

Date: 24 August 2023
Our ref: 443315
Your ref: APP/23/00488



Arleta Miszewska
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BY EMAIL ONLY

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Dear Arleta

Planning consultation: Application for mixed use residential development comprising 628 dwellings, community centre, allotments, public open space including play areas, new junction to College Road, related internal access road, footways and cycleways, pumping station and drainage basins

Location: Land East Of College Road, Purbrook, Waterloooville

Thank you for your consultation on the above dated 24 July 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

OBJECTION

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

- have an adverse effect on the integrity of 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 reasons:

- *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 contributes 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 and high tide roost 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. Guidance on the off-setting and mitigation requirements can be found [here](#), this provides further information on the opportunities for

offsetting and the criteria that need to be met on case by case basis. Securing early commitment to this mitigation will ensure the potential significant effects have been addressed.

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 26.75 hectares which is in a rural setting with very limited disturbance. This is one of the most important sites identified within the SWBGS network 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.

Mitigation proposals

As mitigation it is proposed to create a permanent bird refuge at Northney Farm on Hayling Island, approximately 4.9km to the south-east of the application site, the sites proposed are identified as H59A, a Core Area, H59B a Secondary Support Area and H59C an SPA site in the Solent Wader and Brent Goose Strategy. Limited information has been provided regarding the offsetting area, included its size, evidence of use by curlew and proposed habitat management.

The Environment Statement sets out that further details about the mitigation package will be provided. This extra information will aim to:

- Provide details about the design and implementation of long-term sea defences to safeguard the reserve;
- Secure long-term access management to maintain low levels of disturbance;
- Secure long-term management to maintain habitat suitability;
- Provide long-term benefits to public awareness and education;
- Provide long-term monitoring of the mitigation.

Your authority is advised that 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.

The SWBGS mitigation guidance sets out that to offset the loss of Primary Support Areas, as would be the case in this instance, there will be 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.

Notwithstanding the present lack of detail provided with regards to the mitigation proposals, Natural England has serious concerns about the appropriateness of the proposed offsetting site to replicate and enhance the ecological function of the proposed development site. Our concerns relate to the siting of the mitigation partially within the SPA (which cannot be used for mitigation), its size, and impacts to Chichester & Langstone Harbours SPA from coastal squeeze.

Siting within SPA - Objection

H59C forms part of the Chichester and Langstone Harbours SPA and Ramsar site. Natural England advises that this cannot be used as mitigation for development. As per the current legal precedent

set by the ['T.C. Briels and Others v Minister van Infrastructuur en Milieu \(C-521/12\)'](#) CJEU ruling, any proposal to create new habitat in the boundary of a Habitat site to specifically 'mitigate' loss of SAC or SPA habitat should (with regard to HRA) be treated as a compensatory measure and accordingly requires assessment through the derogations tests. This also applies to loss of SPA functionally land linked, any proposals to create habitat within the SPA should be treated as compensation and proceed to the derogation tests.

Size

The remaining proposed mitigation fields H59A and H59B total 8.81ha, therefore the proposed offsetting site is significantly smaller than the area to be lost and, given the size, it is Natural England's view that in its current form it is unlikely to replace the ecological function of the existing supporting habitat.

We therefore advise that the mitigation will need to deliver a refuge which is much closer in size to the site to be lost, the mitigation will need to demonstrate that it will fulfil the same ecological function as the site to be lost.

Impacts to Chichester & Langstone Harbours SPA and SSSI

In addition, Natural England raises concerns regarding impacts of sea level rise on the proposed refuge and compatibility with the emerging Hayling Island Coastal Strategy.

The [Condition Review of Chichester Harbour SSSI](#) (February 2021) classified the SSSI as 'Unfavourable declining' due to the impacts of coastal risk management and coastal squeeze. The report identified the need to;

- "Remove barriers to coastal change caused from inappropriate coastal management including coastal squeeze, which are resulting in saltmarsh erosion and interrupting sediment supply"

Therefore should the mitigation measures involve sea defences or similar measures these should be considered in light of the above.

This stretch of coastline (ODU3 within the Shoreline Management Plan) is identified as 'hold the line' in the short term with adapting to the tide by managed realignment in the long term. It is understood the hold the line status is not supported by any allocation of public funding. The residual lifetime of the existing sea defences is stated as typically <10 years without maintenance, with the intention to adapt to the tide by exploring a more sustainable defence alignment into the future. This results in uncertainty that the site would retain suitable habitat for curlew and brent geese into the long term.

Additionally, Northney Farm is also identified as a priority area for habitat creation for the Regional Habitat Compensation Programme (RHCP). Any mitigation scheme for Campdown at Northney Farm would need to confirm that the land will not also be used for the RHCP. Detailed maps would be needed to confirm location and site areas for each scheme.

Any application for consent to repair or replace coastal defences is unlikely to be given permission as sea defences are known to be impacting on the Chichester & Langstone Harbours SPA qualifying features through coastal squeeze. We would draw your attention to NE's refusal of SSSI consent for repairs to sea defences within Chichester Harbour SSSI at Colner Creek on these grounds, which was reaffirmed by the Secretary of State at appeal (28th October 2022). For this reason we would also likely not support construction of bunds at Northney Farm.

This leaves uncertainty as to the in-perpetuity viability of a bird refuge at this location which has not been addressed in the Environmental Statement. Based on the above points it is our view that a refuge at Northney Farm is unlikely to be an appropriate location and is not compatible with coastal management policy.

We have previously engaged with the developers as regards this complex site through our Discretionary Advice Service (DAS). Should the mitigation proposals significantly change we would

be happy to continue our engagement through this service as appropriate prior to the statutory consultation stage.

It is our advice that with a 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 management body such as Land Trust) in perpetuity and legally secured through a costed management and monitoring plan.

Further information required:

Deterioration of the water environment

The application is supported by a nutrient balancing assessment (TetraTech June 2023) which sets out the proposals will result in a positive nitrogen budget of 777.72Kg/TN/yr.

The local planning authority, as competent authority, should be satisfied that the assumptions used in the calculation in relation to site areas and existing agricultural land use classification are correct, and that evidence has been provided on this basis.

The competent authority will need to be assured that the future open space will be managed as such and there will be no additional inputs of nutrients or fertilisers onto this land for the duration of the development. Appropriate conditions or other legal measures may be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs in the long term. It is therefore recommended that the 3 kg/ha/yr rate applies to areas of designated open space on-site. These sites will also need long term management to ensure the provision of dog bins and that these are regularly emptied.

As mitigation it is proposed to purchase credits from a suitable mitigation scheme for the East Hampshire Rivers catchment, however details have not yet been provided.

We advise that details of the mitigation need to be confirmed by the Council, as the competent authority, via an Appropriate Assessment (AA) to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species 2017 (as amended). The AA should include details of the scheme from which credits have been purchased.

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.

Surface water drainage

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

Please note, 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'.

The detailed design of a Sustainable Drainage System (SuDS) should be submitted and agreed with Havant Borough Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no deterioration in water quality [or changes in water quantity] in discharges from the site. Information on the long term management and maintenance (including funding) of the SuDS for the lifetime of the development should also be secured prior to the commencement of any works.

Soils

The application documents do not include an assessment of soils.

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#).

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.

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.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area 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.

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. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

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 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

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

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.
- 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 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](#).