

Date: 14 February 2023
Our ref: 418371
Your ref: V/22/93029



Rachael Morris
Senior Planning Officer
Eastleigh Borough Council

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BY EMAIL ONLY

Dear Rachael,

Planning consultation: Prior approval of an agricultural barn to residential Class Q conversion.
Location: Allington Manor Farm, Allington Manor, Allington Lane, West End, Southampton SO50 7DE

Thank you for your consultation on the above dated 09 January 2023 which was received by Natural England on 09 January 2023

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

Natural England objects to this proposal. As submitted, we consider it will

- have an adverse effect on the integrity of New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site
<https://designatedsites.naturalengland.org.uk/>

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.*

Natural England's Opinion under Regulation 76

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.

We have no comment to make on other prior approval matters included in the consultation.

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 IMPACT ON DESIGNATED SITES

Nutrient Budget

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 the nutrient budget dated 26 October 2022 has been calculated using Natural England's latest guidance on nutrient neutrality. Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no further concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated by Klargester Bioficient +P treatment plant (PTPs). If this situation changes, a reassessment of the nutrient calculation will be required and an updated HRA necessary.

Nutrient Mitigation

It is understood that the proposed dwelling will be served by a new Package Treatment Plant (PTP) system. An existing dwelling (that will remain on site) will have its septic tank removed, and will be connected to the PTP that is to serve the proposed dwelling. The project being assessed would result in a net increase of one dwelling, where both the existing and the new dwelling will be served by the Klargester Bioficient +P model of PTPs to generate nutrient savings.

It is noted that the nutrient budget dated 26 October 2022 for the proposed development has been calculated based on the PTP test certificate (Appendix B), test result documents and/or measured effluent concentrations. This has calculated a Total Nitrogen (TN) efficiency of 11.6 mg/l and a Total Phosphorus (TP) efficiency of 0.4 mg/l. Provided the competent authority is satisfied with figures in the certificate, Natural England raises no further comments on the use of these efficiency figures in the nutrient calculation.

The nutrient budgets for the scheme has been produced which demonstrates a net reduction in loads of TN and TP discharging from the proposed dwelling and existing dwelling on site, calculating an overall reduction of 6.66kg TN/year and an overall reduction of 0.98kg TP/year. Provided that Eastleigh Borough Council are satisfied that the proposed nutrient mitigation measures will fully offset the additional nutrient burden arising from the new dwelling then Natural England raises no concern in relation to this aspect of the application.

Package Treatment Plants

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 and used in the standard methodology for calculating phosphorus loads from WwTWs.

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.

It is noted that the nutrient budget for the development has been calculated based on the PTP test certificate, test result documents and/or measured effluent concentrations. This has calculated a TN efficiency of 11.6mg/l. Provided the competent authority is satisfied with figures outlined in the certificate, Natural England raises no further comments on the use of this efficiency in the nutrient calculation.

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.

Given the risk of fluctuations in efficiency associated with PTPs, Natural England advises that best practice measures are delivered and secured with these systems in all cases. It is recommended that a suitably sized wetland is delivered with PTPs wherever practicable. Natural England would be happy to provide further advice under our [charged advice service](#).

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 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. 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.

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 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.

We recommend that should Eastleigh Borough Council give its prior approval to the proposed permitted development, the following paragraphs are included on the decision notice as advisory notes to the applicant;

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>

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 consultations@naturalengland.org.uk.

Yours sincerely

Polly Protheroe
Sustainable Development Adviser - Thames Solent Area Team

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.

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.

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

Opportunities for enhancement might include:

- 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.

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](#).