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**BY EMAIL ONLY**

Dear Local Plan team

**Consultation: Eastleigh Local Plan Main Modifications**

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.

Please see our comments below on the Proposed Main Modifications and revised Habitats Regulations Assessment (HRA; May 2021). Natural England have no substantive comments to make on the LUC Sustainability Appraisal Addendum (April 2021).

**Proposed Main Modifications to Local Plan**

**Main Modification 36 (MM36)**

**DM2, Environmentally sustainable development**

Although it is welcomed that this policy requires a water consumption for new dwellings of no more than 110 litres per person per day, Natural England strongly recommend all new development within the Southern Water supply area adopt a higher standard of water efficiency of 100 litres/per person/day, including external water use and re-use, in line with Southern Water's Target 100 demand reduction programme which is committed to within their WRMP19. Natural England also recommend that the Policy encourages the wise use of water in conjunction with the water companies, for example by developments incorporating grey water recycling systems and efficient appliances

**MM43**

*Overview of nature conservation issues in the Borough*

- Paragraph 5.58

With regards to impacts on the New Forest, this paragraph appears to imply that the only impacts associated with new development are those on birds. It also seems to suggest that implementing the Solent Recreation Mitigation Strategy will address impacts on the New Forest.

It is recommended the Local Plan treats impacts on the Solent SPAs and the New Forest designated sites separately. It should be clarified that impacts on the New Forest include recreational impacts on both habitats and species (not just breeding and over-wintering birds), affecting The New Forest Special Protection Area (SPA) and Ramsar site and the New Forest Special Area of Conservation (SAC). Such impacts will need addressing via mitigating measures separate to those implemented to address impacts on the Solent SPAs; please see further advice on this below under Policy DM11 and the revised HRA.

With regards to mitigating recreational disturbance impacts on Solent SPAs, it is recommended the

Local Plan refers to the Solent Recreation Mitigation Strategy, otherwise known as the Bird Aware Solent Strategy.

The reference to the Solent Waders and Brent Goose Strategy is welcomed with regards to mitigating impacts on high tide roosts that function as SPA supporting habitat.

### **Policy DM11, Nature conservation**

#### *International Designations*

- Paragraph 2

It is suggested this paragraph is rephrased to first outline the requirement for appropriate assessment where likely significant effects are identified on a designated site, or uncertainty remains as to the likelihood of an effect(s). The appropriate assessment should apply the mitigation hierarchy, and consider in detail avoidance and/or mitigating measures. Where adverse effects on integrity of the designated site(s) cannot be ruled out, development can only proceed where it can be demonstrated that all 3 legal tests for a [derogation under the Habitats Regulations](#) have been passed.

- Paragraph 3 a ii

The intention to implement 'the interim and any future New Forest Recreation Mitigation Strategy if required' is outlined.

The overview within the Interim New Forest Recreation Mitigation document outlines that the interim approach 'will be finalised following further discussions and the findings of ongoing research'. It outlines the ongoing collaborative work between affected local authorities in developing a formal mitigation strategy, and in the interim will 'prioritise the investment in delivering new, and improving existing, open spaces and routes in Eastleigh borough'. Section 6 of the report recognises that contributions may be required to deliver measures on the designated sites.

Natural England have previously provided the Council with advice on the report, advising that not all visits to the New Forest will be diverted solely by investment in green spaces within the Borough, and contributions are also likely to be required to address residual impacts on site.

The completed [visitor survey work](#) by Footprint Ecology was published last year and a further report analysing the New Forest 'zone of influence' was produced in February 2021 (not yet published). This work outlines that forthcoming development within and around the New Forest designated sites will result in an increase in recreational impacts on the designated sites, including disturbance, trampling, eutrophication and other impacts. It identifies that the majority of extra visits from new development will occur within a 13.8km straight-line distance of the sites, and that this would form an appropriate buffer within which all new residential development should provide appropriate mitigation. This zone includes the majority of Eastleigh borough. The work also recommends that large developments up to 15km of the sites should also be subject to HRA with regards to this impact.

Eastleigh's revised Local Plan HRA outlines that the Council's presence on the New Forest International Designation Working Group (also known as the 'New Forest Project Steering Group') demonstrates 'its commitment to implementing [a recreation mitigation strategy for the New Forest] once agreed'. Natural England recommend such a strategy is developed that incorporates a package of measures including provision of suitable alternative green spaces and networks as well as direct measures on the designated sites, including access management, education and monitoring. In advance of such an agreed strategy, Natural England advise the Council to implement a suitable agreed interim strategy that ensures adverse effects from live development coming through will be avoided.

Natural England welcome the conclusion made in the Interim New Forest Recreation Mitigation report that 'Eastleigh Borough Council will continue to work on an interim strategy to put in place until the full strategy is finalised'. Natural England will continue to work with the Council to ensure development coming through the local plan appropriately mitigate their impact.

Please see further comments on this aspect below, with respect to the revised HRA.

- Para 3 d

Natural England support the intention to deliver measures set out within the ‘Southern Damselfly Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain’.

However it is important to note that biodiversity net gain (BNG) can only be delivered on non-designated features within designated sites. There are existing legal obligations for Habitats sites (sites identified under the Habitats Regulations within the National Planning Policy Framework) which cannot be delivered through BNG, and nor does BNG replace these. Therefore, to avoid risk of confusion with internationally designated sites policy, it is advised this reference is moved to fit under general biodiversity policy.

#### *National and Local Designations*

- Paragraph 4

Paragraph 4 outlines that development that is likely to adversely affect a Site of Special Scientific Interest (SSSI) or locally designated site will not be permitted unless it fulfils several criteria. Criterion e outlines “if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on the nature conservation value of the site and any broader impacts on national and local designations.”

As previously advised, the policy for Sites of Special Scientific Interest (SSSIs) should include reference to the need to fully compensate for any unavoidable harm that would be caused to the nationally designated interest features. Natural England must be consulted on proposals that may damage SSSIs.

#### *National and Local Nature Conservation Designations*

- Paragraph 5.75

The last sentence outlines that ‘planning applications should be supported by an adequate and proportionate assessment of their effect on the network, and by mitigation or compensation proposals as required’. It is recommended development are also required to demonstrate enhancement of the local ecological network wherever possible. This may be achieved by delivery of biodiversity net gain.

### **MM73**

#### **Policy HH1, Land west of Horton Heath**

- Para 6.1.51

It is considered the development will also have likely significant effects on the Solent Maritime SAC via water quality, the New Forest designated sites via recreational impacts and the Solent SPAs via recreational disturbance. These impacts will need to be addressed appropriately via site-level HRA.

#### **Habitats Regulation Assessment Local Plan Main Modifications (May 2021)**

We welcome the measures and policy approaches outlined within the Mitigation Strategy to ensure recreational disturbance (Solent SPAs), water abstraction, water quality, non-native species and site-specific hydrological impacts on protected sites are appropriately addressed. Please see further comments on the HRA below with regards to New Forest recreational impacts.

- *Recreational impacts – New Forest designated sites*

Please note that the HRA should also consider impacts from recreation on qualifying habitats and species of the [New Forest Special Area of Conservation](#) (SAC) (including impacts other than disturbance).

The HRA refers to the implementation of the ‘interim and any future New Forest Recreation Mitigation Strategy if required; or alternative agreed site specific measures to address recreational disturbance’. Please refer to Natural England’s comments above with regards to the interim approach.

The HRA outlines several potential mitigation options that may be implemented by the interim

approach, including creation of new open spaces / SANG, changes to existing open spaces and recreational routes within the borough, and contributions to visitor access management projects within the New Forest. Where such measures can be suitably delivered, alongside the Council's ongoing partnership work on a strategic approach, Natural England would agree with the conclusions of the HRA that adverse effects on the New Forest designated sites will be avoided.

Natural England will continue to work with the Council and other affected local authorities on developing a suitable mitigation strategy.

If you have any queries relating to the advice in this letter please contact me on [rebecca.aziz@naturalengland.org.uk](mailto:rebecca.aziz@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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