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Your ref: APP/22/00837



Arleta Miszewska
New Forest National Park Authority

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BY EMAIL ONLY

Dear Arleta,

Planning consultation: Updated HRA and NN calcs. 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, Waterlooville

Thank you for your consultation on the above dated 23 October 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

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the designated sites in the Solent, including the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) through excess nutrient loads and increased recreational disturbance.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Appropriate contributions towards the Solent Recreation Mitigation Strategy are secured, as is set out in the Appropriate Assessment
- Nutrient mitigation as set out in the supporting documents is secured to fully offset the nutrient burden arising from this development
- That the use of the proposed care home property is limited to that of C2 care home;
- The care home shall not be occupied other than by persons of limited mobility and who require full time nursing.
- Car parking will be restricted exclusively to staff and visitors only, and not able to be accessed by members of the public
- There is no self-contained staff accommodation;

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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 of the proposal issued in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended), dated 20 October 2023. Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment (HRA) process.

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

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

Natural England note that Havant Borough Council are assured the care home residents are all of a very high care need, and the development is specifically for residents requiring full time nursing care, therefore to your authority are satisfied that the care home residents are never likely to visit the SPA. Evidence has been submitted to Natural England to show that the layout of the proposal reflects this level of care need and that no self-contained units for fulltime, onsite staff have been proposed. We advise that strict planning conditions would be required for the property, including that the care home will remain as C2 use class and used by persons of restricted mobility in perpetuity. The car parking provision for the propose care home, in accordance with Havant Borough Council's standards, do not account for any care parking provision for the care home residents.

Based on the evidence submitted to Natural England on 17 October 2023, it is our view that your appropriate assessment has considered the potential for the proposed care home development to contribute in-combination adverse effects on the Solent SPAs through increased visits to the coast. Where you, as the competent authority, are satisfied the proposed avoidance measures are suitably precautionary and can be appropriately secured and delivered in perpetuity, Natural England raises no further comments on this aspect of the proposals.

Proposed 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 (SSSI)

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 consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

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

Should the proposal change, please consult us again.

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.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. It is anticipated that major development (defined in the [NPPF glossary](#)) will be required by law to deliver a biodiversity gain of at least 10% from January 2024 and that this requirement will be extended to smaller scale development in April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found [here](#). Further general information on biodiversity net gain can be found [here](#).

The Government's [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for

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

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 the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. 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 the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance](#).

[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](#).

