

Date: 24 January 2023
Our ref: 415865
Your ref: H/22/93920



Ms Rachael Morris
Eastleigh Borough Council

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BY EMAIL ONLY

Dear Rachael,

Planning consultation: HRA & Appropriate Assessment - Householder - Construction of in-ground swimming pool with surrounding terrace and plant cupboard.

Location: Waters Edge, Lands End Road, Bursledon, Southampton SO31 8DN

Thank you for your consultation on the above dated 06 December 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 IMPACT ON DESIGNATED SITES

As submitted, the application could have potential adverse effect on:

- Solent and Southampton Water Special Protected Area (SPA) and Ramsar
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Dorset Coast SPA
- Lincegrove and Hackett's marshes Site of Special Scientific Interest (SSSI)

Natural England requires the following information to assess the impacts on the above designated sites:

- Submission of a management plan and further clarification of the disposal of drain-down water and filter backwash

The above should inform an updated Habitats Regulations Assessment (HRA).

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.

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). 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.

Potential Impacts on Habitats Sites

Due to the site's location on the bank the River Hamble, the proposal could impact several designated sites which are in close proximity, including Habitats sites.

The proposal site is approximately 20m from the Solent Maritime SAC site, which is designated in part for its sediment habitats within the estuaries, including extensive estuarine flats, often with intertidal areas supporting eelgrass *Zostera* spp. and green algae, sand and shingle spits, and natural shoreline transition.

Potential Impacts on Lincegrove and Hackett's marshes SSSI

The proposal site is approximately 100m from [Lincegrove and Hackett's marshes SSSI](#). The Lincegrove and Hackett's marshes SSSI consists of mature saltmarsh on the west bank of the River Hamble estuary. The saltmarsh vegetation is dominated by sea purslane *Halimione portulacoides* and common cord-grass *Spartina anglica*, the latter species having invaded the marsh during the present century. Saltmarsh grass *Puccinellia maritima*, sea lavender *Limonium vulgare*, thrift *Armeria maritima*, sea aster *Aster tripolium* and sea club-rush *Scirpus maritimus* form a mixed community on the higher marsh levels and at the landward margin, the marshes grade either to a sea couch *Elymus pycnanthus* or reed *Phragmites australis* zone. Structurally the marshes are one of the best examples of mature saltmarsh on the south coast. The site is currently considered to be in Unfavourable Condition.

Discharge Management Proposals

We note that the details of the discharge management for the pool have been outlined in the appropriate assessment. As submitted, the application could have potential significant effects on Solent designated Habitats sites and the Lincegrove and Hackett's Marshes SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. We advise you obtain the following information in order to assess potential impacts of the proposal on this designated site:

- It is not clear from the HRA which chemical(s) would be used to clean the pool and in what concentration, or the volume and frequency of down-drains of the pool. As the resulting wastewater from the drain-downs cannot be removed from the site via the mains sewage system, Natural England would require this information to assess to possibility to adverse effect on the designated sites.
- Evidence (such as a water quality assessment) would need to be provided to support the

claim that all chemicals within the water would deactivate after 3-5 days. Natural England would recommend the developer explore non-chemical methods of cleaning the pool and consider alternatives to discharging into the Hamble and surrounding designated sites.

- The garden of the property falls within Environment Agency (EA) Flood Risk zone 2 so may be vulnerable to potential flooding events. An assessment of the potential risks of high rainfall and flooding events that may cause runoff of contaminated water into the designated site, and how these risks may be avoided and/or mitigated, is required to assess the potential impacts on the designated sites.
- Clarification is required in regards to the storage and disposal of filter backwash. We would encourage the applicant to contact the Environment Agency with regards to any permit(s) required, or provide a robust plan for an alternative solution, including details on the storage tank, frequency of collection and the disposal company.

The above points should be addressed in a robust management plan for drain-down and filter backwash, which should be secured by suitable mechanism such as a planning condition.

Environmental permits may be required for the proposals, we therefore strongly recommend that the applicant contacts the Environment Agency at an early stage with regards to obtaining any necessary permits.

Waterside Construction Environment Management Plan

The development is in close proximity to the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA and Lincegrove and Hackett's marshes SSSI. Without best practice working methods and mitigation there is risk during the construction phase of the development that pollution from machinery, equipment or materials may enter into the water. Natural England recommends that a Construction Environment Management Plan (CEMP) is produced prior to start of the works and submitted and approved in writing by your authority. This should be secured by an appropriate planning condition or obligation. The CEMP should include the following:

- A list of defined potential impacts on the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA and Lincegrove and Hackett's marshes SSSI
- Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.
- Details on the storage and disposal of waste on site
- Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.

We advise that wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Provided that the applicant is complying with the CEMP, 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.

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07436 902849.

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Should the proposal change, please consult us again.

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.

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:

- Restoring a neglected hedgerow.

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

- 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.

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.

[Green Infrastructure](#)

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

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 urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 100 and 174 of the NPPF highlight the importance 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](#).