

Date: 31 October 2022
Our ref: 405659
Your ref: F/20/89500



Dawn Errington
Eastleigh Borough Council

BY EMAIL ONLY

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Dear Dawn

Planning consultation: Erection of 381 residential units with public open space, hard and soft landscape works, internal roads, footway/cycleways, associated parking spaces, substation, SuDS and associated infrastructure (This application is subject to Environmental Impact Assessment).
Location: Land west of Burnetts Lane, Eastleigh, SO30 2HH

Thank you for your consultation on the above dated 30 August 2022 which was received by Natural England on the same date.

Natural England have also provided a response to the associated Outline application for the wider development (planning ref O/20/89498), which is relevant to the current Phase 1 application and so applies here.

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

OBJECTION

Natural England objects to this proposal.

As submitted we consider it will have an adverse effect on the integrity of Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar, Chichester and Langstone Harbours SPA and Ramsar, Solent Maritime Special Area of Conservation (SAC), River Itchen SAC, New Forest SPA and Ramsar site and The New Forest SAC.

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

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an Appropriate Assessment (AA) of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is **not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advise that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

Recreational impacts on the New Forest SAC, SPA and Ramsar

It is noted the applicant proposes to mitigate the recreational impacts on the New Forest designated sites from additional population deriving from this development by providing 12.8ha of SANG through new enhancements to the Itchen Valley Country Park, plus a financial contribution towards Eastleigh Borough Council's Interim Mitigation Strategy to address residual recreational impacts on the New Forest designated sites.

Natural England understands this strategy was approved at a cabinet committee meeting in March 2022, to last for 5 years up to March 2027, while cross-boundary partnership work with other affected local authorities and Natural England progresses the development of a longer term, strategic, proportionate, and co-ordinated approach to suitably address the impacts from planned growth across the area.

Natural England have serious concerns with various elements of the interim strategy, including the reduced provision of Suitable Alternative Natural Greenspace (SANG), the lack of information on increasing visitor capacity at the Itchen Valley Country Park 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 Itchen Valley Country Park (IVCP) and agreed measures, and an accompanying monitoring strategy. Without this information, we advise it is not currently possible to conclude no adverse effects on the integrity of the New Forest designated sites.

Additionally, information on how impacts on ancient woodland from increased access will be avoided and/or mitigated at the proposed SANG site should be provided to demonstrate alignment with requirements in the National Planning Policy Framework regarding irreplaceable habitat and Natural England's [standing advice on ancient woodland, ancient trees and veteran trees](#).

Deterioration of the water environment - River Itchen SAC and Solent coastal Habitats sites

On 16 March 2022 we wrote to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. This included new advice that the impact on phosphorus on the River Itchen SAC will need addressing by new residential development within the Itchen catchment. An updated nutrient budget calculator for the Solent was released on 20 April 2022.

Nitrogen Budget

We note a bespoke approach has been taken to ascertain the land use nitrogen (N) leaching rates of the development. The remainder of the nutrient budget calculations have been undertaken in line with the updated Natural England methodology. The budget calculates the total annual nitrogen load to mitigate for the first residential parcel will be 807.6 kg TN/year.

The Nutrient Neutrality Study (Hilson Moran, May 2022) applies bespoke modelling using the Farmscoper tool to ascertain accurate N leaching rates from the current land uses across the development site. We understand this approach has been reviewed and endorsed by ADAS, the developers of the Farmscoper tool. Provided Eastleigh Borough Council, as competent authority, have confidence in the accuracy of the input values used within the modelling and that the overall approach remains suitably precautionary, we raise no concerns over this aspect.

Phosphorus budget

We note that the phosphorus (P) budget for this application has been calculated in line with the updated Nutrient Neutrality Methodology. The budget calculates the total annual phosphorus load to mitigate for the first residential parcel will be 32.8 kg TP/year. 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.

Mitigation

Natural England recommend that further information is provided to ensure the necessary confidence that the mitigation scheme will be effective in neutralising the development's P and N budgets, particularly where it relies on nutrient removal from SuDS. Please refer to advice outlined within our response to the outline application O/20/89498 for further details.

Sediment Load discharge into the River Itchen SAC

It is noted that consideration of surface water run-off during both the construction and operational phases has been included within the Habitats Regulations Assessment to assess deterioration in water quality as a result of discharges from the site. We note that the sediment loading from the site into the water environment is considered to significantly reduce as a result of the development, but the assessment acknowledges that sediment will still occur within surface runoff during construction and operational phases, and mitigation is proposed in the form of CEMP measures and a SuDS scheme to address impacts from the construction and operational phases respectively.

A Construction Environmental Management Plan (CEMP) has been produced by Briony Mitchell (EBC), V0.4 5th October 2022 for the first residential parcel. The CEMP outlines measures to address impacts from sediment run off. It is noted these measures have been agreed by the council's ecologist.

We advise that, for the purposes of the HRA, details of the management of SuDS will need to be provided up front that considers the monitoring, maintenance and securing of corrective measures as necessary. It should also outline the necessary funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. Please refer to advice (SuDS monitoring and maintenance) outlined within our response to the outline application O/20/89498 for further details.

Air Quality

The River Itchen SAC and SSSI and Moorgreen Meadows SSSI have been assessed for potential impacts from aerial pollutants, which could be emitted during the construction and operational phases of the wider development. Air quality impacts have been screened out for this phase of the development alone.

Please refer to advice outlined in our response for the outline application for further details.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km of the Solent and Southampton Water Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Eastleigh Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European 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.

Sites of Special Scientific Interest (SSSIs)

The above impacts on Habitats sites (SAC/SPA) may also impact SSSIs. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07881 467880 or louise.wyatt@naturalengland.org.uk

Yours sincerely

Louise Wyatt
Sustainable Development Lead Adviser
Thames Solent Team, Natural England

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and 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](#)². 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](#).

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

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

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- 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.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

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).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

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 highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).