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Our ref: 449397
Your ref: APP/22/00837



Ms Arleta Miszewska
Havant Borough Council

BY EMAIL ONLY

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Dear Arleta

Planning consultation: Amended Erection of a 64 bed care home (within Use Class C2) and 6No. dwellings (within Use Class C3) with associated works including access, parking and landscaping
Location: Land at Cowplain School, Hart Plain Avenue, Waterloooville

Thank you for your consultation on the above dated 08 September 2023 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 designated sites in the Solent, including the Chichester and Langstone Special Protection Area (SPA) through increased visitor numbers. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further consideration of recreational impacts on the Solent SPAs with details of suitable mitigation proposals as necessary

The above information should inform an updated Habitats Regulations Assessment (HRA).

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

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and

Habitats Regulations 2017 (as amended), dated 7 September 2023. 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 advises 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 disturbance on the Solent SPAs

The proposed development comprises the development of a 64-bed care home and the erection of 6 new dwellings. The development site is located within an area where a net increase in population is likely add to in-combination effects from recreational disturbance impacts at the Solent SPAs

Proposed care home

Your appropriate assessment outlines that the proposed care home will be dual-registered so that it can deliver both nursing and residential care and will enable the delivery of dementia-specific care if appropriate. Your assessment further explains that overall the residents will receive very high end of life full time care and are not anticipated to leave the home to visit the SPA that is approximately 2km from the application site. It is our view that your assessment has not been in line with the precautionary principle as is required under the Habitats Regulations as amended (2017), and that further assessment is required.

We would advise that if the development will be open to anyone who may be able to recreate on the Chichester and Langstone SPA, then we would expect full mitigation contributions towards the Solent Recreation Mitigation Partnership (SRMP). It would be assumed that residents are of a mobility level to visit the SPA particularly if residents are in self-contained accommodation and can therefore live reasonably independently, even if there is a level of care required. In these cases avoidance and mitigation would be required. It's worth noting that partners living with individuals who have care needs might also be able to recreate on the SPA.

If the residents are all of a very high care need, and the development is specifically for residents requiring full time nursing care, then it may be the case that residents are never likely to visit the SPA, then mitigation or avoidance would not be required. If so, the layout of the proposal would be expected to reflect this care need and strict planning conditions would be required for the property, including that the care home is used by persons of restricted mobility and this is confirmed by GP referrals. Other considerations would include parking restrictions.

As the proposed care home will be dual-registered so that it can deliver both nursing and residential care for its residents, it is our understanding that the proposed development will be able to provide accommodation to a combination of residents that require either nursing care or residential care. Adopting the precautionary principle, we are of the view that a proportion of the residents will stay at the care home and only require residential care which indicates they have a level of mobility that enables them to access the SPA.

In some instances it may be possible to calculate a reduced mitigation contribution to the SRMP that is proportionate to the percentage of residents receiving only residential care once the care home is fully occupied. However, these are matters for the Competent Authority and Natural England's

advice is to take a precautionary approach that recognises the uncertainty.

Proposed 6 dwellings

This application is within 5.6km of Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Havant 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 the mitigation measures proposed for the 6 dwellings.

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.

Deterioration of the water environment

The proposed development will be served by Budds Farm Wastewater Treatment Works. If this situation should change, the nutrient budget will need to be recalculated to inform an updated HRA.

This application is supported by the Nitrogen Balancing Assessment (TetraTech) and its associated nutrient budget that has been calculated in line with Natural England's latest guidance on nutrient neutrality. The nutrient budget calculates for the proposed care home will result in an additional load of 27.1kg Total Nitrogen (TN)/year discharging to the Solent designated sites. An additional nutrient budget for Plot 2 (Appendix C) calculates the proposed 6 dwellings will result in a load of 7.11 kg TN/year discharging to the Solent designated sites.

Bespoke occupancy figure

We note that an alternative occupancy figure has been used in the nutrient calculation based on the Council's Occupancy Calculator. Please note that the Natural England Solent Nutrient Budget Calculator uses a default value for the number of residents per dwelling of 2.4, reflecting the national average from Office of National Statistics (ONS) data. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. However please note, unless there is a clear justification for them to differ, such rates would need to be applied consistently in line with other policy requirements/approaches used in relation to the scheme (e.g. for calculating open space requirements). These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Mitigation

To offset the positive nutrient load arising from the proposed development, financial contributions will be directed towards the Whitewool Wetland strategic scheme for nutrient mitigation in the Solent catchment. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Nationally Designated Sites of Special Scientific Interest (SSSIs)

Some of the above impacts may also affect 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.

Other Advice

In addition Natural England provide further advice on the following matters.

Water Resources

Natural England encourages all new development to adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances. We recommend this figure is appropriately secured with any granting of planning permission.

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

If you have any queries relating to the advice in this letter please contact me on 07787 251418.

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

Georgie Findlay
Sustainable Development Lead Adviser
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 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.

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 are 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 on [Gov.uk](#). 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](#).

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:

- Restoring a neglected hedgerow.

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

- 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 4.0](#) 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 4.0](#) and is designed for use where certain criteria are met.

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 4.0](#) and is available as a beta test version.

[Green Infrastructure](#)

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

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 urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 100 and 174 of the NPPF highlight the importance 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](#).