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Your ref: F/23/95574



Rebecca Altman
Principle Planning Officer
Eastleigh Borough Council
rebecca.altman@eastleigh.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Rebecca

Planning consultation: Construction of 12no. dwellings comprising of 9no. apartments and 3no. houses, with associated landscaping, parking, and access from Derby Road
Location: 237 Chamberlayne Road and 5b Derby Road, Eastleigh, SO50 5HX

Thank you for your consultation on the above dated 08 September 2023 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.

Natural England notes that your authority, as competent authority under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment (HRA) process. This advice should be taken as Natural England's formal **representation on your appropriate assessment** given under Regulation 63(3) of the Regulations. You are entitled to have regard to this representation.

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 The New Forest Special Protection Area (SPA), Special Areas of Conservation (SAC), 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 by increasing visitor numbers, and there is not enough information to demonstrate that the impacts will be mitigated.

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

The HRA dated 08 September 2023 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. It is noted the applicant proposes to provide 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/ would not be 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.

Deterioration of the water environment – Further information required

Nutrient Budget

This application is supported by a nutrient budget. The budget calculates the proposal will result in an additional load of 30.84 kg Total Nitrogen (TN) per year, and 0.7 (only to be occupied post-2025) Total Phosphorus (TP) per year discharging to the River Itchen SAC and Solent designated sites.

- **Water Resources**

It is noted the nutrient budget is based on a high water efficiency of 95 l/pp/day based on the installation of water efficient fixtures and fittings. It is for you as competent authority under the Habitat Regulations to be satisfied with any bespoke values used. However, it is our advice that this figure is not precautionary and does not account for the potential for future occupants to install or replace devices that increase water use at the properties over the lifetime of the development. It would also be difficult for the local authority to monitor and enforce such a low water use for the site in perpetuity. Therefore, we advise that the higher Building Regulations water use per person standard of 110 litres/person/day should be used where this is secured through a planning condition, and in line with the nutrient guidance, water usage + 10l/pp/day is used within the nutrient budget calculation to account for changes to less water efficient fittings throughout the lifetime of the development (i.e. use 120l/pp/day within the calculation), to ensure a precautionary approach.

We advise this budget is recalculated based on the above advice.

Please note the calculation is based on all wastewater from the development being treated at Chickenhall Eastleigh WwTW. If this situation changes, a reassessment of the nutrient calculation will be required and an updated HRA necessary.

Nitrogen Mitigation

It is noted Eastleigh Brough Council's Nutrient Neutrality Offset Scheme will be used to neutralise the additional nitrate burden that will arise from the proposed development. We note the requisite mitigation measures will be secured through the use of a planning condition which will ensure this mitigation has been purchased. Provided the above measures can be secured, together with long term management and maintenance to ensure effective mitigation for the lifetime of the development, Natural England raises no concerns regarding this approach. However, it has been calculated that this development will result in a positive nitrogen output of 30.84 kg/TN/yr. We advise this figure is revised based on the above comments regarding the budget calculation, and the appropriate assessment is updated to reflect this.

Phosphorus Mitigation

It is noted Eastleigh Brough Council's Nutrient Neutrality Offset Scheme will be used to neutralise the additional phosphorus (P) burden that will arise from the proposed development. It has been calculated this development will result in a positive phosphorus output of 0.7 kg (post-2025) TP per year. We advise this figure is revised based on our comments regarding the budget calculation.

Natural England retain some unresolved concerns in relation to the Council's Phosphate Offset Scheme and the total number of P credits available. Some of the parcels of land included within the scheme at Allington Lane appear to drain to the main Itchen channel approximately 1-2km south of the point of discharge from Chickenhall sewage treatment works (STW), which means there would be a significant stretch of the river channel that would not benefit from mitigation on this land. Therefore utilising credits generated from this land is unlikely to be suitable for addressing P budgets for development discharging wastewater to Chickenhall STW.

It is currently not clear whether the development is making use of P credits generated on suitably located mitigation land. The appropriate assessment should set out clearly how credits purchased for offsetting P impacts for this development will ensure impacts on the SAC are avoided; e.g. by utilising credits generated from mitigation land that drains upstream of the Chickenhall outfall. Alternatively, hydrological information could be provided that demonstrates mitigation on the parcels of land at Allington Lane are suitable for addressing impacts of development that drain to Chickenhall STW.

More broadly, we strongly recommend the Council updates the Phosphate Offset Scheme to take account of the above issue, and the overall strategy agreed with Natural England, to ensure it can be properly relied upon within appropriate assessments. Natural England will be happy to continue engagement with the Council as needed.

Recreational Disturbance to Solent SPAs

This application is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and may 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 sites 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.

Other advice

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 us consultations@naturalengland.org.uk.

Yours sincerely

Hannah Gamlen-Thomson
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.

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. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

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 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

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

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.
- 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 4.0](#) 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 4.0](#) and is designed for use where certain criteria are met.

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 4.0](#) 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 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](#).