

DELEGATED OFFICER REPORT:**SEE F/24/97518****Application Ref:** F/25/99929**Site Address:** NETLEY COURT CARE HOME, VICTORIA ROAD, NETLEY ABBEY,
SOUTHAMPTON, SO31 5DR**Case Officer:** Clare Martin**Description:** Replacement of the existing damaged gabion wall sea defences

Particular Site Constraints?	Yes ☒	No ☐
• Site Partly Within the Urban Edge • Blanket TPO covering group of Holm, Oak and Ash Trees • Within Netley to Hamble Shore SINC • Within HBIC Priority Habitats (Coastal Vegetated Shingle) • Within Solent and Southampton Water SPA & Ramsar • Within Lee-on-Silent to Itchen Estuary SSSI • Within Flood Zone 3 • Within Netley Conservation Area		

Planning History?	Yes ☐	No ☐
• C/34066 – Coastal protection works including gabion walling and beach replenishment – Permitted (June 1997) • C/13/72388 - Renovation, conversion and extensions to the principal Netley Court School building to provide a 65 bed care home and 9 no. assisted living apartments with communal facilities following demolition of existing outbuildings in a conservation area and provision of re-sited vehicular access and new pedestrian access to Victoria Road, parking, landscaping and ancillary works – Permitted (July 2013) • C/13/73145 - Proposed gabion protection works – Permitted (Jan 2014)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Ecology Officer:	<u>No objection</u> • A draft HMMP and a Habitats Regulations Assessment will be required before determination. • Native species are proposed to replant the reconstructed bank above the new gabions. The planting plan and specification can be approved before determination or can be conditioned. This must include re-creating the gorse scrub habitat that is already there, along with ensuring that specific habitat for important invertebrates is considered in the Habitat Monitoring and Maintenance Plan (HMMP). • The avoidance of adverse impacts, mitigation and enhancement proposals listed in the Ecological Impact Assessment and the Construction Environmental Management Plan are appropriate and must be implemented		

Ecology

The site is within the Netley to Hamble Shore SINC which is designated 4A for Maritime Cliffs and Slopes, and the gorse scrub habitat. Breeding Dartford warblers have been recently recorded in similar habitat further along the coast near the River Hamble. The site has been assessed to have suitable habitat for foraging and commuting bats, badgers, breeding and wintering birds, reptiles, great crested newts, invertebrates and European hedgehogs.

BNG Net Gain

The proposal is predicted to provide 11.2% biodiversity net gain in area habitats. Monitoring reports will be required in years 1, 3, 5, 10, 15, 20, 25 and 30 (unless otherwise agreed) after the initial work to establish the habitats, with a total of eight monitoring years per site.

BNG Monitoring Fee

Our monitoring fees are properly calculated and have been approved by our finance, legal and enforcement teams. They were agreed at Cabinet, and they represent a full cost recovery model as this is what will be required to monitor BNG for 30 years. BNG monitoring is additional to our current workload and therefore requires additional resourcing.

However, we understand the urgent and unavoidable nature of the works and any impacts are likely to be minor and temporary. The restoration of the small area of cliff habitat is likely to be achievable and even if over time monitoring were to show it developing in a different way this would not necessarily be negative and we would also have limited ability to intervene given the nature of the work and desired outcome. The requirements in the submitted Management Plan do still apply and can be secured by condition.

Solent Waders and Brent Goose Strategy

We have looked into Natural England advice for the Applicant to pay into the Solent Waders and Brent Goose Strategy on a previous application and concluded it was not proportionate and did not invalidate the conclusions of the HRA.

We calculated for the previous application that the contribution for the loss of 25m² shingle habitat for the Netley Cliffs scheme would be £89.03. the situation here is similar. Our SWBGS contact based at the HloW Wildlife Trust confirmed this is the correct amount. He also advised that mitigation payments are intended for larger projects (not small-scale schemes such as this) and instead, mitigation should be identified locally.

Therefore, we have concluded that paying such a small amount into the SWBGS is likely to have a negative cost benefit. We have also revisited potential local mitigation provision and following a conversation with the Senior Coastal Ecologist of the Coastal Partnership, we have reached the same conclusion as before. This being that the very small loss of shingle (not mudflat) habitat in a low use SWBG site to facilitate ongoing protection to the dwellings on a stretch of coast identified as "hold the line" in the Shoreline Management Plan, will not result in significant effects on the SPA. Like-for-like habitat replacement, or intertidal enhancements made to the in-pans of the piling, is not possible on a project of this scale at this location. The new piling will stabilise the adjacent cliff habitat and we believe that the applicant's proposal to seed the area with a suitable coastal seed

	mix to aid the natural recolonisation of this cliff habitat, is proportionate habitat mitigation for this project. In relation to the HRA and as the competent authority, I am confident we can be satisfied with this approach and conclusion.
Tree Officer:	<u>No objection</u>, subject to protective fencing condition. The submitted arboricultural document demonstrates that the significant trees can be retained and protected, and that with adherence to the provided recommendations, the trees should not be significantly impacted by the proposal.
Environmental Health:	<u>Noise - No objection</u> It is understood that works will take place between April and September, influenced by daylight availability and tidal conditions. Workings hours have not been specified. No pilling is proposed. It is recommended that the applicant includes in the CEMP measures to for keeping noise to the minimum reasonably practicable, such as: use of well-maintained and silenced plant and machinery, switching off engines when not in use, avoiding high-noise activities outside of core daytime hours (where possible), advance notice provided to affected neighbours (where noisy activities are unavoidable), and a complaints procedure. The CEMP has now been updated to include specific noise mitigation measures (referenced EG/466415/EG dated 20 October 2025). This is acceptable. <u>Contaminated Land - No objection</u> The site is not located within an identified contaminative land use area. According to the elevations plan, the proposed structure involves a 300mm thick foundation to gabion wall. No significant ground disturbance is anticipated. It is noted that the CEMP covers storage (avoiding SINC, Netley Abbey Conservation Area and other nearby designated areas), material movements, measures to avoid pollution incidents and best practices including no refuelling on-site. We welcomed this approach and have no concerns on contaminated land. <u>Air Quality – No Objection</u> The replacement/ repair of the existing gabions will not to generate significant traffic during construction and operational stages is considered to be low. Even though the proposed development does not represent a significant risk on air quality, we stress the importance of adopting best practices and measures to safeguard air quality in the area. The CEMP indicates that dust emitted through construction processes will be kept to a minimum by a number of methods, including: using water as a dust suppressant during dry weather and reusing existing materials to construct the gabion wall. This approach is acceptable.
Heritage Consultant:	<u>No objection</u>
Natural England:	<u>Further information required</u>

	The Habitat Regulations Assessment needs to be updated to include consideration of the loss of 25m2 of shingle habitat and developments impacts upon Solent Wadders and Brent Goose. Without which the proposal could impact upon Lee-on the Solent to Itchen Estuary SSSI. Natural England recommends that a Construction Environment Management Plan (CEMP) is produced covering: • A list of defined potential impacts on the SPA & SSSI • Methods for pollution control to ensure that no pollution (such as debris from dust or surface run off, as well as chemicals or fuel) is able to enter the watercourse • Details on the storage and disposal of waste on site • Details of biosecurity measures
Environment Agency:	<u>Comment</u> The proposed work falls within the boundaries of the Solent and Southampton Water (Ramsar) &(SPA), lee-On-the-Solent to Itchen Estuary (SSSI) and Netley to Hamble Shore (SINC). This means a HRA is required under the Conservation of Habitats and Species Regulations 2017. We have read the Ecological Impact Assessment and Construction Environmental Management Plan, which cover most risks posed by the works and mitigation is in place such as, 'work will be delayed if schedule 1 birds are found nesting'.
Parish Council:	No response

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 15th October 2025		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Agent has consented to pre-commencement tree protection condition (email from Caroline Jezeph 21/10/25).		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i> The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: <i>"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".)</i>

Policy:
National Planning Policy Framework

Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036, the most relevant policies are:

- Strategic policies S1, S2 & S7;
- Development Management policies DM1, DM7, DM11 & DM12.

Supplementary Planning Documents:

- Netley Conservation Area Appraisal,
- Trees and Development

The North Solent Shoreline Management Plan: (Non-Statutory Policy Document)

Proposal:

The replacement sea defence is for an 80m section of Netley Cliffs behind Netley Court Care Home. The cliffs are composed of a stratum of sand topped with a further stratum of a conglomerate of coarser sand and gravel, which are prone to coastal erosion. The last sea defence was constructed more than 10 years ago comprising stacked gabion baskets filled with stones. However, the erosive effect of the tides and weather have gradually broken the existing stone gabions and eroded the soft sedimentary rock which forms the cliffs.

The proposal is to replace the 80m sea defence with a new 1.5m high stacked gabion wall, which will reuse the existing stones where possible. The gabions will be sited onto a reinforced concrete foundation of 300mm depth to provide a more robust defence against the erosive action of the sea.

Assessment:

Principle

The site is within the urban edge where the principle of development is acceptable. Policy DM7 states that flood defences and coastal protection works will be permitted providing they accord with the approved management plans, which in this case is the NSSMP (North Solent Shoreline Management Plan).

The NSSMP aims to hold the line for the stretch of coastline along Netley Village (from Cliff House to Netley Castle – area 5C09). The proposed works contribute to this by maintaining and upgrading the level of protection provided by the existing coastal defence for the stretch in front of Netley Cliff apartments. As such there is a policy presumption in favour of the development.

Character and Appearance

The proposal will create a 1.5m high stone filled gabion wall stretching for a length of 80m along Netley Cliff. The man-made structure is broken up with the use of natural stone. It is further softened by the mixture of trees and vegetation on the cliff and within the grounds of Netley Court Care Home.

The proposal is of a similar appearance to the existing sea defence (before it failed). Gabions are generally the defence of choice on this length of the coast, so the replacement scheme here will not be out of place. As such the proposal is not considered to materially affect the character and appearance of this stretch of coastline or the wider Netley Conservation Area.

Trees

There is a band of TPO trees along the rear of Netley Care Home, close to the cliff edge, comprising 5no. grade B trees, 14no. grade C trees and various U grade trees. The application is accompanied by an Arboricultural Method Statement, which notes that 4no. individual trees will need to be removed for the proposal of which two 'U' grade trees that should be removed regardless of the works. The statement sets out the proposed tree works needed for the retained trees and measures for their protection during the construction works. This has been reviewed by the Tree Officer, who has raised no objection.

Ecology

The site is within the Netley to Hamble Shore SINC which is designated 4A for Maritime Cliffs and Slopes, and the gorse scrub habitat. Breeding Dartford warblers have been recently recorded in similar habitat further along the coast near the River Hamble. The site has been assessed to have suitable habitat for foraging and commuting bats, badgers, breeding and wintering birds, reptiles, great crested newts, invertebrates and European hedgehogs.

An ecological impact assessment and construction environmental management plan has been submitted. Mitigation is to include new planting, the provision of nest boxes for birds and the provision of hibernacula for reptiles, invertebrate species and hedgehogs. These documents have been reviewed by the Ecology Officer and no objection raised. While Natural England have requested a payment towards Solent Waders and Brent Goose Strategy, this is not considered reasonable given that the proposal would result in only a very small loss of shingle (not mudflat) habitat in a low usage site.

Biodiversity Net Gain

The proposal is predicted to provide 11.2% biodiversity net gain in area habitats, mostly coming from the re-established and enhancement of woodland and scrub at the site. It will also provide planting for four replacement trees. While the Council would wish to apply a biodiversity net gain monitoring fee, in this case the fee is to be waived given the urgent and unavoidable nature of the works and impacts of the works are likely to be minor and temporary. Likewise, a draft habitat and monitoring plan has been provided as part of the biodiversity net gain regulations with monitoring reports to be submitted annually for the first five years, then every five years after that for 30 years.

Other Considerations

The development accords with planning policy as follows:

- The proposal is a sustainable option as it is proposed to reuse the existing stone fill of the gabions, topped up as necessary with new in the new cages.
- Measures are set out within the construction environmental management plan to reduce noise and disturbance to residents and wildlife. The CEMP has been revised to include pollution control as requested by Natural England.
- A condition will be used to ensure works are undertaken between April and September to avoid any impacts on wintering or migratory wildfowl and waders. An appropriate assessment has been undertaken and there are no likely significant impacts on the SPA.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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.
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.

Climate Change:

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.

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
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For the reasons set out above, the application is recommended for approval.