

Date: 16 January 2023
Our ref: 415693
Your ref: F/22/93954



Ms Rachael Morris
Eastleigh Borough Council

BY EMAIL ONLY

Customer Services
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Dear Rachael,

Planning consultation: APPROPRIATE ASSESSMENT further to proposed erection of two detached dwellings.

Location: LONG GARDEN COTTAGE, WINCHESTER ROAD, BOTLEY, SOUTHAMPTON, SO32 2BX.

Thank you for your consultation on the above dated 30 November 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

OBJECTION – Recreational impacts on the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar

Natural England objects to this proposal. As submitted, we consider it will have an adverse effect on:

- New Forest SAC, SPA and Ramsar

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

We have reached this view for the following reasons:

- *The planning proposal, as currently submitted, is likely to lead to an increase in recreational disturbance in the New Forest designated sites via increasing visitor numbers and there is not enough information to demonstrate that the impacts will be suitably mitigated*

Further Advice on Mitigation

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an

appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended), dated 29 November 2022. Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required:

Recreational impacts on the New Forest SAC, SPA and Ramsar – OBJECTION

The HRA identifies that the development will contribute to an increase in recreational pressure on the New Forest designated sites, in combination with other planned development within the identified 13.8km catchment zone. The Appropriate Assessment outlines that mitigation will be provided in the form of a financial contribution towards Eastleigh Borough Council's Interim Mitigation Strategy to address recreational impacts on the New Forest designated sites. Natural England understands this strategy was approved at a cabinet committee meeting in March 2022, to last for 5 years up to March 2027, while cross-boundary partnership work with other affected local authorities and Natural England progresses the development of a longer term, strategic, proportionate, and co-ordinated approach to suitably address the impacts from planned growth across the area.

Natural England have serious concerns with various elements of the interim strategy, including the reduced provision of Suitable Alternative Natural Greenspace (SANG), the lack of information on increasing visitor capacity at the Itchen Valley Country Park (IVCP) and lack of an accompanying monitoring strategy. This leads to a significant level of uncertainty remaining as to the effectiveness of the proposed in-borough measures. Additionally, we have concerns that the approach will harm ancient woodland at the proposed SANG site east of Allington Lane due to pressure from increased access.

We do not consider the approved Interim strategy is precautionary enough. We advise that further information is provided that demonstrates the effectiveness of providing SANG at a 2ha/1000 people standard, an assessment of current visitor levels/increased capacity at IVCP and agreed measures, and an accompanying monitoring strategy. Without this information, we advise it is not **currently possible to conclude no adverse effects on the integrity of the New Forest designated sites**.

Additionally, information on how impacts on ancient woodland from increased access will be avoided and/or mitigated at the proposed SANG site should be provided to demonstrate alignment with requirements in the National Planning Policy Framework regarding irreplaceable habitat and Natural England's [standing advice on ancient woodland, ancient trees and veteran trees](#).

Nutrient Impacts on Solent and Southampton SPA and Ramsar site, Solent Maritime SAC and River Itchen SAC and SSSI – FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Nutrient Budget

The proposed development will be served by a package treatment plant. If this situation changes, a reassessment of the nutrient calculation will be required and an updated HRA will be necessary.

The nutrient budget dated 30 November 2022 has been calculated in line with Natural England's latest guidance on nutrient neutrality to calculate the proposed development will result in result in an additional **16.87 kg Total Nitrogen (TN)/year** discharging to the Solent designated sites.

Water Usage

Please note, in accordance with the Nutrient Neutrality Generic Methodology, we advise that the water consumption rate used within any nutrients budget(s) should be 10 litres/per person/per day higher than the rate secured. This is in line with the precautionary approach and accounts for potential changes to less water efficient fittings throughout the lifetime of the development.

The water usage rate of 110litre per person per day has been used to calculate the nutrient load arising from the proposed development. Provided that you as competent authority are satisfied the water usage rate of 100 litres per person per day can be secured in perpetuity using a suitably worded planning condition, Natural England raise no issue with the water use figure informing the nutrient calculation.

Package Treatment Plant

Please note the Environment Agency has a presumption against private sewage treatment works in sewered areas and will always seek connection to the mains sewer where possible and practicable. A principle concern relates to the failure rates of PTPs and the lack of review and periodic upgrades via regulatory systems that apply to mains. There will be site specific factors (e.g. in proximity to watercourses, soil saturation levels, etc.) that would need to be considered when evaluating this risk. The use of small scale PTPs for new residential development is normally only accepted by the EA where there is no option for using the mains sewerage, or where the new facility will operate at higher efficiency than the main Wastewater Treatment Works (WWTWs) and be managed by an OFWAT-appointed statutory sewerage undertaker. The permit limit for such facilities will need to be agreed with the EA.

Our comments are only provided in relation to nutrient neutrality and are provided on the basis that the Environment Agency is satisfied that a PTP is appropriate in this instance. Please refer to the Environment Agency for comments on wider environmental consideration associated with PTPs and any advice in relation to permits.

PTP Efficiency

The default value for the PTP's TN discharge concentration found in Natural England's latest nutrient calculator has been used to inform the nutrient budget supporting this application. It

is our view that a precautionary approach has been taken, and Natural England raise no further comment on this aspect of the proposal.

PTP Monitoring and Management Plan

Natural England recommends that a long-term monitoring and maintenance strategy is submitted to satisfy the competent authority that the system will operate effectively for the lifetime of the development. The details should be agreed and outlined in the Appropriate Assessment and this should be appropriately secured with any planning permission. The strategy should consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. We recommend that consideration is given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary.

Natural England advises that best practice measures are delivered and secured with these systems in all cases. Natural England would be happy to provide further advice under our [charged advice service](#).

Mitigation

In order to offset the positive nitrogen load arising from the development, the applicant proposes to use Eastleigh Borough Council's nitrates mitigation scheme. We note the requisite mitigation measures will be secured through the use of a planning condition which will ensure this mitigation has been purchased.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Recreational Disturbance to Solent SPAs – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This application is within 5.6km of Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City 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.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and has no objection to this aspect of the application.

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, where relevant.

Water Resources

Natural England strongly recommend that all new development adopt a higher standard of water efficiency of 100 litres/per person/day including external water use and re-use in line with Southern Water's Target 100 demand reduction programme. Consideration should be given to the use of grey water recycling systems and efficient appliances. We note that your authority's Position Statement advises new developments to adopt this higher standard of water efficiency. We recommend this figure is appropriately secured with any granting of planning permission.

Sites of Special Scientific Interest

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 281 (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

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

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07436902849.

Yours sincerely

Rosie Carter
Sustainable Development Advisor
Thames Solent Area | Natural England
www.gov.uk/natural-england

ANNEX A

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.

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 are 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 on [Gov.uk](#).

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](#).

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.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision

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

making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)