



Land at Satchell Lane, Hamble-le-Rice

## Ecology Statement

Prepared by  
CSA Environmental

on behalf of  
Foreman Homes

Report Ref: CSA/3212/09

PI Ref: APP/W1715/W/22/3292580

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This report may contain sensitive ecological information. It is the responsibility of the Local Authority to determine if this should be made publicly available.

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## 1.0 INTRODUCTION

- 1.1 I am Mark Rose BSc (Hons) MSc MCIEEM, Associate Ecologist at CSA Environmental. I am an experienced practitioner with 12 years' full-time experience in professional ecological consultancy, and am a full member of the Chartered Institute of Ecology and Environmental Management. I hold Natural England species survey/class licences for bats, great crested newts, rare reptiles and dormice. My academic qualifications include a BSc (Hons) in Zoology and an MSc in Biodiversity Conservation from the University of Southampton.
- 1.2 I am instructed by Foreman Homes ('the Appellant') in respect of appeal case APP/W1715/W/22/3292580, concerning Land at Satchell Lane, Hamble-le-Rice (the 'Appeal Site').
- 1.3 A full/detailed planning application (F/20/89488) was submitted to Eastleigh Borough Council (EBC) in January 2021 for '*Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane*'. This was supported by a Preliminary Ecological Appraisal report (2020a; **CD1,41**) and Bat Activity Surveys report (2020b) prepared by EcoSupport.
- 1.4 The application was refused in August 2021 (**CD2.2**). Reason for Refusal 5 stated as follows:

*"Insufficient information has been provided to the Local Planning Authority, as the competent authority, to enable it to determine that a suitable scheme for sustainable urban drainage for the proposed development would be provided which ensures that the hydrological and ecological interests of the Solent Complex are protected, as set out in the Conservation of Habitats and Species Regulations 2017. The application is therefore contrary to the requirements of Saved Policies 25.NC and 45.ES of the Eastleigh Borough Local Plan (2001-2011), Draft Policies DM6, DM8, DM10 & DM26 of the submitted Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework."*

- 1.5 Reason for Refusal 7 stated as follows:

*"The application fails to provide for the required mitigation to offset the impacts of the development on the European protected site (SPA, SAC and Ramsar) from nitrogen loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to the requirements of Saved Policies 25.NC and 45.ES of the adopted Eastleigh Borough Local Plan Review 2001-2011, Draft Policies DM10 and DM11 of the Submitted Eastleigh Borough Local Plan 2016-2036, provision within the National*

*Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017."*

- 1.6 In addition, and although not forming a reason for refusal, in their comments of 24 February 2021 (**CD1.45**) the Ecology Officer Paul Howe MCIEEM lodged a holding objection to the application, in view of the lack of submitted evidence to demonstrate that the proposed development would secure a biodiversity net gain.
- 1.7 This Statement has been prepared, together with the accompanying shadow Habitats Regulations Assessment (HRA) document (CSA/3212/07; **CD6.4**), to provide the necessary information on the above matters to inform the Inspector during their consideration of the Appeal Scheme.

## 2.0 RELEVANT LEGISLATION & PLANNING POLICY

### Habitats Regulations Assessment

#### Legislation and Case Law

- 2.1 Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), termed 'European sites', collectively form part of a suite of sites known in the UK as the national site network, and are afforded strict protection from the potentially damaging effects of human activities. For ease of reference here, and consistent with their treatment under UK government policy, sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also referred to here as European sites.
- 2.2 All European sites in England and Wales are afforded protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations are widely referred to as the 'Habitat Regulations'. Regulation 63 of these Regulations states that, "*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*" This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).
- 2.3 The above Regulations formerly transposed Article 6(3) of Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive'. This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Following the UK's departure from the European Union, the provisions of the 2017 Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.
- 2.4 Many procedural facets of HRA have been established through case law. A non-exhaustive summary of some key judgements is provided below in Appendix B of the accompanying Information to inform Habitats Regulations Assessment (CSA/3212/07), with key cases including:
  - Waddenzee (ECJ Case C-127/02; 07.09.04.)
  - Boggis v Natural England (EWCA Civ 1061; 20.10.09.)

- People over Wind (CJEU Case C-323/17, 12.04.2018)

#### National Policy

- 2.5 The term 'European site' used in reference to SACs and SPAs is derived from the above Regulations. The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2021) establishes that sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', as well as 'potential SPAs' and 'possible SACs', should be given the same protection as European sites.
- 2.6 At paragraph 182, the Framework establishes that the presumption in favour of sustainable development (also known as the 'tilted balance' in planning) does not apply where the plan or project is likely to have a significant effect on a European site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the European site.

#### Local Policy

- 2.7 The adopted Eastleigh Borough Local Plan 2016-2036 sets out extant development management policies relevant to HRA in Eastleigh Borough. Policy DM11 on Nature Conservation sets out that 'project level' HRA will be required where there are likely significant effects on European sites, or uncertainty thereof. This policy further states that the Council will work with Partnership for South Hampshire (PfSH), Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of European sites from the direct and indirect effects of development.

### **Biodiversity Net Gain**

#### Legislation

- 2.8 Section 98, Part 6 of the Environment Act (2021), through Schedule 14, makes provision for biodiversity (net) gain to be a condition of planning permission in England to a minimum of 10%. As set out in Part 8 of the Act, Section 147 (3), Section 98 of the Act comes into force "...on such date as Secretary of State may by regulation appoint" with the government anticipating a two-year implementation period (i.e. November 2023).

#### National Policy

- 2.9 The NPPF encourages the delivery of biodiversity net gain, and this is further supported within Planning Practice Guidance (PPG). The Natural Environment PPG addresses principles across a broad spectrum of topics targeting biodiversity conservation, from individual site and species protection through to the supporting of ecosystem services, and the use of local ecological networks to support the national Nature Recovery

Network. In particular the PPG promotes the delivery of measurable Biodiversity Net Gain through the creation and enhancement of habitats alongside development.

#### Local Policy

- 2.10 Policy DM11 on Nature Conservation of the adopted Eastleigh Borough Local Plan 2016-2036 (**CD4.1**) establishes that the Council will, “seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features of nature conservation interest compatible with the native biodiversity characteristics of the Borough.” In contrast to the forthcoming legal requirements, it does not specify a quantified threshold for biodiversity net gain.

### 3.0 HABITATS REGULATIONS ASSESSMENT

- 3.1 Reasons for Refusal 5 & 7 each concerned the potential for the Appeal Scheme to adversely affect coastal European sites of the Solent; the former in respect of the surface water drainage strategy, and the latter in connection with eutrophication linked to foul water discharges (i.e. the lack of information to demonstrate nutrient neutrality). Accompanying this Statement, I have produced a shadow HRA (CSA/3212/07; **CD6.4**) to assist the Inspector in their consideration of these matters.
- 3.2 Although not forming a reason for refusal, EBC's Statement of Case (**CD12.2**) records at paragraph 7.30 that the Council has now approved an Interim Mitigation Strategy (24th March 2022; **CD5.3**) in respect of the New Forest designations and their vulnerability to recreation pressure.

#### Surface Water Pollution

- 3.3 The Appeal Scheme is situated within the surface water catchment of the Solent and Southampton Water SPA and Ramsar site; positioned within c. 180m at its closest point. Although no direct hydrological connection is present, potential exists in the absence of mitigation for any poor water quality in surface drainage (such as hydrocarbons, oils, grit salts, fertilisers/herbicides/insecticides, etc.) to negatively impact on the designations.
- 3.4 As set out in detail in the HRA, the Appeal Scheme will be implemented in accordance with the provisions of a submitted Flood Risk Assessment and Drainage Strategy (Bright Plan Civils, 2020; **CD1.42**). In their comments of 24 February 2021 (Appendix A) the Ecology Officer Paul Howe MCIEEM supported the strategy, noting that the proposed approach was established as acceptable in a previous application at the Appeal Site (O/17/80319; **CD3**). This stance was reiterated in their further comments of 27 April 2022 (Appendix B) and 23 September 2022 (Appendix C). In their comments of 15 February 2021 (**CD1.47**), the Hampshire County Council Flood and Water Management Team stated that the proposed strategy was "*acceptable in principle.*"
- 3.5 Notwithstanding the Council's support for the proposed surface water treatment strategy, comments received from Natural England on the application (05 February 2021; Appendix D; **CD1.43**) advocated that further cleaning/filtration treatment features/steps be considered, in view of the environmentally sensitive location. In response to these comments, Bright Plan Civils prepared additional information in the form of a Technical Note (2022; **CD6.3**), proposing that additional stages of treatment be built into the strategy. A long-term drainage monitoring and maintenance strategy will be secured by planning condition.

- 3.6 In view of the above, EBC withdrew Reason for Refusal 5 on 27 September 2022. The accompanying HRA demonstrates that the Appeal Scheme will have no adverse effect on the integrity of the Solent and Southampton Water SPA or Ramsar site in relation to surface water quality.

### **Eutrophication**

- 3.7 Foul water discharges from the Appeal Scheme will be treated at the Peel Common WWTW, which itself returns treated effluent to the East Solent System. As is widely understood and set out in detail in the accompanying HRA, development sites located within the fluvial catchment of the Solent are required to demonstrate nutrient neutrality, in order to avoid contributing toward an adverse effect on the integrity of the associated designations. A calculated nutrient budget shows the Appeal Scheme, in the absence of mitigation, would result in a net increase of 48.86kg TN/year entering the water environment.
- 3.8 To provide a strategic approach to mitigation, EBC has implemented a scheme to offset excess nutrient outputs against Council-owned land through the purchase of nutrient credits. However, in their Statement of Case, EBC have indicated that all of their credits are reserved for allocated development sites under the adopted Local Plan. The Appellants have, therefore, secured third party mitigation provided at Whitewool Farm, in the upper Meon Valley, full details of which are provided in the HRA (**CD6.4**).
- 3.9 In light of the above, the HRA demonstrates that the Appeal Scheme will have no adverse effect on the integrity of the Solent and Southampton Water SPA and Ramsar site, or Solent Maritime SAC, as a result of eutrophication linked to foul drainage impacts to water quality. At the time of writing, details of the secured mitigation have been provided to EBC, with it anticipated that Reason for Refusal 7 will be withdrawn prior to the Inquiry.

### **Recreation Pressure**

- 3.10 Recent research into the implications of recreational pressures linked to new residential development on the New Forest designations is summarised in the HRA. This research included a visitor survey, which found that three quarters of visitors to the New Forest had travelled from within 13.8km. The Appeal Site lies approximately 6.1 km from the closest point of the New Forest SAC, SPA and Ramsar site.
- 3.11 Eastleigh Borough Council's 'Interim Mitigation Strategy to address recreation impacts on New Forest protected sites' (**CD5.3**) 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 address the impacts from planned growth across the area. The interim strategy is based on a package of providing Suitable Alternative Natural Greenspace (SANG) within Eastleigh Borough, and securing financial contributions from developers toward Strategic Access Management and Monitoring (SAMM) within the New Forest.

- 3.12 As detailed in the accompanying HRA, the interim strategy currently sets the total contribution required toward SANG and SAMM at £1,161 per dwelling. The 61 unit Appeal Scheme would therefore attract a pre-commencement financial contribution requirement of £70,821 under the approved interim strategy. With these financial contributions secured by planning obligation, it can be determined that the Appeal Scheme will have no adverse effect on the integrity of the New Forest SAC, SPA or Ramsar site.
- 3.13 I acknowledge, however, that Natural England have in their comments of 27 May 2022 highlighted concerns regarding EBC's interim strategy, which can be summarised as a belief that the strategy is not precautionary enough (Appendix E). Natural England and EBC are engaging and seeking to reach agreement on this strategic issue, which concerns all new residential development across the significant majority of Eastleigh (**CD5.4**). In light of the ongoing engagement on this dynamic issue, the actual financial contributions may be higher than those quoted above and in the accompanying HRA.
- 3.14 As last recourse, in the event that the dispute between EBC and Natural England cannot be resolved, a remaining option would be to directly fund strategic mitigation at the New Forest administered by the Natural Park Authority (NPA). This approach has been advocated elsewhere by Natural England (see Appendix J and **CD8.6**) and implemented, for development within 13.8km of the New Forest designations, where the applicable Local Planning Authority has not yet adopted a Natural England approved mitigation strategy.

## 4.0 BIODIVERSITY NET GAIN

4.1 Although not forming a reason for refusal of the application, Ecology Officer Paul Howe MCIEEM lodged a holding objection to the application (24 February 2021) in view of the lack of submitted evidence to demonstrate that the proposed development would secure a biodiversity net gain (Appendix A; **CD1.45**). In response, CSA Environmental have undertaken further work to provide information in relation to the net change in biodiversity units likely to result from the Appeal Scheme. This has included:

- Providing a classification of the type, distinctiveness, condition and strategic significance of baseline habitats.
- Providing a projected classification of the type, distinctiveness, condition and strategic significance of post-development habitats.
- Calculating the gains and losses of biodiversity which could reasonably be expected to result from the Appeal Scheme.

4.2 The methods and results of this work are set out below.

### **Methods**

#### Baseline Habitats

4.3 In the Preliminary Ecological Appraisal (PEA) of the Site undertaken by Ecosupport (2020), the Site was characterised as being dominated by semi-improved grassland which is heavily grazed by horses. These habitats are described in detail in the submitted PEA, and graphically represented in a Habitats Map (**CD1.41**).

4.4 To inform an assessment of biodiversity net gain, an update UK Habitats Classification Survey (UKHabs) and Habitats Condition Assessment (HCA) of the Appeal Site was undertaken by CSA Environmental on 23rd August 2022.

4.5 The pre-development baseline habitat areas were calculated using measurements taken using QGIS software from the Baseline Habitats Plan (Appendix F; CSA/3212/111). Hedgerows were included as linear habitats only.

#### Post-Development Habitats

4.6 Post-development habitats were measured from the Illustrative Landscape Plan (Foreman Homes, 2020), transposed into a Post-Development Habitats Plan (Appendix G; CSA/3212/112). The following reasonable assumptions, relating to the achievement of certain habitat types/conditions post-development, were made:

- Areas of amenity grassland are classified as 'modified grassland' in 'moderate' condition

- Areas of native shrub planting are classified as 'mixed scrub' in 'moderate' condition
  - Areas of proposed wildflower meadows are classified as 'other neutral grassland' in 'moderate' condition
  - Proposed planting of large trees are assumed to achieve 'medium' size and 'poor' condition, whilst proposed planting of street and small/garden trees are assumed to achieve 'small' size and 'poor' condition
  - Areas of ornamental planting are classified as 'vegetated garden'
  - All lengths of proposed formal hedgerow planting outside private front gardens are classified as 'ornamental non-native hedgerow'
- 4.7 I consider these assumptions (which relate to the achievement of certain habitat types/conditions post-development) to represent a suitable balance between ambitious yet realistic target setting.

#### Biodiversity Metric 3.1

- 4.8 The Natural England Biodiversity Metric 3.1 was used to calculate the change in biodiversity units (including 'Habitat' Units and linear 'Hedgerow' Units) and the overall percentage of gain/loss achieved. A copy of the completed metric is provided as Appendix H.

### **Results**

#### Baseline Habitats

- 4.9 During the HCA survey undertaken in August 2022 by CSA Environmental, the habitats on-site were reclassified under the UKHab classification system. The grassland was classified as 'Modified Grassland' (g4) with a very short sward resulting from horse grazing.
- 4.10 A parcel of woodland, described by Ecosupport as 'Broadleaved woodland/treeline' is present to the north of the Appeal Site, with dominant oak *Quercus robur* and ash *Fraxinus excelsior*. Under UKHab, this parcel of woodland was classified as 'Lowland Mixed Deciduous Woodland' (w1f) which is a priority habitat. Toward the eastern end of the woodland it becomes a linear feature, where a treeline forms the northern boundary. A native hedgerow present to the west runs the length of the western boundary and contains hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa*, field maple *Acer campestre* and hazel *Corylus avellana*, with occasional standard oak trees. A short stretch of hawthorn-dominated native hedgerow is also present along the eastern boundary to the north, while single species ornamental hedgerows form partial field boundary features along the rest of the eastern boundary.
- 4.11 The HCA survey classified the modified grassland to be in 'good' condition, on account of the range of species represented, and the absence of scattered scrub, physical damage and invasive non-native

species. The only failed condition criterion related to structural heterogeneity. The northern parcel of woodland, Hedgerows H1 and H2, and Line of Trees TL1 were all found to be in 'moderate' condition. Full results from the HCA survey are provided in Appendix I.

#### Biodiversity Metric 3.1

- 4.12 Based on the Biodiversity Metric 3.1 calculation, the current Illustrative Landscape Plan could be expected to result in a net loss of 12.58 Habitat Units (equating to -59.64%) and an indicated net gain of 0.24 Hedgerow Units (+7.79%).
- 4.13 Calculation of the projected change in Habitat Units resulting from development at the Appeal Site suggest that policy requirements are unlikely to be met on-site. As such, it will be necessary to consider off-site interventions to offset the on-site loss.
- 4.14 Although the projected net gain in Hedgerow Units falls short of the 10% target (at c. 7.8%) I would anticipate that modest and straightforward changes to the soft landscape proposals upon detailed design could readily meet the shortfall.
- 4.15 The on-site net loss of Habitat Units relates specifically to a low distinctiveness habitat type, and there are as such no restrictions on the habitat type which can be used to compensate this loss while satisfying the metrics 'trading rules'. Nevertheless, given on-site losses are primarily attributable to grassland habitat, off-site interventions should ideally target this same broad habitat type.
- 4.16 In order to achieve the targeted 10% net gain in biodiversity, a total of 14.7 Habitat Units will need to be created. At the time of writing, the Appellant is making enquiries with a view to securing the necessary offset within Eastleigh Borough from a dedicated third-party broker. In view of the rapidly developing private market in biodiversity offsets, I would consider that this will be readily achievable, and could be secured through appropriately worded pre-commencement condition.

## 5.0 CONCLUSION

- 5.1 The accompanying shadow HRA sets out all necessary information for it to be ascertained that, with implementation of the proposed measures intended to avoid or reduce adverse effects, the Appeal Scheme will have no adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. Reason for Refusal 5 (surface water drainage) was withdrawn by EBC on 27 September 2022, and it is anticipated that Reason for Refusal 7 (nutrient neutrality) will be withdrawn prior to the Inquiry.
- 5.2 In addition to the matters summarised here-in, the HRA also addresses noise and vibration impacts on overwintering bird populations of the Solent and Southampton Water SPA and Ramsar site, as well as funding of the Solent Recreation Mitigation Strategy. The Appeal Scheme may therefore be permitted without conflict with the provisions of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), or Policy DM11 of the adopted Eastleigh Borough Local Plan 2016-2036.
- 5.3 This conclusion is consistent with that expressed by the Secretary of State, as recorded in the Planning Inspectorate's screening direction letter of 02 September 2022; stating that in consideration of the *"nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby designated sensitive areas as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact."*
- 5.4 Separately, work has been advanced to quantify the projected net change in biodiversity units which would result from construction of the Appeal Scheme. Although the Appeal Scheme will result in a net loss of Habitat Units on-site, these losses are confined to habitats of low distinctiveness. At the time of writing, the Appellant is making enquiries with a view to securing the necessary offset to generate a 10% biodiversity net gain within Eastleigh Borough, which could be secured through appropriately worded pre-commencement condition.

## 6.0 REFERENCES

Baker, J., 2016. *Biodiversity Net Gain: Good practice principles for development*. CIEEM, CIRIA & IEMA.

Bright Plan Civils, 2020. *Flood Risk Assessment and Drainage Strategy*. D1891/FRA1.1, 08 December 2020.

Bright Plan Civils, 2022. *Drainage Consultant Technical Note - September 2022*. D1891, 15 September 2022.

British Standards Institution, 2013. *BS 42020:2013 Biodiversity — Code of practice for planning and development*. London: BSI.

Chartered Institute of Ecology and Environmental Management, 2017. *Guidelines for Ecological Report Writing*. Winchester: CIEEM.

Eastleigh Borough Council, 2022. *Eastleigh Borough Local Plan (2016-2036)*. Adopted April 2022.

Ecosupport, 2020a. Updated Preliminary Ecological Appraisal: Land to the West of Satchell Lane, Hamble. 09 December 2020.

Ecosupport, 2020b. Bat Activity Surveys: Land to the West of Satchell Lane, Hamble. 09 December 2020.

Ministry of Housing, Communities and Local Government, 2021. *National Planning Policy Framework (NPPF)*. London: Ministry of Housing, Communities and Local Government.

Natural England, 2022. *Biodiversity Metric 3.1: Auditing and accounting for biodiversity, Technical Supplement*. Natural England Joint Publication JP039. First published 21 April 2022.

## **Appendix A**

Ecology Officer comments 24 February 2021

## **F/20/89488 LAND AT SATCHELL LANE, HAMBLE-LE-RICE,**

### **Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.**

Thank you for consulting Ecology, my observations are as follows:

#### **General**

The site is located off Satchell Lane and is around 0.5km west of the Hamble Estuary. The estuary comprises a network of statutorily designated sites: Solent Maritime SAC; Solent and Southampton Water SPA and Ramsar; Lee-on-the-Solent to Itchen Estuary and Lincegove and Hackett's Marshes SSSIs. There are numerous locally designated Sites of Importance for Nature Conservation (SINCs) in the local area with Mercury Marshes located around 200m east being the closest.

In addition, the former Hamble Airfield Site is located immediately west of the site boundary and this is listed as a network opportunity (for habitat restoration) as part of the Hampshire Ecological Network Map. The airfield has also been identified as a "Priority Biodiversity Link" in the Eastleigh Biodiversity Action Plan (BAP) 2012-2022 as it is an important link between two priority areas located east and west of the airfield. Opportunities for the application site to contribute to this habitat linking and enhancement should be considered.

#### **Solent Sites Complex**

As previously noted, the site is located within 5.6km of the Solent and Southampton Water SPA and in the absence of mitigation the development will have a significant impact in terms of recreational disturbance. The development will therefore need to make monetary contributions to relevant mitigation scheme secured through a S106 agreement.

#### **Nitrates**

The Solent has recognised problems from nitrate enrichment; high levels of nitrogen from human activity and agricultural sources in the catchment have caused excessive growth of green algae (eutrophication) which is having a detrimental impact upon protected habitats and bird species. Since mid-April 2019 Natural England (NE) has required developers in south Hampshire including the Borough of Eastleigh to quantify the nitrate level of their development and mitigate any increase in nitrates compared to the existing land use. A development must demonstrate how it will ensure for at least 80 years there will be no nitrate loading from the development within the Solent.

Given that the development will result in an increase in housing the scheme will need to enter into an agreement with the council to purchase Nitrate credits as part of the nitrate strategy to ensure the development can achieve nutrient neutrality and that the obligations of the council are met in terms of the Habitats Regulations.

#### **Drainage**

A detailed drainage strategy has been submitted with the application and indicates that surface water runoff from the application site will be managed through permeable paving, two cellular storage tanks and a storage basin. Surface water will be discharged at a rate of 3.5l/s into the public sewer network at the Halyards housing development off Satchell Lane. This is acceptable in principle since the ground investigation showed that infiltration is not feasible at the application site, and in the absence of any nearby watercourse.

The approach detailed here was established as acceptable in the previous application (O/17/80319) process and notwithstanding comments from the Hampshire Flood Team is acceptable here.

### **Site Ecology**

The application is accompanied by an updated (from the previous application) Preliminary Ecology Appraisal (PEA) by ecosupport (December 2020) and an updated Bat Activity Survey report (ecosupport December 2020). Targeted dormouse survey work was also undertaken for the previous application but given the nature of the species and the lack of significant change in the general landscape scale ecology it was not felt necessary to update this work and I agree that this is acceptable. A combination of previous survey work and data held by HBIC also indicates that the site is not currently supporting notable wintering birds including assemblages that may be associated with the Solent and Southampton Water SPA.

The site is predominantly comprised of horse-grazed semi-improved grassland albeit with moderate floral diversity comprising mainly common and widespread species. The boundary features (hedgerows and trees) are also an important feature and are generally retained apart from access. Generally speaking, the site can be considered to have a level of on-site ecology that does not necessarily constrain development on the site.

However, the **NPPF (2019) paragraph 174 (b)** states that plans should “...promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing **measurable net gains** for biodiversity”.

With the recent development of the DEFRA Biodiversity Metric we now have a tool which can quantify the level of enhancement a development will provide. The Environment Bill (which is likely to pass into law later this year) sets a target of a minimum of 10% net gain to be achieved. The PEA and also the Landscape and Environmental Management Plan (LEMP) set out a number of potential enhancements all of which I am supportive of, but they are not quantified.

I also note the comments from the Hampshire Swift Group and I support these. The provision of these nest boxes within the dwellings should be reflected in the Supplementary Design Document and/or the elevation plans indicating where on the proposed dwellings they will be incorporated should permission be granted. These cannot be considered within the framework of the metric but are an important enhancement that should be included.

At this point I would like to place a **holding objection** and request that the DEFRA biodiversity metric is applied, and the calculations submitted to demonstrate that the development will provide a net gain for biodiversity as outlined in the NPPF and draft Local Plan Policy DM11 (Nature Conservation).

I can comment further on the specifics of enhancements, the need for a CEMP and other potential planning conditions that could be applied if the application was to be approved once I have received the additional information requested.

**Paul Howe MCIEEM**

**Ecologist**

**24/02/2021**

## **Appendix B**

Ecology Officer comments 27 April 2022

**F/20/89488 LAND AT SACHELL LANE, HAMBLE-LE-RICE,(APPEAL COMMENTS)**

**Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.**

Thank you for consulting Ecology, my observations are as follows:

**Reason for Refusal 5 (Drainage):**

*Insufficient information has been provided to the Local Planning Authority, as the competent authority, to enable it to determine that a suitable scheme for sustainable urban drainage for the proposed development would be provided which ensures that the hydrological and ecological interests of the Solent Complex are protected, as set out in the Conservation of Habitats and Species Regulations 2017. The application is therefore contrary to the requirements of Saved Policies 25.NC and 45.ES of the Eastleigh Borough Local Plan (2001-2011), Draft Policies DM6, DM8, DM10 & DM26 of the submitted Eastleigh Borough Local Plan (2016–2036) and the provisions of the National Planning Policy Framework.*

I have now reviewed the Appellant's Statement of Case (Foreman Homes, February 2022) and the additional information in relation to Reason for refusal 5. I raised no objection on drainage grounds in my original response given that the principle of the proposed scheme had been accepted at the appeal for the previous application (O/17/80319).

The subsequent concerns raised are centred on technical details of the drainage proposals and a concern about land ownership. The Appellant's Statement of case indicates that a requisition can be approved with Southern Water which will provide the necessary certainty that the technical elements can be delivered in order to provide the agreed drainage strategy.

On this basis I have no further concerns or comments to add regarding the drainage strategy.

**Ecology**

If the Inspector is minded to grant Permission for the proposals, I would recommend that the following ecology conditions (or similar) are applied:

- All ecological measures and/or works shall be carried out in accordance with the recommendations contained in the Preliminary Ecological Appraisal and Bat Activity Surveys (Ecosupport) dated December 2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

- No development shall start until a Biodiversity Enhancement and Mitigation Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. This should incorporate the management prescriptions outlined in the Landscape and Ecological Management Plan (LEMP) (Foreman Homes, December 2020) and will also include specific details of types and locations of bat or bird boxes which will be incorporated into the building and/or the surrounding area and a sensitive lighting scheme. The development shall then be carried out in accordance with the approved details.

Reason - To ensure biodiversity net gain as required by the National Planning Policy Framework.

- No construction work shall start until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the LPA detailing how ecological receptors will be protected during the construction period. Demolition and construction work shall only take place in accordance with the approved details of the CEMP.

Reason: To ensure no adverse impact on biodiversity during the construction process.

**Paul Howe MCIEEM**

**Ecologist**

**27/04/2022**

## **Appendix C**

Ecology Officer comments 23 September 2022

## **Altman, Rebecca**

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**Subject:** FW: Appeal for Land at Satchell Lane, ref. F/20/89488 - 61 dwellings

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**From:** Howe, Paul <Paul.Howe@eastleigh.gov.uk>

**Sent:** 23 September 2022 14:35

**To:** Altman, Rebecca <rebecca.altman@eastleigh.gov.uk>

**Cc:** Morris, Rachael <Rachael.Morris@eastleigh.gov.uk>; Martin, Clare <Clare.Martin@eastleigh.gov.uk>

**Subject:** RE: Appeal for Land at Satchell Lane, ref. F/20/89488 - 61 dwellings

Hi Rebecca,

I have had a look through the additional drainage document provided BCP. My comments remain unchanged, but I will add that I support the additional measures (Filter Strip and permanent channel drain) that are to be included to add a layer of precaution as recommended by NE. I presume these features have been included in a revised drawing that can be conditioned.

My only other comment would be that the wording of the condition requiring a full maintenance and management schedule for the SuDS system should require this to be submitted and agreed before work commences.

Regards

Paul

**Paul Howe**

**Ecologist**

Service Delivery - Specialist Services - Environment

**Ext.: 8233**

## **Appendix D**

Natural England comments 05 February 2021

**From:** [Wilson, Alexander](#)  
**To:** [Planning @ Eastleigh Borough Council](#)  
**Cc:** [Martin, Clare](#)  
**Subject:** Amended NE Response 341371 - F/20/89488 Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.  
**Date:** 05 February 2021 08:54:57  
**Attachments:** [Picture \(Device Independent Bitmap\) 1.jpg](#)

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**Our Ref :** 341371

**Your Ref :** F/20/89488

**Description :** Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.

FAO: Clare Martin

*The previous response contained acknowledgement of an Appropriate Assessment having been received, this was in error, please use this response and delete previous, thank-you*

Dear Sir/Madam,

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 Advice

We consider that without appropriate mitigation this proposal would have a significant effect on: Solent and Southampton Water Special Protection Area (SPA) and Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA, New Forest SPA & Ramsar

#### **Further Information Required**

1. An Appropriate Assessment.
2. Surface Water Drainage - Details of efficacy and long term maintenance of SuDS.
3. Construction Environmental Management Plan (CEMP).

#### Appropriate Assessment Required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e.: the consultation does not include a habitats regulations assessment.

In advising your authority on the requirements relating to the habitats regulations assessment it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

#### Habitats Regulations Assessment – Waste Water Impacts on Solent Sites

Proposals that comprise new development with overnight accommodation will have wastewater implications. It is Natural England's view that these are capable of having a significant effect on designated sites in the Solent that must be addressed as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens. Natural England has prepared a methodology setting out how this can be achieved and this is attached (within the email dated above), for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land. Natural England has advised that your authority set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England is working closely with affected local planning authorities to help address this issue. Natural England can also provide further advice to the applicant on mitigation options under our Discretionary Advice Service.

Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.

Please consult us again once the information requested above, has been provided.

#### Water Quality – surface water drainage

The development is situated within 200m of watercourses feeding into The Solent and Southampton Water SPA & Ramsar. There is potential for poor water quality in surface drainage to negatively impact on these watercourses and the features for which the protected sites are designated (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, garden chemicals such as enriching fertilisers or herbicides/insecticides, household detergents etc.) assessment of this risk.

The offsite discharge will be into an existing surface water sewer, Therefore it is our advice that best practice SuDS are designed in accordance with the requirements in the CIRIA SuDS Manual (C753) for this development. It is noted this provision is included within the Flood Risk Assessment and Drainage Strategy (December, 2020) but It should be noted that Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that ‘an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance’.

Therefore, in line with a precautionary approach in respect of the European site, it is advised further cleaning/filtration treatment features/steps may be required for incorporation into any surface drainage strategy. It is also advised details are provided with regards to the long-term (in perpetuity) maintenance/replacement and funding of SuDS, and which authority will have responsibility for this, for incorporation into your authority’s appropriate assessment.

#### Long Term Strategy Required

We recommend that a long term monitoring and maintenance strategy is submitted to satisfy the competent authority that the SuDS system will operate effectively for the lifetime of the development. Such a 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. Such a plan should be agreed with the local authority.

With regards to the funding of the SuDS, your authority will need to be satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full

delivery of an agreed management and maintenance plan for the 80-125 year period. If a resident service charge is to be applied then your authority will need to be satisfied that the charge is legally robust and ring fenced for the purpose of delivering the agreed management plans. Robust financial arrangements are likely to be needed to avoid any problems with claiming monies or shortfalls in payments etc. Legal step-in rights for your authority may be required where the management plan should fail.

#### Construction Environmental Management Plan (CEMP)

The proposed site is in close proximity to designated areas and surrounding linking habitat, including Solent Waders and Brent Goose site E13. Natural England advises a CEMP should be submitted and approved in writing by the Council's ecologist that identifies the steps and procedures to be implemented to avoid or mitigate construction activity impacts on species and habitats. The CEMP should address the following impacts

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Noise/visual/vibrational impacts

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

#### Recreational disturbance - Special Protection Areas (SPA) within the Solent

This application is within 5.6km of multiple Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Eastleigh Borough Council has 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).

The details of this compliance are best examined within the Appropriate Assessment.

#### Nitrogen Neutrality

The application is supported by a nitrogen budget that sets out the underlying calculations, resulting in a positive nitrogen contribution of TN 48.5 Kg/year (inclusive of 20% buffer).

The means of mitigation and achievement of nutrient neutrality should be examined within the Appropriate Assessment.

#### **Other Advice**

##### Protected Species and Biodiversity Net Gain

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by the Council's Biodiversity Team.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

In order for Eastleigh Borough Council to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d,

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

Biodiversity Mitigation and Enhancement Plan (BMEP)

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

[Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature](#) (2020) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process. Please note that provided the Council's Ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

If you have any queries regarding the advice in this letter please contact me at the number below.

Yours Faithfully

Alex Wilson | Lead Advisor

Natural England

07584 475804

07584 475804

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>. Wash hands. Cover face. Make space.



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## **Appendix E**

Natural England comments 27 May 2022

## Altman, Rebecca

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**From:** Martin, Clare  
**Sent:** 27 May 2022 14:26  
**To:** Altman, Rebecca; Morris, Rachael  
**Subject:** FW: NE Response F/20/89488  
**Attachments:** Amended NE Response 341371 - F/20/89488 Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.

**Categories:** Appeals

**Clare Martin**  
**Senior Planning Officer (Tue to Fri 8.30-16:30)**  
**Ext.: 8256**

---

**From:** Wyatt, Louise <Louise.Wyatt@naturalengland.org.uk>  
**Sent:** 27 May 2022 12:36  
**To:** Martin, Clare <Clare.Martin@eastleigh.gov.uk>  
**Subject:** NE Response F/20/89488

Dear Clare Martin

**F/20/89488 - Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane. Land at Satchell Lane, Hamble-Le-Rice.**

**Our ref: 391329**

Thank you for your consultation on the above planning application appeal and apologies for the delay. Please refer to our previous response dated 5 February 2021, attached for reference. Please do get in touch if you have any further questions.

In addition to our previous response, Natural England would advise on the following issue:

### **Recreational impacts on the New Forest SAC, SPA and Ramsar**

[Recent analysis](#) shows that new residential development within a 13.8km buffer zone of the New Forest designated sites is likely to have a significant effect on the sites via recreational impacts (including disturbance, trampling, eutrophication amongst others), alone and/or in combination with other plans or projects. Larger developments (e.g. EIA development) beyond this zone but within 15km may also contribute to recreational impacts on the designated sites.

This application is situated within the 13.8km zone, and therefore Natural England advise your Habitats Regulations Assessment includes this potential impact pathway for consideration, alone and in combination with other plans/projects, proceeding to appropriate assessment stage where likely significant effects cannot be ruled out. It will need to set out in detail any mitigation measures that will be secured in this case, along with the necessary justification of their likely efficacy so as to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Natural England are aware of 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 suitable 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 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](#).

Kind Regards,

Louise Wyatt  
Sustainable Development Lead Adviser  
Thames Solent Team  
Natural England  
[5th Floor, Northgate House, Valpy Street, Reading, RG1 1AF](#)

<http://www.gov.uk/natural-england>



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## **Appendix F**

BNG Baseline Habitats Plan



-  Survey area
-  Native hedgerow
-  Ornamental non-native hedgerow
-  Line of trees
-  Modified grassland
-  Lowland mixed deciduous woodland



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<b>Project</b>	Satchell Lane, Hamble	<b>Date</b>	August 2022	<b>Drawing No.</b>	CSA/3212/111
<b>Drawing Title</b>	Baseline Habitats Plan	<b>Scale</b>	Refer to scale	<b>Rev</b>	-
<b>Client</b>	Foreman Homes	<b>Drawn</b>	JVG	<b>Checked</b>	MR

## **Appendix G**

BNG Post Development Habitats Plan



- Survey area
- Ornamental non-native hedgerow
- Line of trees
- Native hedgerow
- Native hedgerow with trees
- Medium tree
- Small tree
- Modified grassland
- Lowland mixed deciduous woodland
- Developed land; sealed surface
- Other neutral grassland
- Mixed scrub
- SuDS feature
- Vegetated garden



<b>Project</b>	Satchell Lane, Hamble	<b>Date</b>	August 2022	<b>Drawing No.</b>	CSA/3212/112
<b>Drawing Title</b>	Post-Development Habitats Plan	<b>Scale</b>	Refer to scale	<b>Rev</b>	-
<b>Client</b>	Foreman Homes	<b>Drawn</b>	JVG	<b>Checked</b>	MR

## **Appendix H**

Biodiversity Metric

*(Please find accompanying)*

## **Appendix I**

### Habitat Condition Assessment

Habitat Condition Sheet: **GRASSLAND – LOW DISTINCTIVENESS**

<b>Condition Assessment Criteria</b>		<b>Pass? (Y/N)</b>
1	There must be 6-8 species per m2. Note - if a grassland has 9 or more species per m2 it should be classified as a medium distinctiveness grassland habitat type. <b>NB - this criterion is non-negotiable for achieving moderate condition.</b>	Y
2	Sward height is varied (at least 20% of the sward is less than 7cm and at least 20 per cent is more than 7cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.	N
3	Some scattered scrub (including bramble) may be present, but scrub accounts for less than 20% of total grassland area. Note - patches of shrubs with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.	Y
4	Physical damage evident in less than 5% of total grassland area, such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities.	Y
5	Cover of bare ground between 1% and 10%, including localised areas, for example, rabbit warrens.	Y
6	Cover of bracken less than 20%.	Y
7	There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981).	Y
<b>Condition Assessment Result</b>		<b>Good</b>

Habitat Condition Sheet: **WOODLAND**

Condition Assessment Criteria					Score per indicator
Indicator		Good (3 points)	Moderate (2 points)	Poor (1 point)	Habitat Ref.
					W1
1	Age distribution of trees <sup>1</sup>	Three age classes present	Two age classes present	One age class present	3
2	Wild, domestic and feral herbivore damage	No significant browsing damage evident in woodland <sup>2</sup>	Evidence of significant browsing pressure is present in 40% or less of whole woodland	Evidence of significant browsing pressure is present in 40% or more of whole woodland	3
3	Invasive plant species <sup>3</sup>	No invasive species present in woodland	Rhododendron or laurel not present, other invasive species <10% cover	Rhododendron or laurel present, or other invasive species >10% cover	1
4	Number of native tree species	Five or more native tree or shrub species found across woodland parcel	Three to four native tree or shrub species found across woodland parcel	None to two native tree or shrub species across woodland parcel	3
5	Cover of native tree and shrub species	>80% of canopy trees and >80% of understory shrubs are native	50-80% of canopy trees and 50-80% of understory shrubs are native	<50% of canopy trees and <50% of understory shrubs are native	3
6	Open space within woodland <sup>4</sup>	10 – 20% of woodland has areas of temporary open space, unless woodland is <10ha in which case lower threshold of 10% does not apply	21- 40% of woodland has areas of temporary open space	More than 40% of woodland has areas of temporary open space	3
7	Woodland regeneration <sup>5</sup>	All three classes present in woodland; trees 4-7cm dbh, saplings and seedlings or advanced coppice regrowth	One or two classes only present in woodland	No classes or coppice regrowth present in woodland	2
8	Tree health	Tree mortality less than 10%, no pests or diseases and no crown dieback	11% to 25% mortality and/or crown dieback or low risk pest or disease present	Greater than 25% tree mortality and or any high-risk pest or disease present	2
9	Vegetation and ground flora	Ancient woodland flora indicators present	Recognisable NVC plant community present	No recognisable NVC community	3
10	Woodland vertical structure <sup>6</sup>	Three or more storeys across all survey plots or a complex woodland	Two storeys across all survey plots	One or less storey across all survey plots	3
11	Veteran trees <sup>7</sup>	Two or more veteran trees per hectare	One veteran tree per hectare	No veteran trees present in woodland	2
12	Amount of deadwood	50% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	Between 25% and 50% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	Less than 25% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	1

13	Woodland disturbance <sup>8</sup>	No nutrient enrichment or damaged ground evident	Less than 1 hectare in total of nutrient enrichment across woodland area and/or less than 20% of woodland area has damaged ground	More than 1 hectare of nutrient enrichment and/or more than 20% of woodland area has damaged ground	2
<b>Total score (out of a possible 39)</b>					<b>31</b>
<b>Condition Assessment Result</b>					<b>Moderate</b>
Total score >32 (33 to 39)	Good (3)				
Total score 26 to 32	Moderate (2)				
Total score <26 (13 to 25)	Poor (1)				
<b>Notes</b>					
<p><b>Footnote 1</b> - See EWBG method INDICATOR 1 for more information. If tree species is not a birch, cherry or Sorbus: 0 – 20 years (Young); 21 - 150 years (Intermediate); and &gt;150 years (Old). A recognisable age class should be a consistent recognisable layer across the woodland or stand being assessed. Presence of a few saplings would not indicate that the woodland has an 'age class' of young trees.</p> <p><b>Footnote 2</b> - See EWBG method INDICATOR 2 for more information. Browsing pressure is considered to be significant where &gt;20% of vegetation visible within each survey plot shows damage from any type of browsing pressure listed.</p> <p><b>Footnote 3</b> - See EWBG method INDICATOR 3 for more information. Check for presence of the following invasive non-native species: American skunk cabbage <i>Lysichiton americanus</i>; Himalayan balsam <i>Impatiens glandulifera</i>; Japanese knotweed <i>Fallopia japonica</i>; Cherry Laurel <i>Prunus laurocerasus</i>; Shallon <i>Gaultheria shallon</i>; Snowberry <i>Symphoricarpos albus</i>; Variegated yellow archangel <i>Lamium galeobdolon subsp. argentatum</i>; and Rhododendron <i>Rhododendron ponticum</i>.</p> <p><b>Footnote 4</b> - See EWBG method INDICATOR 6 for more information. Open space within woodland in this context is temporary open space in which trees can be expected to regenerate (e.g., glades, rides, footpaths, areas of clear-fell). This differs from permanent open space where tree regeneration is not possible or desirable (e.g., tarmac, buildings, rivers). Area is at least 10m wide with less than 20% covered by shrubs or trees.</p> <p><b>Footnote 5</b> - See EWBG method INDICATOR 8 for more information. This indicator measures regeneration potential of the woodland by considering three classes: seedlings; saplings; and young trees of 4-7 cm DBH. All three classes would fall in the 'young' category of the 'age distribution of trees' indicator, the regeneration indicator is gathers additional information by considering regeneration potential i.e., if seedlings, saplings and young trees are all present that means natural regeneration processes are happening.</p> <p><b>Footnote 6</b> - This indicator is looking at structural diversity and is useful to understand in conjunction with the age of trees in a woodland. Vertical structure is defined as the number of canopy storeys present. Possible storey values are: 1) Upper; 2) Complex: recorded when the stand is composed of multiple tree heights that cannot easily be stratified into broad height bands (such as upper, middle or lower); 3) Middle; 4) Lower; and 5) Shrub layer.</p> <p><b>Footnote 7</b>- See EWBG method INDICATOR 12 for more information. All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value. Veteran trees can be classified if they have four out of the five following features: 1. Rot sites associated with wounds which are decaying &gt;400 cm<sup>2</sup>; 2. Holes and water pockets in the trunk and mature crown &gt;5 cm diameter; 3. Dead branches or stems &gt;15 cm diameter; 4. Any hollowing in the trunk or major limbs; 5. Fruit bodies of fungi known to cause wood decay.</p> <p><b>Footnote 8</b> - See EWBG method INDICATOR 15 for more information. Examples of disturbance are: significant nutrient enrichment; soil compaction from trampling, machinery or animal poaching; litter.</p>					

Habitat Condition Sheet: **LINE OF TREES**

Condition Assessment Criteria		Pass? (Y/N)
		Ref.
		TL1
1	More than 70% of trees are native species.	Y
2	Tree canopy is predominantly continuous with gaps in canopy cover making up <10% of total area and no individual gap being >5m wide.	Y
3	Includes one or more mature or veteran tree.	Y
4	There is an undisturbed naturally vegetated strip of at least 6m on both sides to protect the line of trees from farming and other anthropogenic operations.	N
5	At least 95% of the trees are in a healthy condition (excluding veteran features valuable for wildlife). There is little or no evidence of an adverse impact on tree health by damage from livestock or wild animals, pests or diseases, or human activity.	N
<b>Condition Assessment Result</b>		<b>Moderate</b>
<b>Notes</b>		
<p><b>Footnote 1</b> – A mature tree in this context is one that is at least 2/3 expected fully mature height for the species.</p> <p><b>Footnote 2</b> – All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value. Veteran trees can be classified if they have four out of the five following features:</p> <ol style="list-style-type: none"> <li>1. Rot sites associated with wounds which are decaying &gt;400cm<sup>2</sup>;</li> <li>2. Holes and water pockets in the trunk and mature crown &gt;5cm diameter;</li> <li>3. Dead branches or stems &gt;15cm diameter;</li> <li>4. Any hollowing in the trunk or major limbs;</li> <li>5. Fruit bodies of fungi known to cause wood decay.</li> </ol>		

Habitat Condition Sheet: **HEDGEROW**

Condition Assessment Criteria					
A series of ten attributes, representing key physical characteristics, are used for this assessment. The attributes, and the minimum criteria for achieving a favourable condition in each, are defined. The attributes use similar favourable condition criteria to the Hedgerow Survey Handbook and the handbook is the recommended source of reference for assessing individual hedgerow attributes.					
Hedgerow favourable condition attributes				Pass? (Y/N)	
Attributes and functional groupings (A, B, C, D & E)*	Criteria (the minimum requirements for 'favourable condition')	Description	Hedgerow Ref.		
Core groups - applicable to all hedgerow types				H1	H2
A1.	>1.5m average height along length	The average height of woody growth estimated from base of stem to the top of shoots, excluding any bank beneath the hedgerow, any gaps or isolated trees. Newly laid or coppiced hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice). A newly planted hedgerow does not pass this criterion (unless it is >1.5m height).	Y	Y	
A2.	>1.5m average width along length	The average width of woody growth estimated at the widest point of the canopy, excluding gaps and isolated trees. Outgrowths (e.g. blackthorn suckers) are only included in the width estimate when they >0.5m in height. Laid, coppiced, cut and newly planted hedgerows are indicative of good management and pass this criterion	Y	N	
B1.	Gap between ground and base of canopy <0.5m for >90% of length (unless 'line of trees')	This is the vertical gappiness of the woody component of the hedgerow, and its distance from the ground to the lowest leafy growth. Certain exceptions to this criterion are acceptable (see page 65 of the Hedgerow Survey Handbook).	Y	Y	
B2.	Canopy gaps make up <10% of total length and No canopy gaps >5m	This is the horizontal gappiness of the woody component of the hedgerow. Gaps are complete breaks in the woody canopy (no matter how small). Access points and gates contribute to the overall gappiness, but are not subject to the >5m criterion (as this is the typical size of a gate).	N	N	
C1.	>1m width of undisturbed ground with perennial herbaceous vegetation for >90% of length: - measured from outer edge of hedgerow, and - is present on one side of the hedge (at least)	This is the horizontal gappiness of the woody component of the hedgerow. Gaps are complete breaks in the woody canopy (no matter how small). Access points and gates contribute to the overall gappiness, but are not subject to the >5m criterion (as this is the typical size of a gate).	N	N	
C2.	Plant species indicative of nutrient enrichment of soils dominate <20% cover of the area of undisturbed ground	The indicator species used are nettles ( <i>Urtica</i> spp.), cleavers ( <i>Galium aparine</i> ) and docks ( <i>Rumex</i> spp.). Their presence, either singly or together, should not exceed the 20% cover threshold.	Y	Y	
D1.	>90% of the hedgerow and undisturbed ground is free of invasive non-native and neophyte species	Neophytes are plants that have naturalised in the UK since AD 1500. For information on neophytes see the JNCC website and for information on invasive non-native species see the GB Non-Native Secretariat website.	Y	Y	
D2.	>90% of the hedgerow or undisturbed ground is free of damage caused by human activities	This criterion addresses damaging activities that may have led to or lead to deterioration in other attributes. This could include evidence of pollution, piles of manure or rubble, or inappropriate management practices (e.g. excessive hedge cutting).	Y	Y	
Additional group - applicable to hedgerows with trees only					

E1.	At least one mature tree per 30m stretch of hedgerow. A mature tree is one that is at least 2/3 expected fully mature height for the species.	This criterion addresses if there are sufficient mature trees (within the scope of planning timescales) which are of higher value to biodiversity.	N	
E2.	At least 95% of hedgerow trees are in a healthy condition (excluding veteran features valuable for wildlife). There is little or no evidence of an adverse impact on tree health by damage from livestock or wild animals, pests or diseases, or human activity.	This criterion identifies if the trees are subject to damage which compromises the survival and health of the individual specimens.	Y	
<b>Condition Assessment Result</b>			<b>Moderate</b>	<b>Moderate</b>
<b>Notes</b>				
<b>Footnote 1</b> - Species considered undesirable for this habitat type include: creeping thistle <i>Cirsium arvense</i> , common nettle <i>Urtica dioica</i> , cherry laurel <i>Prunus laurocerasus</i> , snowberry <i>Symphoricarpos</i> spp., buddleia <i>Buddleja</i> spp., cotoneaster <i>Cotoneaster</i> spp., Spanish bluebell <i>Hyacinthoides hispanica</i> (or hybrids).				

## **Appendix J**

Natural England comments on P/21/1211/OA

Date: 31 August 2021  
Our ref: 364387  
Your ref: P/21/1211/OA



Peter Kneen  
Fareham Borough Council

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

**BY EMAIL ONLY**

T 0300 060 3900

Dear Peter,

**Planning consultation:** Outline Application for Up To 180 Dwellings (South Of Oakcroft Lane) & Ecological Enhancement Area (North Of Oakcroft Lane), All Matters Reserved Except Access  
**Location:** Land East of Crofton Cemetery West of Peak Lane Stubbington Fareham

Thank you for your consultation on the above dated 13 August 2021 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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on the New Forest SPA, SAC and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An assessment of New Forest recreational impacts with details of suitable mitigation
- An updated Monitoring and Management Plan for the proposed Enhanced Ecological Area (EEA)
- A Construction Environmental Management Plan (CEMP)

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

## **Additional Information required**

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

## **New Forest Recreational Impacts**

As recently raised in our response to the Fareham local plan, [recent research and analysis](#) by Footprint Ecology (a national leader in this area of expertise) identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the site.

This development site falls within the 13.8km zone and we consider it is likely to contribute to recreational impacts on the sites in-combination with other development coming forward across the area. It is advised your authority's appropriate assessment is updated to include an in-combination assessment of the development with other plans/projects either within the authority area or in neighbouring areas. Competent authorities will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims.

The resultant recommendations from the recent research highlight that a package of mitigation measures will resolve the issues presented by housing growth in the area, but this will require a 'strategic, proportionate, and co-ordinated approach, [through] partnership working across a range of local authorities and stakeholders'. Natural England are committed to working with affected local authorities to develop a strategic approach to addressing recreational impacts from new development on the New Forest designated sites.

Until such a strategic approach is adopted it is advised at this time that alternative and appropriate mitigation measures are sought to address impacts on the protected sites. It is considered that a financial contribution, based on a robust and agreed methodology, directed towards measures at the designated sites e.g. via the New Forest National Park Authority's Habitat Mitigation Scheme, is a means that will enable the Authority to deliver site specific mitigation measures on behalf of the applicant. Such an approach would provide a certain and robust means to addressing the effects of recreational disturbance via direct measures at the protected sites. Some detail on how this money will be used as part of the Scheme is advised to ensure you as competent authority can be satisfied the recreational impact from this development will be appropriately addressed and secured in perpetuity. Natural England would be happy to advise further via our Discretionary Advice Service (DAS).

## **Nutrient Budget**

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). 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 concerns with regard to the nutrient budget.

This budget calculates a negative nitrogen burden, and therefore no further mitigation measures are proposed.

Within the nutrient budget calculation, the N loading rate of 5kgTN/ha/yr has been applied for the proposed EEA, in alignment with Natural England's suggested rate for public open space. It is understood that public access to this area will be prohibited and therefore it is advised that effective access/management measures are imposed at the site to dissuade any unauthorised use of the site, particularly for dog walking which may affect the nutrient loading of the site. It is advised that habitat management for the purposes of nutrient mitigation should prohibit the use of fertilisers, ploughing or subsoiling. Any future proposal to change the management, such as the introduction of grazing, would require consideration of nutrient loading for the site and consultation with Natural England should be sought.

It is advised the water consumption value used within the nutrient calculation of 110 L/person/day is appropriately secured with any granting of permission.

### **SPA Functionally Linked Land**

Section 7 of the Ecological Management Plan by Ecosa, dated July 2021, sets out detail with regard to the monitoring of the mitigation delivery for the first 10 years. As the EEA forms mitigation to address impacts on European sites, including SPA functionally linked land and nutrients, it is Natural England's advice that a longer-term management and monitoring strategy will be required over the lifetime of the development, i.e. in perpetuity (usually 80-125 years).

It is understood that following the establishment of the Ecological Enhancement Area it is proposed that the land will be transferred to Fareham Borough Council for long-term management. "A commuted sum will be provided to Fareham Borough Council for the management of the land for the first 20 years pre-construction with the following 80 years being managed out of Fareham Borough Council's maintenance budget... The exact sum associated with the delivery of the Ecological Management will be secured as part of the Section 106 agreement attached to any planning consent." Ecosa Shadow HRA, July 2021. This position was agreed with Natural England as part of the previous planning application at the site (P/20/0522/FP).

The mitigation area will need to be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed. We advise these the mitigation land is implemented prior to commencement.

We advise that the above details are included in the Appropriate Assessment and appropriately secured with any planning approval.

### **Recreational disturbance - Solent Special Protected Areas (SPAs)**

This application is within 5.6km of the Solent and Southampton Water Special Protection Area and may lead to an increase in residential accommodation through additional bedrooms in the construction of the new dwellings. Natural England is aware that Fareham 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.

### **Surface Water Drainage**

It is understood the development is likely to drain into Crofton Ditch, which flows into Titchfield Haven Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), approximately 500m downstream. Titchfield Haven also forms part of the Solent and Southampton Water SPA. There is potential for poor water quality in surface drainage to negatively impact on these watercourses and the features for which the protected sites are designated (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, garden chemicals such as enriching fertilisers or herbicides/insecticides, household detergents etc.).

Therefore it is our advice that best practice SuDS are designed in accordance with the requirements in the CIRIA SuDS Manual (C753) for this development. It should be noted that Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

This application is supported by a Flood Risk Assessment and Development Drainage Strategy by MJA Consulting, dated 9<sup>th</sup> June 2021. This outlines a number of SuDs components including:

- Deep trap gullies and Beanie kerbs for development roads
- Permeable paving for driveways
- A cellular attenuation tank
- Main attenuation basin with permanently wet area

It is noted that roof runoff will discharge to the main piped system. Driveways and parking areas will be constructed using a permeable block paving or traditional deep trapped gullies discharging into a permeable type stone sub base which will facilitate the removal of urban pollutants prior to discharging downstream to the main drainage system.

The above document includes a SuDs management and maintenance plan (dated 13<sup>th</sup> March 2019). The competent authority should satisfy itself that this plan will enable the SuDS system to operate effectively for the lifetime of the development. Also that the strategy details appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development, with consideration given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary. This plan should be agreed with the local authority.

With regards to the funding of the SuDS, your authority will need to be satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full delivery of an agreed management and maintenance plan for the 80-125 year period. If a resident service charge is to be applied then your authority will need to be satisfied that the charge is legally robust and ring fenced for the purpose of delivering the agreed management plans. Robust financial arrangements are likely to be needed to avoid any problems with claiming monies or shortfalls in payments etc. Legal step-in rights for your authority may be required where the management plan should fail.

### **Construction Environment Management Plan (CEMP)**

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should include the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal

- Noise/visual/vibrational/lighting impacts

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

With regards to the adjacent SWBGS Secondary support site 'F17C', it is advised an appropriately worded condition is attached to any permission:

- Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat.

### **Sites of Special Scientific Interest**

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 applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Mary Andrew  
Sustainable Development Lead Adviser  
Natural England- Thames Solent 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 in order to respect 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](#)<sup>1</sup> 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 SSSI 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 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 [here](#)<sup>2</sup>. 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](#).

## Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175, 179 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:

- Providing a new footpath through the new development to link into existing rights of way.
- 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.

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

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **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 other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 100 and 174 of the NPPF highlights 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](http://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](#).



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