

Date: 03 February 2020  
Our ref: 303109  
Your ref: APP/19/01101



FAO – Daphne Haywood

**BY EMAIL ONLY**

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Dear Daphne

**Planning consultation:** APP/19/01101 Hybrid planning application comprising; full planning application for the erection of 130 dwellings with the creation of new access onto College Road, landscape, drainage, car parking and associated works; and outline planning application for up to 650 dwellings, community and nursery facility (use class D1 and D2), retail unit (use class A1), public open space, landscaping, diversion of public right of way and associated works and infrastructure]

**Location:** Land East Of, College Road, Campdown, Purbrook, Waterlooville

Thank you for your consultation on the above dated 05 December 2019 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

### OBJECTION

**Natural England objects to this proposal.** As submitted we consider it will:

- have an adverse effect on the integrity of the Chichester and Langstone Harbours Special Protection Area and Ramsar site.

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

We have reached this view for the following reason:

- *A loss of supporting habitat for qualifying features of the Chichester and Langstone Harbours SPA and Ramsar site.*

The site is identified as a Primary Support Area in the Solent Waders and Brent Goose Strategy (sites H02A, H106, H125, H113) with records of brent geese, curlew and lapwing. As this land is frequently used by SPA species (including qualifying features), it supports the functionality and integrity of the designated sites for these features. This land will contribute to the achievement of the SPA's conservation objectives and is therefore protected in this context. This land supports the ecological network by providing alternative foraging sites for qualifying features.

The aim of the Solent Waders and Brent Goose Strategy (SWBGS) is to achieve the long-term protection of the wider brent goose and wader network of sites. A [guidance document](#) has been prepared to provide further information on the opportunities for offsetting and the criteria that need to be met on case by case basis.

The approach for offsetting is to ensure that the continued ecological function of the waders and brent goose sites is maintained and enhanced i.e. ensuring that there are significant net benefits to the wader and brent goose ecological network through the creation and on-going management of replacement (offsetting) sites.

The development site regularly supports brent geese (records of a maximum of 300 brent geese on H125) and regular records of in excess of 100 curlew, which is over 5% of the SPA population (records of a maximum of 133 curlew on H02A). It is understood that the area to be lost is 26.6 hectares which is in a rural setting with very limited disturbance. This is one of the most important sites identified within the SWBGS for curlew.

The preferred approach of the SWBGS is for development to be located outside the network of sites. Natural England strongly advises that the impacts to the supporting habitat are avoided in the first instance. This is especially relevant in this case given the importance of this site for curlew and brent geese.

If avoidance is not possible, any offsetting area provided should be suitable for at least the number of brent geese and waders recorded on the site in terms of habitat type, area, disturbance, timing and availability of habitat and geographical location. There is a requirement for the offsetting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds. It is Natural England's view that this may be extremely difficult to achieve in this case.

Natural England has serious concerns about the appropriateness of the proposed offsetting site - Broadmarsh Coastal site - to replicate and enhance the ecological function of the proposed development site. Our areas of concern include its size, habitat type and levels of existing disturbance.

Limited information has been provided on the size of the offsetting area. The Havant Local Plan Biodiversity Strategy stated that the Broadmarsh Coastal Area included a core area of 1.3 ha and the potential to extend into a wider site area of 3.6 ha, although this part is currently used for informal recreation. The proposed offsetting site is significantly smaller than the area to be lost and, given the size, it is Natural England's view that it is unlikely to replace the ecological function of the existing supporting habitat. The function of the offsetting area is potentially further compromised by existing recreational pressure.

There have been no records of curlew using the Broadmarsh Coastal Park site. No evidence has been provided that the habitat type could be suitable. We strongly recommend that robust evidence is provided to support whether the proposed offsetting site can replicate and enhance the ecological function of the existing site. We advise that this includes creating appropriate foraging conditions at the offsetting site and monitoring to evidence whether the offsetting site is used by curlew and whether it fulfils the same function.

It is Natural England's view that it may be possible to create appropriate conditions at Broadmarsh Coastal Park for brent geese, although the capacity is very dependent on the design and availability of land given existing recreational pressure. Natural England therefore recommends that further evidence needs to be provided to support this approach.

The timing and availability of any offsetting habitat is critical given the importance of this site for curlews and brent geese. Essentially, the offsetting site needs to be 'in time' to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site. It is Natural England's view that any

proposed offsetting site needs to be supported by evidence on the appropriateness of the size, habitat type and levels of existing disturbance, with evidence that it is functioning and effective in advance of any loss.

It is our advice that with a very significant reduction in housing numbers at the site, there may be potential for impacts to be minimised through an on-site nature reserve. Natural England would be happy to discuss the size, location and management of an on-site reserve through our charged advice service. We advise that the on-site area is managed specifically for the waders and geese, ideally as a nature reserve owned or leased by LPA or NGO partner (or similar stable management body such as Land Trust) in perpetuity and legally secured through a costed management and monitoring plan.

We would also be happy to discuss alternative offsetting sites through our charged advice service. However, it is Natural England's initial view that this may be extremely difficult given the special function of the existing site.

## **Further information required – objection**

### ***Deterioration of the water environment***

With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC) due to the increase in waste water from the new housing. 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 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.

### ***Biodiversity Mitigation and Enhancement Plan***

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 your retained ecologist.

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 your authority 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 your retained ecologist, prior to determination.

It is our advice that this includes a consideration of the botanical interest of the grasslands at the site, hedgerows and trees. The site is within a Bechstein's bat area of search and further consideration needs to be given to this issue as well as impact to other bat species. Further consideration also needs to be given to the impact of the proposals on hazel dormice.

In the first instance, impacts should be avoided, then mitigated and as a last resort compensation should be secured. Considering the constraints at the site, it is Natural England's view that a thorough mitigation strategy will be required and we advise that it may be difficult to achieve net biodiversity gain from this development.

### **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.

### **Other advice**

### ***Construction Environmental Management Plan***

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 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.

### ***Sustainable Urban Drainage Systems***

Natural England advise that best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

The pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. 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'.

### ***Soils and Land Quality***

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 170 and 171 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises agricultural land, including 26.6 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system), and the majority will be irreversibly lost.
2. Government policy is set out in Paragraph 170 and 171 of the National Planning Policy Framework which states that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

*And*

*Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>1</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*

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<sup>1</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

3. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as landscaping and allotments and public open space etc). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.
4. Consequently, we advise that if the development proceeds, 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 the different soils on site. Detailed guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) (including accompanying [Toolbox Talks](#)) and we recommend that this is followed.

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 07717808691.

Yours sincerely

Rachel Jones  
Natural England Thames Solent Team