

JAC, Joint Area Committee Thursday 25 July 2024

Application Number: F/24/96817
Case Officer: Dawn Errington
Received Date: 2 February 2024
Site Address: Stoke Park Farm (Rowley Green Meadow),
Stoke Common Road, Eastleigh, SO50 6DW
Applicant: Eastleigh Borough Council
Proposal: Excavation of seven new wildlife ponds.
Associated habitat creation - hedgerow and tree
planting. Stock fence along field boundary.

Recommendation: **Grant Permission** subject to conditions

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans and documents referenced/numbered: Location Plan; Site Plan PP-12767845; Pond designs document PP-12767845.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall start no later than three years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. No vehicles, machinery, equipment, materials, waste or anything else associated with the works hereby proposed shall be parked, stored or positioned on or near any public right of way (PROW) so as to cause an obstruction, hinderance or hazard to the public, who retain the right to use the PROW at all times. Reason: to protect the public right of way and its users.
4. All works shall be carried out in strict accordance with the submitted Construction Environment Management Plan July 2024 and NCP - Protected Species method statement. Reason: to protect amenity and biodiversity and to comply with Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036).
5. The works shall fully comply with the submitted Management Plan for Stoke Park Farm (Rowley Green Meadow) July/August 2024 and the recommendations/mitigation measures of the Preliminary Ecological Appraisal v1.0 April 2023. Reason: in the interests of biodiversity and to comply with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).
6. The landscaping scheme detailed in the submitted Landscape Plan (January 2024) and Design and Access Statement (January 2024) shall be implemented in accordance with the approved details within the first available planting season following implementation of the development and completed in accordance with the approved timetable. All hard and soft landscape works

shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of ten years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. Reason: In the interests of the biodiversity and visual amenity of the locality having regard to policies DM1 and DM11 of the Eastleigh Borough Local Plan (2022).

7. The development shall be undertaken in accordance with the submitted archaeological Written Scheme of Investigation (Pre-Construct Archaeology Ltd ref HRGM24, May 2024). Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

Notes to Applicant:

This planning permission does not convey the right to implement the development without other required permissions or access rights.

In accordance with paragraph 38 of the National Planning Policy Framework (December 2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

You are advised to apply to an order making authority to formally divert part of the recorded route of Bishopstoke Bridleway 735 onto the farm track running parallel to and northeast of the existing legal alignment, and have such an order confirmed. Should an application be made to the planning authority under Section 257 of the Town and Country Planning Act (1990) Hampshire Countryside Service, as Highways Authority for PROW, shall be consulted on the draft order prior to its possible confirmation.

A road condition survey of Sewall Drive should be undertaken before works commence in order that any damage to the road surface during construction works can be identified and remedied.

Report:

1. This application has been referred to Committee because Eastleigh Borough Council is the applicant and landowner. The application is to be determined by the Joint Area Committee because the proposals are to provide mitigation for Borough wide development.

Background

2. Great Crested Newts (GCN) are protected in the UK under the Wildlife and Countryside Act, 1981, are a Priority Species under the UK Post-2010 Biodiversity Framework and Listed as a European Protected Species under

Annex IV of the European Habitats Directive. A GCN Organisational Licence (WML-OR112) was granted by Natural England for a GCN District Licensing scheme developed by NatureSpace Partnership (NSP), Amphibian and Reptile Conservation Trust (ARC) and Freshwater Habitats Trust (FHT). Both are the leading national organisations setting best practice for pond and amphibian conservation, and advise government on these issues and provide staffing for the Newt Conservation Partnership (NCP). NCP is a community-benefit society whose sole purpose is creating, managing and monitoring high quality habitat for GCN (Compensation habitat), using funds from development. The Newt Conservation Partnership is working with landowners in over 60 Local Planning Authorities in England to deliver the creation and long-term management of clean water wildlife ponds and terrestrial habitat for GCN. The scheme aims to increase the number of high-quality, clean water ponds and landscape connectivity to create a strategic network of favourable habitats where newt populations can thrive. Eastleigh Borough Council joined the Licence as part of the Hampshire and Isle of Wight region on 1st August 2023. Rowley Green Meadow at Stoke Park Farm has been identified as a potential Compensation site.

3. The proposed location is a field parcel in the northeast corner of Stoke Park Farm. The site is a former dairy farm and is owned and managed by Eastleigh Borough Council. The whole of the Stoke Park Farm holding is covered by a Section 33 agreement with other LPAs (and agreed with Natural England) which allows the sale of nutrient credits from the land. The proposals presented are not contrary to the stipulated land uses within the nutrient agreement. The Government has produced detailed guidance on “stacking” environmental benefits on existing nutrient sites.
4. The Newt Conservation Partnership (NCP) are working to deliver strategic habitat creation projects for great-crested newts as part of the Hampshire District Level Licensing scheme administered by Naturespace. Eastleigh Borough Council is a signatory to this scheme (Organisational licence WMLOR112). This Compensation site would be secured for at least 25 years under legal agreement with the landowner which includes a management plan to maintain the habitat created in good condition for the long term.

Site Details and surroundings

5. The 1.62ha site, part of the former Stoke Park Farm, is located approximately 1 mile north-east of central Bishopstoke. The former pasture land has pockets of woodland and trees. It is classified as Grade 4 agricultural land and does not therefore constitute “best and most versatile agricultural land” as defined with the NPPF. Rowley Green Meadow is at the northeastern corner of Stoke Park Farm on sloping land. There are no statutorily or non-statutorily designated sites for nature conservation on the application site itself. The Bow Lake Stream is a tributary of the River Itchen to which it joins downstream of the fish farm located immediately west of the application site. There is an existing farm track serving the site which leads onto Sewall Drive and then Stoke Common Road. A public bridleway 735 adjoins the site boundary but does not cross the application site itself, which has no public access.

Description of the Application

6. The proposal is for the creation of a pond complex at Rowley Green Meadow comprising a mosaic of seven clean water wildlife ponds with associated hedge and tree planting. This is to increase the biodiversity value of the site and to provide suitable breeding habitat for great crested newt (GCN), as explained in the background information above. The application site encompasses the new ponds, spoil disposal and access route for machinery which is via the existing farm track. The 7 ponds range from 9 to 30m in length, with depths between 0.8m and 1.5m. Excavation spoil is to be used to form banks for new hedgerows or is to be spread thinly on parts of the adjoining field. Areas of natural scrub regeneration are also planned close to the ponds.
7. The application is accompanied by the following plans, reports and technical assessments which can be viewed via this link [F/24/96817](#) :
 - Location Plan
 - Site Plan
 - Landscape Plan
 - Pond Design diagrams (including cross sections)
 - Planning Design and Access Statement
 - Biodiversity Checklist
 - Ecological Appraisal
 - Heritage Statement
 - Flood Risk Assessment
 - Statement of Community Involvement
 - Noise and Lighting Assessment
 - Preliminary Environmental Appraisal
 - Land Management Review Stoke Park Farm HP727269 Management Plan (EBC)
 - Correspondence with National Grid
 - Site survey – topographical drawing
 - Written Scheme of Archaeological Investigation
 - Construction Environment Management Plan

Relevant Planning History

8. F/23/95844 - Use of agricultural land as Suitable Alternative Natural Greenspace (SANG) for recreational purposes, with associated access, car parking, paths, landscaping, infrastructure and other works, Land at Stoke Park Farm, Bishopstoke – under consideration.

Bishopstoke Fair Oak and Horton Heath Local Area Committee

9. The Bishopstoke Fair Oak and Horton Heath Local Area Committee considered the application on 17 July 2024 and supported the recommendation to grant permission.

Representations Received

10. Nearby properties were included in neighbour notification, in addition to site and press notices. 4 comments from 3 Borough residents received raising queries regarding management and funding of the mitigation scheme; use and maintenance costs of Sewall Drive; reliance on land outside red line of application.

Consultation Responses

11. **Bishopstoke Parish Council** – seek cleaning of access roads to site, funding for additional maintenance cost of private road, regular communication with residents and restriction on working and delivery hours to Monday to Friday working day.
12. **Hampshire Countryside Services** – wish to see existing public right of way adjoining application site formally diverted to route currently used. Path should be kept free from obstructions during construction of ponds.
13. **Environment Agency** – no objection.
14. **HCC Minerals and Waste** – no comments
15. **Landscape Officer** – no comments.
16. **HCC Flood and Water Team** no objection. No flood risk concerns.
17. **Hants and IOW Wildlife Trust** – no comments.
18. **Eastleigh Ramblers** – Bridleway 735 not affected, although should be diverted to current route along track outside of application site.
19. **Hampshire Gardens Trust** – no comments received
20. **Natural England** no objection subject to appropriate mitigation (CEMP). No comments on Habitats Regulations Appropriate Assessment.
21. **Southampton Airport** – no safeguarding objection.
22. **County Archaeologist** - no objection. Recommend conditions for archaeological monitoring of the relevant stages of construction to ensure any remains are recognised and recorded.
23. **Ecologist** - no objection and fully support this biodiversity enhancement project which is supported by the Environment Act (2021), the NPPF (2023) and EBC Local Plan policy DM11

Policy Context and Designations Applicable to Site

- Outside Built-up Area Boundary / within the countryside
- Adjacent to a Site of Importance for Nature Conservation (SINC) (Stoke Park Woods)
- Public Rights of Way adjoining site

Development Plan

Eastleigh Borough Local Plan 2016-2036 (adopted April 2022)

24. The most relevant policies are

Strategic policies:

- S1 (Sustainable Development);
- S5 (New development in the countryside);

Development Management policies:

- DM1 (General Development Criteria);
- DM5 (Managing Flood Risk);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution)
- DM11 (Nature Conservation);

Hampshire Minerals and Waste Plan (adopted October 2013)

- Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Biodiversity (December 2009)

National Planning Policy Framework

25. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. Agent of Change principles protect existing businesses.
26. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

27. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

28. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the policies within the Council's adopted Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013. The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
29. The application has been screened under the Town and Country Planning (EIA) Regulations 2017 (as amended) and is not considered to constitute EIA development for which Environmental Impact Assessment with an Environmental Statement is required.

Principle of Development:

30. Strategic Policy S5 allows certain development in the countryside which maintains its rural character, limits urbanisation and avoids the permanent loss of high grade agricultural land, whilst Hampshire Minerals and Waste Policy 15 seeks the prevention of development which would exclude future extraction. There would be no loss of high grade agricultural land or sterilisation of minerals and thus the ponds are in line with Development Plan policy and acceptable in principle.
31. The development must also be acceptable in detail to constitute sustainable development, including details relating to ecology, drainage, rights of way, landscape and trees.

Layout, Design and Landscape Impact

32. The ponds are located in the most suitable part of the Stoke Park Farm site in order to provide the Great Crested Newt habitat sought. They are shallow in design and not out of context with their countryside location. New hedge, scrub and tree landscaping would further help assimilate them and the new banks created using excavated spoil into their surroundings.

Ecology

33. EBLP Policy DM11 states that development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that: there are no alternative solutions; the adverse effects are unavoidable; measures are taken to mitigate or, as a last resort, compensate for the adverse effects; there is an overall biodiversity net gain; and if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network.
34. As modified grassland, previously grazed by dairy cattle, the site has low ecological interest and very low species diversity. The wider site boundary features (hedgerows, standard trees and the Bow Lake Stream corridor)

are likely to be of raised interest for breeding birds and potentially reptiles. Dormice may also be present in the wider landscape and could be using the boundary features. Given that the Bow Lake Stream is a tributary of the Itchen it is probable that otters occasionally move along the stream corridor. There is no suitable habitat for water voles along this particular stretch on the stream. All boundary features are to be retained and enhanced.

35. There are a number of SINC's in proximity to the application but there are no anticipated impacts upon any of them. In terms of protected species, the limited nature of the proposals (confined to 1.6ha of pond creation and habitat enhancement) within species poor, modified grassland means there are no potential impacts. There is a possibility of the site or nearby areas being used by otters, badgers, hedgehogs and nesting birds. Two of the ponds have been designed to provide suitable breeding habitat for otter.

36. As the site is bounded by the Bow Lake Stream there is hydrological connectivity with the River Itchen SAC that lies downstream to the west of the application site. There are potential impacts in terms of pollution events and/or changes to hydrology and although Habitats Regulations Assessment undertaken concludes no likely direct impacts to the SSSI or SAC, subject to implementation of a CEMP. Works are proposed within the floodplain and no spoil will be spread within the floodplain which is identified within the Flood Risk Assessment. In addition, a precautionary mitigation statement for protected species during construction activities is provided in the "NCP - Protected Species method statement".

37. The project is intended to deliver significant habitat enhancement through the seven ponds and associated terrestrial habitat enhancement in the form of grassland, additional hedge planting and tree planting. Whilst the clean water ponds are intended as strategic mitigation for Great-Crested Newts, they will also provide habitat for a wider range of invertebrates, amphibians and plants. A 25 year management and monitoring plan for the ponds and associated terrestrial habitat is required by conditions.

38. Specifically, habitat improvement would be delivered through:

- Planting a new 350 m hedgerow made up of mixed native species suitable for the site.
- Planting small copses of native trees suitable for the site.
- Increasing the amount of natural scrub regeneration through management.
- Creating hibernacula suitable for amphibians.
- Sowing a suitable wildflower mix in some areas of Rowley Green Meadow outside the application site
- Managing part of the site as a hay meadow.

39. Subject to conditions the development will be compliant with Policy DM11 and Section 15 of the NPPF.

Flood Risk and Drainage

40. The ponds are considered to be water-compatible development which is acceptable in all flood zones, but in any event are not in a designated flood risk area. The ponds are located in a lower lying area in order to collect surface water, which will be contained by bunds using excavated spoil. There is therefore a low risk of flooding to the site or access track adjoining, which is on raised land. No further surface water drainage is required, although there may be requirements for land drainage consent or environmental permits which are separate from any planning approval.

Public Right of Way

41. Public bridleway 735 runs parallel to the track leading to Bishopstoke Road which in itself is parallel to and outside of the application site. However, the track rather than the definitive route is used. Whilst HCC would like a formal diversion to take place as the bridleway is outside of the application site it is not a pre-requisite or condition of the grant of planning permission. This can be pursued separately by EBC as landowner. Clearly the path should not be obstructed during works and a condition is recommended in this respect. Views from the PROW would not be harmed by the development and the existing hedge and tree screening will be supplemented by new hedge planting on the bunds.

Amenity and access

42. During construction of the ponds there would be increased traffic movements to the site via Sewall Drive but following completion of the works the movements and associated impacts on residential amenity would be minimal. However, EBC may need to find a mechanism to contribute towards the cost of any road repairs of the private Sewall Drive directly necessitated by the works. A Construction Environmental Management Plan (CEMP) has been submitted in draft and is subject to a condition. Potential damage can be reduced by minimising the number of times the access route is used, storing machinery on site during the period of works whenever possible.

Site Management and Monitoring

43. Planning condition 5 requires compliance with the submitted 25-year Management Plan outlining key management activities to maintain the ponds and the terrestrial habitat in Rowley Green Meadow in high quality condition into the future. Key points of the Management Plan are:
- Annual cut of open areas with all arisings removed or piled, after all wildflowers have seeded (generally mid-June / early July).
 - Scrub and vegetation management around ponds when necessary.
 - Not introducing fish.
 - Not introducing plants.
 - Reporting and controlling invasive non-native species.
 - Avoiding fertiliser and pesticide application to the pond catchment.

- Weeding around newly planted hedge and trees, as necessary.
- Trimming of new hedge as it becomes established.
- Annual monitoring including environmental DNA surveys for GCN and Habitat Suitability Index (HSI) surveys for the first five years, with subsequent surveys agreed on a rolling programme for up to 25 years.
- The results of annual monitoring to be used to inform changes to the Management Plan, which are made by mutual agreement between NCP and the landowner (EBC).

Other considerations

44. There are no harmful impacts relating to archaeology, contaminated land, trees or Southampton Airport safeguarding (risk of bird strike). The loss of land designated as minerals resource is minimal. Archaeology is subject to condition. The funding of the project is not a planning consideration.

Sustainability Measures and Climate Change:

45. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
46. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.
47. The proposal has a neutral consideration and impact in relation to climate change.

Equalities Implications:

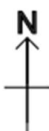
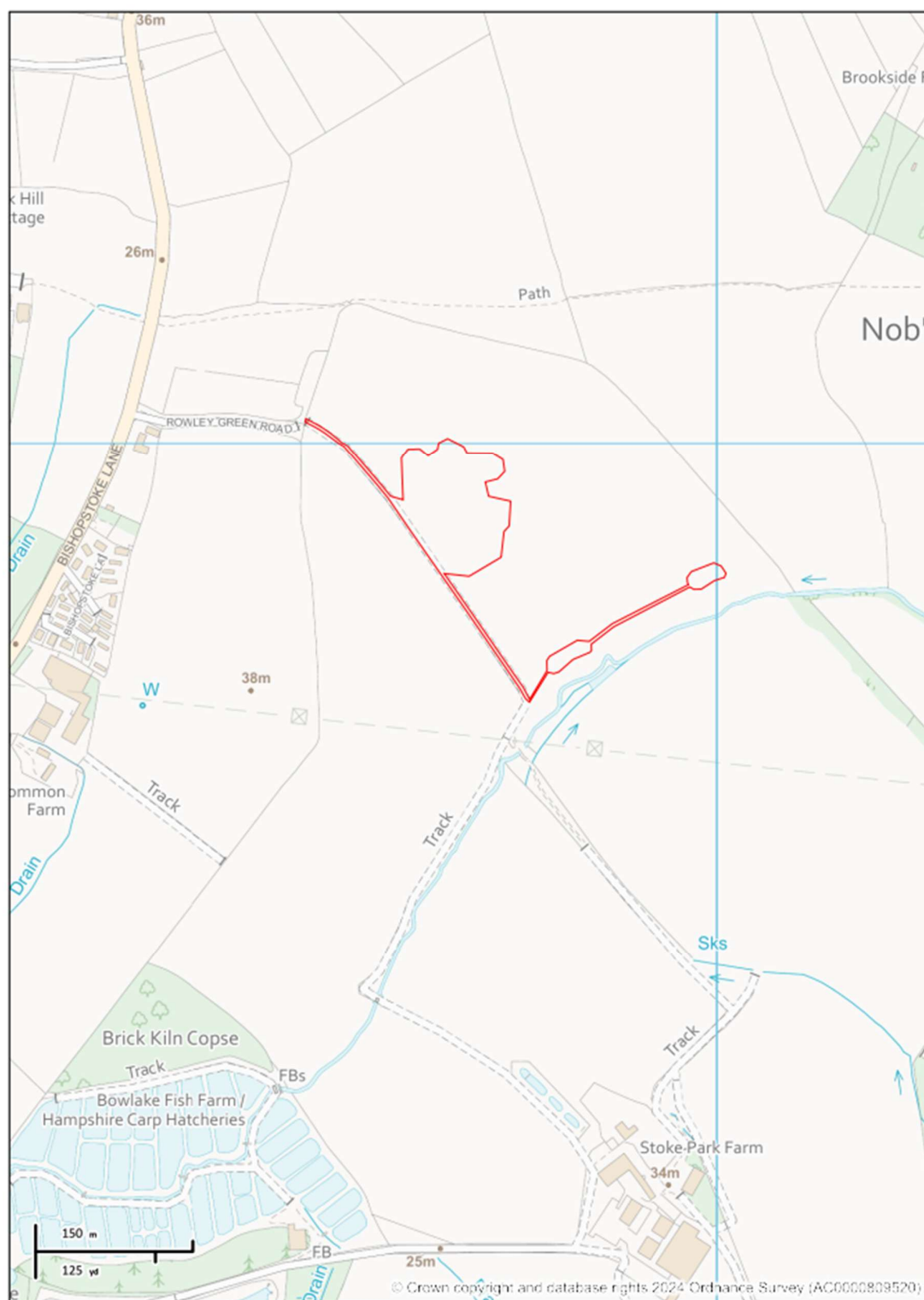
48. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:
- A public authority must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
49. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

50. The scheme is supported in principle and in detail by Development Plan Policies and would provide necessary ecological mitigation in an appropriate way. The recommendation is to grant permission subject to conditions.

F/24/96817



Address: STOKES PARK FARM (ROWLEY GREEN MEADOW)
STOKES COMMON ROAD, EASTLEIGH, SO50 6DW

Date: 14/05/2024

Scale: 1:5000