respect of residential noise standards; plant and equipment noise levels; and a construction

environmental management plan would be imposed.

Other

Phasing

- 11.198 The submitted phasing plan indicates the following phases relevant to this application:
- Phase 1 (completion by 2022): Civil engineering including sea defences; access road improvements; SANG Phase 1 (Ashlett SANG; Tom Tiddler's SANG and southern part of Fawley SANG);
 - Phase 2 (completion by 2024): Early years facility and approximately 10 dwellings contained within development blocks H, J and K;
 - SANG Phase 2 (completion by 2026): Fawley SANG central area;
 - SANG Phase 3 (completion by 2030): Fawley SANG northern area; and
 - Phase 8 (completion by 2035): Approximately 110 residential units and 1,200 square metres of non-residential floor space.
- 11.199 The phasing of the proposed development is highly important in order to ensure that development does not take place within the National Park in isolation from the redevelopment of the former power station site. Conditions are therefore proposed to ensure that the phases commence in a sequential manner.

Marine Plan

- 11.200 The Marine Policy Statement was adopted in March 2011 and is the framework for preparing marine plans. The South Inshore and South Offshore Marine Plan was adopted in July 2018. It seeks to protect the marine environment and achieve sustainable economic growth and covers the marine environment adjacent to the application site.
- 11.201 The Marine Management Organisation is the non-departmental public body responsible for the management of England's marine area and has not objected to the application and has stated that any activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act 2009.

Health contributions

- 11.202 Southern Health NHS Foundation Trust has made representations seeking a contribution of £32,616 for planning gain for health. This has been considered in light of the tests for seeking contributions but it has been concluded that the tests are not met and these would not be justified.

Education

11.203 Hampshire County Council as Local Education Authority has no objection to the proposal subject to:

- The provision of 138 places for early years provision;
- Review mechanisms to monitor the demand for early years provision;
- Involvement of the County Council in the siting of the early years provision;
- Monitoring of pupil yield for primary and secondary age pupils as the development progresses;
- Based on the potential requirement for a two-form entry primary school, a site is reserved for this development and a contribution of £8.671,036 towards the development; and
- Consultation of the County Council in the future design and layout of the school including accessibility considerations.

In relation to secondary school provision, 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.

National Grid Correspondence

11.204 The National Grid has issued a holding direction due to proximity of development to a high voltage overhead transmission line and providing guidance on minimum statutory electrical safety clearances that must be maintained at all times (7.6 metres to the ground and 8.1 metres to the normal road surface) The applicant has submitted correspondence and plans to the National Grid confirming that all required safety clearances have been or will be adhered to. At subsequent stages, the National Grid will be consulted on reserved matters applications.

Section 106 Legal Agreement

- 11.205 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 50% of the proposed dwellings as affordable housing in a policy compliant mix.

Education

- There will be a requirement for a decision to be made by the County Council on the need for a 2 form entry Primary School (within the defined 'area of search') before the occupation of 500 dwellings on the combined site (i.e. including the District Council application site).
- 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 on the

combined site (i.e. including the District Council application site).

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.

[This is relevant to the proposed employment space to be provided within the District Council's application].

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 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 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.

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.

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

Planning Balance and Conclusion

- 11.206 The application comprises an outline application for 120 dwellings and supporting habitat mitigation and infrastructure submitted concurrently with an outline application to the District Council for the mixed use redevelopment of the former power station site.

The principle of the proposed development has been established at Local Plan stage. The proposed development meets the major development tests in the NPPF as part of a comprehensive redevelopment of the wider site and also accords with the requirements of Policy SP26.

The proposed comprehensive redevelopment will remove visually

intrusive man-made structures from the landscape. The impact of the proposed development on the sensitive landscape of the New Forest National Park has been assessed through a landscape and visual impact assessment. The balance between built development and landscape infrastructure is considered to have been successfully reached and will mitigate the impact of the proposed development on the landscape. Through the controls in the parameter plans, Design Code and planning conditions, the proposal will have overall net positive public benefits in relation to the landscape and setting of the National Park.

The scheme will generate an increase in traffic. However, appropriate mitigation has been put forward, in agreement with the Highway Authority, which will be secured through the S106 legal agreement.

The proposed development includes appropriate mitigation of impacts on designated European nature conservation sites and an Appropriate Assessment has been undertaken in accordance with the Habitat Regulations. In addition, the scheme will provide habitat enhancements and biodiversity net gain.

The proposed development will cause less-than-substantial harm to designated heritage assets. This harm has been weighed against the public benefits of the proposals and it is considered that the public benefits outweigh the harm.

12. RECOMMENDATION

Subject to a positive recommendation from New Forest District Council in relation to planning application 19/10581, the prior completion of a section 106 legal agreement in accordance with the above heads of terms and the conditions as set out in this report and as may be updated, the recommendation is the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions and subject to consideration by the Secretary of State as to whether to call-in the application.

Conditions

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. Time Limit for Commencement of Development

The development shall be begun not later than:

Three years from the date of this permission in the case of the Primary Access Road;

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. 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. Parameter Plans

The reserved matters for each development phase shall fully accord with the Development Parameter Plans comprising: Site Boundary & Ownership Boundary (2/01 Rev A); Demolition / Retention (2/02 Rev A); Indicative Character Areas (2/03 Rev A); Green Infrastructure, Open Space and SANGs (2/04 Rev A); Access and Movement (2/05 Rev A); Land Use Ground Floor (2/06 Rev A); Land Use First Floor and above (2/07 Rev A); Proposed Development Plots and Ground Levels (2/08 Rev A); Development Plots Southern Quarter (2A/08 Rev A); Maximum Building Heights Plan (2/09 Rev A); Maximum Building Heights Plan – Southern Quarter (2A/09 Rev A); Underground Development (2/10 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. 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. 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_L157 Rev 04, D2509-L159 Rev 04, D2502-L160 Rev 04, D2502-L161 Rev 04, D2502 0401 Rev P5, D2502 0402 Rev P5, D2502 0405 Rev 02.

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. 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 2/12 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. 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. 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. 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. 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. 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 National Planning Policy Framework.

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. 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. 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 National Planning Policy Framework.

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. 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:

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.

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.

Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

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.

Use of fences and barriers to protect adjacent land, properties, footpaths and highways.

Details of parking and traffic management measures.

Measures to control light spill and glare from any floodlighting and security lighting installed.

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.

Pest control.

Details of storage and disposal of waste on site.

Details of biosecurity.

Cleaning and maintenance of tools and equipment.

Additional details and measures to reduce concurrent construction activities.

Reason: To ensure that the environmental impacts of construction are satisfactorily minimised and mitigated.

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. Noise Mitigation Measures

Prior to the commencement of the development of each phase (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) of residential development, 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. Noise: Plant & Equipment

Following the completion of the development, the Noise rating level (LArTr) 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. 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.

22. 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.

23. 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.

24. B3053 Crossings

Prior to the occupation of any dwellings within the development hereby approved, details of measures to deliver pedestrian crossing points on the B3053, as set out in principle on drawing number 16031-MA-AC-XX-SK-C-0150-P01, shall be submitted to and approved by the local planning authority in consultation with the local highway authority. No more than 10 dwellings shall be occupied within the development hereby approved unless the pedestrian crossing points have first been provided on the B3053 to the approved specification.

Reason: In the interest of highway safety and to meet the access needs of the development

25. 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.

26. 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.

27. 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

The programme and methodology of site investigation and recording.

The programme for post investigation assessment.

Provision to be made for analysis of the site investigation and recording.

Provision to be made for publication and dissemination of the analysis and records of the site investigation.

Provision to be made for archive deposition of the analysis and records of the site investigation.

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.

28. 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 27.

Reason: To ensure the archaeological interest of the site is adequately investigated.

29. 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 27 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.

30. 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.

31. 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.

32. Dwelling Numbers & Development Mix

The development hereby permitted shall not exceed 120 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:

2 bedroom Units:	45 Units
3 bedroom Units:	24 Units
4 bedroom plus Units:	51 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.

33. Dwelling Size

50% of dwellings to be provided shall comprise smaller dwellings (of maximum total internal habitable floor space of 100 square metres).

Reason: To meet the identified local housing need for smaller dwellings and to accord with Policy SP26 of the New Forest National Park Local Plan 2016-36 (August 2019)

34. Affordable Housing

50% of dwellings to be provided shall comprise affordable dwellings (as defined in the National Planning Policy Framework)

Reason: To meet identified local housing need and to accord with Policy SP26 of the New Forest National Park Local Plan 2016-36 (August 2019)

35. 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, to accord with Policy SP26 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.

36. 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 Policies DP18 and SP11 of the New Forest National Park Local Plan 2016-36 (August 2019) and national planning policies.

37. Air Quality

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.

38. 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.

39. 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 as updated by Technical Note- WSP Fawley Waterside TN T86 & T126 Retention – dated 9 July 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.

40. 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.

41. 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 (2/12 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.

42. 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 2/12 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 10 dwellings.

Reason: To ensure that the Primary Access Road is delivered in an appropriate timescale to meet the needs of the development.

43. 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.

44. Restrictions on Future 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.

45. 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 (namely, the proposed drinking establishment and community uses) 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.

46. 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, 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.

47. Nitrates: Water Efficiency

No dwelling hereby approved 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.

48. Nitrates: Nutrients

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 2/12 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 Conservation of Habitats and Species Regulations 2017.

49. 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.

50. 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.

51. Compensation for Habitat Loss

Before development commences, a detailed programme for implementing, monitoring and recording compensation of the loss of habitat within the Tom Tiddler's Ground Site of Interest for Nature Conservation, based on the principles contained within the 'Tom Tiddler's Ground SINC Habitat Compensation and Improvement Plan' Version 4, dated 28 April 2020, prepared by Jonathan Cox Associates, shall be submitted to and approved in writing by the Local Planning Authority. The detailed programme shall include details of soil and reptile translocation and must be able to demonstrate how a minimum of 9 hectares of compensatory habitat will be achieved through the different phases of development and it must include appropriate remedial measures should monitoring and recording show that the establishment of compensatory habitat has not been achieved. Before the occupation of 120 dwellings, a report demonstrating that the compensatory habitat has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: It is essential that the development delivers compensatory habitat in accordance with Policy SP26 of the New Forest National Park Local Plan 2016-36 (August 2019)

52. 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 120 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 local and national planning policies.

53. 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 and in accordance with Policy DP18 of the New Forest National Park Local Plan 2016-36 (August 2019) and national planning policies.

54. 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.

55. Tree Retention

Notwithstanding approved parameter plan 2/11 Rev A, as approved under condition 56, trees T86 and T126 shall be retained.

Reason: In the interests of visual amenity.

56. 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.

57. 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.

58. Approved Plans

The development permitted shall be carried out in accordance with the following approved plans and particulars:

Parameter Plans

- 2/01 Rev A – Application Site Boundary and Ownership Boundary
- 2/02 Rev A – Demolition and Retention
- 2/03 Rev A – Character Areas
- 2/04 Rev A – Green Infrastructure, Open Space and SANGs
- 2/05 Rev A – Access and Movement
- 2/06 Rev A – Land Use Ground Floor
- 2/07 Rev A – Land Use First Floor and above
- 2/08 Rev A – Proposed Development Plots and Ground Levels
- 2A/08 Rev A – Proposed Development Plots Southern Quarter
- 2/09 Rev A – Maximum Building Heights Plan
- 2A/09 Rev A – Maximum Building Heights Plan Southern Quarter
- 2/10 Rev A – Underground Development
- 2/11 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 Rev P02
16031-MA-AC-XX-SK-C-2601 - Highway Longsections 2 of 3 Rev P02
16031-MA-AC-XX-SK-C-2602 - Highway Longsections 3 of 3 Rev P02
16031-MA-AC-XX-SK-C-2610 – Typical Cross Sections 1 of 3 Rev P02
16031-MA-AC-XX-SK-C-2611 - Typical Cross Sections 2 of 3 Rev P02
16031-MA-AC-XX-SK-C-2612 - Typical Cross Sections 3 of 3 Rev P02
16031-MA-AC-XX-SK-C-4050 – Proposed Materials Location Plan Rev
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

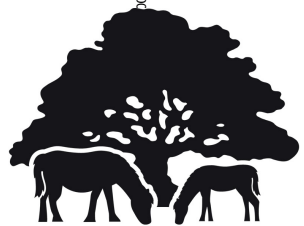
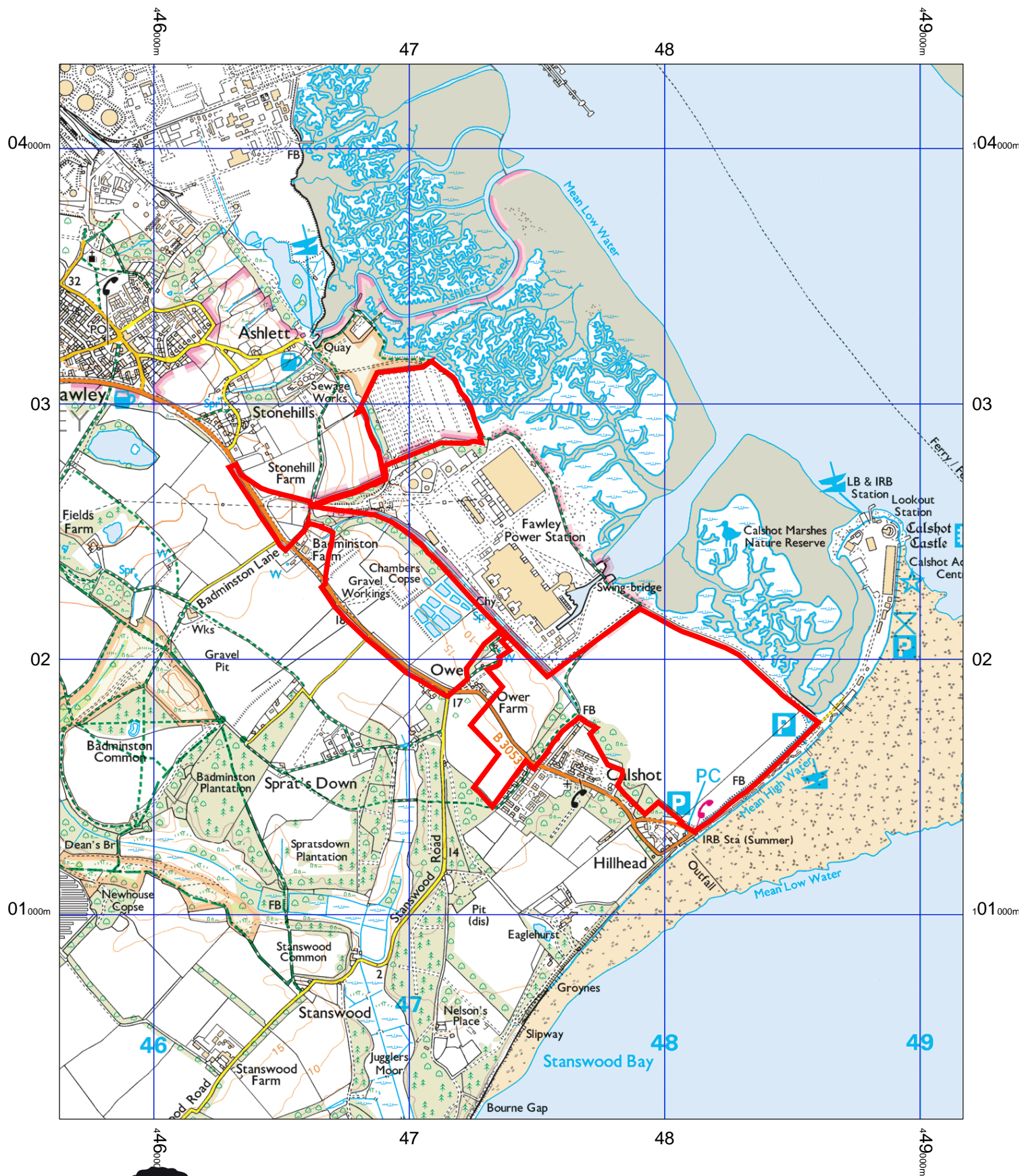
Application Documents

Revised Development Specification (Deloitte - May 2020) [To be updated
to include revised Fabrik plans]
Fawley Waterside Design Code Version 1 – April 2020 (Ben Pentreath)

Reason: To ensure satisfactory provision of the development.

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 2/12 Rev A where the word
'phase' should be taken as relating to the specific phases of development
shown on that plan.



NEW FOREST
NATIONAL PARK

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Date: 14/07/2020

Ref: 19/00365

Scale: 1:20000

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