

Date: 01 November 2022
Our ref: 407405
Your ref: F/22/93194



Liz Harrison
Eastleigh Borough Council

Customer Services
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BY EMAIL ONLY

Dear Liz

Planning consultation: Erection of 185 dwellings, a 71-bedroom care home, a 142-bedroom hotel, a well-being centre, a new pavilion building & improvements to existing stadium, new vehicular access, car parking, pedestrian circulation & processional ramp, together with associated tree planting, landscaping, SuDS and biodiversity enhancements

Location: THE AGEAS BOWL, MARSHALL DRIVE, WEST END, SOUTHAMPTON, SO30 3XH

Thank you for your consultation on the above dated 13 September 2022 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA
- New Forest SAC, SPA and Ramsar

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Details of proposed mitigation measures to address nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
- Further details of the proposed mitigation measures to address recreational disturbance, including a SANG management plan detailing design and ongoing site management for the in-perpetuity management of the SANG.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

Habitat Regulations Assessment

A shadow Habitats Regulations Assessment (sHRA) has been produced by Johns Associates (May 2022) in support of this planning application.

Natural England notes that this sHRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Deterioration of the water environment

On 16 March 2022 we wrote to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. An updated nutrient budget calculator for the Solent was released on 20 April 2022.

We note a bespoke approach has been taken to ascertain water usage for the proposed development. The Nutrient Neutrality Study (Hilson Moran, January 2022) applies alternative occupancy figure of one person per room to account for the hotel and care home accommodation and in addition, the daily water usage for care home (135 litres per bedspace per day) and hotel (150 litres per bedroom per day) have been increased in line with averages obtained from similar property types as outlined within The Institute of Plumbing (2002) "Plumbing Engineering Services Design Guide" document referenced within the NN study.

It is Natural England's view that competent authorities may choose to adopt bespoke occupancy rates and water usage rates for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

It is noted that a phosphorus budget has been provided, although this development does not lie in a catchment with a requirement for phosphorus neutrality, nor will its wastewater enter a catchment with this requirement.

The remainder of the nutrient budget for this application has been calculated in line with the updated Nutrient Neutrality Methodology. The proposed development will be served by Portswood Wastewater Treatment Works (WwTWs). If this situation changes, a reassessment of the nutrient calculation will be required, and a revised Habitats Regulations Assessment will be necessary.

Mitigation

The development will result in a positive nitrogen budget. It is understood nutrient mitigation proposals may include a contribution towards an EBC strategic land parcel offsetting scheme or similar. There are also a number of on-site mitigation measures proposed to reduce the loss of nitrogen through SuDS design.

It is advised that SuDS features intended to help achieve nitrogen neutrality should be appropriately designed (along with suitable long term maintenance plans) in order to ascertain an accurate N removal that can be maintained over time. Monitoring their effectiveness over time will be key to allow for adaptive management. We recommend that such features are designed in line with the Wetland Mitigation Framework that has been recently [published](#) by the Constructed Wetlands Hub and the Rivers Trust. However it should be borne in mind that the level of certainty for N removal is

highly dependent on influent concentrations, which in the context of treating surface water is likely to be variable, and this will need to be factored in.

The long term monitoring and maintenance of SuDS will be key to maintaining their optimal effectiveness in perpetuity. Further information about SuDs is provided below.

Further details are required to confirm the mitigation measure(s) proposed at this site, and quantify the reduction of N loss that may be achieved through each measure.

The local planning authorities are the competent authorities with regard to the Habitat Regulations and must be assured and satisfied that any mitigation proposed can be secured and delivered in perpetuity. Any scheme for offsetting nitrogen must meet the basic tests of certainty of delivery, enforceability and the need for securing the adopted measures for perpetuity to ensure it is effective mitigation.

Recreational Disturbance – New Forest SAC, SPA and Ramsar

It is noted the applicant proposes to use land adjacent to the application site, Telegraph woods, as provision of a Suitable Alternative Natural Greenspace (SANG). The proposals for the site include a 2.5 km circular walk. Please note, the size of the proposed area requires clarification, noted as 20.27 ha on page 39 and 17 ha on page 39 of the SHRA.

There is currently insufficient information to enable the certainty that the use of this SANG to provide mitigation will be effective in ensuring no likely significant effect arising from recreational impacts to the New Forest designated sites.

A SANG Management Plan should be submitted laying out the SANG design and ongoing site management techniques, this document should include the capital costs for the site, and the costings and funding mechanism for the in-perpetuity management of the SANG. The Plan should clearly set out how the Natural England SANG Criteria will be met on the site and who the management will ultimately default to. Further information on any phasing of the development and how this relates to SANG development should be also be detailed.

Due to the close proximity of the stadium and associated roads, the visual and noise impacts this could have to the proposed SANG requires assessment. Prolonged loud noise may reduce the suitability of this area as SANG.

Additionally, further assessment on the impacts of increased recreational pressure to Telegraph woods is required. As detailed within the Ecological Impact Assessment - Desk Study Technical Note produced by Johns Associates, Telegraph Woods is listed as a Site of Importance for Nature Conservation (SINC) containing pasture woodland and wooded commons of considerable biological and historical interest and is an afforested heathland site with remnants of heathland recovery areas.

It is noted that the site is an existing publicly accessible site, owned by EBC. It should be demonstrated that the site has substantial capacity to accommodate the additional recreational activity to ensure no deterioration of the SINC. An assessment of current levels of use could be undertaken by conducting visitor surveys. These should be undertaken for a minimum of two weekdays and two weekend days. The [Bracknell SPD calculations](#) (table 15) can be used to work out the remaining site capacity.

In line with Policy WE4 of Eastleigh Borough Council's Adopted Local plan 2016-2036, the development should demonstrate that there will be no adverse impact on the adjacent Telegraph Woods SINC, with appropriate environmental buffers from development.

Should the developer wish to discuss the further information required for this SANG proposal and scope for mitigation with Natural England, we would be happy to provide further advice through our [Discretionary Advice Service](#).

The developer will also need to secure mitigation for the in combination residual impacts. Mitigation for residual impacts can be through an agreed financial contribution e.g. the New Forest National Park Authority Habitat Mitigation Scheme.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Eastleigh Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

It is understood the applicant plans to mitigate recreation disturbance to the Solent SPA sites with provision of the proposed SANG. Please see comments above in relation to the proposed SANG. Should the applicant wish to contribute this agreed strategic scheme, provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England would be satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

Further clarifications on the estimated contribution is required, the figure should take account for the proposed care home/independent living facility and hotel, in addition to the residential housing.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

Sites of Special Scientific Interest (SSSIs)

The above impacts on Habitats sites (SAC/SPA) may also impact SSSIs. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition, Natural England would advise on the following issues:

Biodiversity Net Gain

We encourage all developments to achieve a net gain in biodiversity. We welcome the Biodiversity Net Gain Assessment and are pleased to see gains in habitat and hedgerow units. It is advised the Biodiversity Net Gain Assessment is submitted to and approved in writing by the district ecologist / biodiversity officer.

One method to ensure net gain is achieved is to compile a Biodiversity Mitigation and Enhancement Plan (BMEP) or similar document that aims to protect and improve the local ecology. This can help to strengthen ecological networks and wildlife corridors. Such a Plan can bring together specific avoidance, mitigation and any compensatory measures to address impacts on species and habitats, detail how biodiversity net gain will be achieved, plus detail additional enhancement measures for wildlife (such as bat and bird boxes, habitat refuges etc.). Such a plan should be agreed with the district ecologist / biodiversity officer and appropriately secured with any planning permission.

The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the city. For example, proportional contributions could be taken to plant new trees, provide new bat and bird boxes, help

manage wildlife sites etc.

Surface water drainage

Details of a surface water drainage strategy (SuDS) are provided in the supporting Flood Risk Assessment (Andy Clay Consulting, August 2022).

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

Please note, the pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

The detailed design of a Sustainable Drainage System (SuDS) should be submitted and agreed with Eastleigh Borough Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no deterioration in water quality [or changes in water quantity] in discharges from the site. Information on the long term management and maintenance (including funding) of the SuDS for the lifetime of the development should also be secured prior to the commencement of any works.

Construction Environmental Management Plan

This application site is adjacent Telegraph Woods Site of Importance for Nature Conservation (SINC).

Natural England advise best practice is employed during the construction phase to avoid impacts on the SINC. For example, a Construction Environmental Management Plan (CEMP) can be submitted to and approved in writing by the council's ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should include the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Noise/visual/vibrational/lighting impacts

The approved CEMP can be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 07881 467880.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Louise Wyatt
Sustainable Development Lead Adviser
Thames Solent Team, Natural England

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).