

Date: 19 December 2020
Our ref: 334144,334145,334146
Your ref: APP/20/00990, 51680/001, APP/20/00991



Lewis Oliver, Havant Borough Council

BY EMAIL ONLY

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Dear Lewis

Planning consultation: 5168/001, APP/20/00990, 51680/001 Hybrid application seeking: Full Planning permission for Development of a reservoir for raw water storage. control house, construction of a visitor centre / café etc APP/20/00991 | Outline application for development of a new pipeline to transfer water from Bedhampton Springs to fill the reservoir

Location: Havant Thicket, adjacent to Sir George Staunton Country Park, Reservoir and Pipe Line, Middle Park Way, Havant

Thank you for your consultation on the above dated 16 November 2020 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

As submitted, the application will lead to a significant loss of irreplaceable habitat.

Paragraph 175c of the NPPF states that :

175. When determining planning applications, local planning authorities should apply the following principle:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Natural England recommends that the local planning authority fully explores the “wholly exceptional reasons” relevant to this case and that it ensures the application avoids impacts, reduces ('mitigates') impacts and compensates as a last resort.

Further information is sought on:

- alternative options considered for the design of the access roads
- clarification of measures identified in the outline compensation and mitigation strategy and in relation to the outline pipeline application.

- a mitigation approach to address in-combination impacts on the favourable conservation status of Bechstein's bat that hibernate in Singleton and Cocking Tunnels Special Area of Conservation.

Please re-consult Natural England once this information has been obtained.

Loss of irreplaceable habitat

The proposed development will lead to a loss of 12.45 hectares of ancient woodland including 3 blocks of designated ancient semi-natural woodland (The Avenue, Middle Clearing and Round Wood) and part of a plantation on ancient woodland site (Corsican Pine Plantation). It is noted that 17 veteran trees will be lost from The Avenue. This is a relic of an ancient pasture woodland complex and has good surviving elements of that complex. The management history of Middle Clearing and Round Wood is one of significant intervention, of clearances and replanting, plus grazing and fragmentation in an impermeable arable landscape. The survey evidence is in accordance with disturbed woodlands of ancient origin.

Ancient woodland takes hundreds of years to establish and is defined, along with ancient and veteran trees, as an irreplaceable habitat. It is important for its wildlife (which include rare and threatened species), soils, recreational value and cultural, historical and landscape value. It is any area that has been wooded continuously since at least 1600 AD. 'Wooded continuously' does not mean there's been a continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands. A woodland in poor condition can be improved with good management. Where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal.

In line with NPPF paragraph 175c your authority you should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:

- there are wholly exceptional reasons
- and
- there is a suitable compensation strategy in place.

Your consideration of the scheme should ensure that both criteria can be satisfied. Consequently you should not consider the proposed compensation measures as part of your assessment of the merits of the wholly exception reasons that justify the proposed development.

Alternatives and wholly exceptional reasons for reservoir project

Natural England expects the local planning authority to be fully satisfied that there are wholly exceptional reasons for the need for the reservoir project and that alternative projects to deliver water resource solutions have been fully explored.

Water shortages are forecast to be most acute in the South and South East of England, and there is an urgent need for Southern Water to plug the gap between supply and demand, and to end the use of drought permits and orders by the end of 2027, except for the most extreme drought events. Southern Water currently has drought orders and permits in place on the River Itchen Special Area of Conservation (SAC) and River Test Site of Special Scientific Interest (SSSI) until 2027. The Drought orders and permits are temporary solutions to prevent a deficit in dry weather and drought but they also cannot avoid an adverse effect on integrity of the River Itchen SAC and significant harm to the River Test SSSI. Natural England fully supports the need to act to prevent harm to these nationally and internationally important chalk rivers.

Southern Water predicts a future deficit which was listed originally as 146 ML/d but is changing as modelling evolves. With this project, Portsmouth Water will provide an additional 21ML/d of water to Southern Water from the scheme proposed in the published Water Resources Management Plan. Additional water made available by the scheme will form at least 14% of the resources required to meet the forecast deficit.

Further strategic work is needed by Southern Water to bring forward a long term water resource solution and address the remaining significant deficit (up to 86%) and to alleviate the impacts from abstraction on protected chalk streams.

In addition to the published transfer we are aware that the Havant Thicket reservoir forms part of a number of other potential solutions for a long term water resources solution for the western area of Hampshire and the Isle of Wight. For example, it is one of four options that has been put forward by Southern Water to receive additional funding from Ofwat to further investigate feasibility for raw water transfer of up to 61 ML/d which now forms the majority of the modelled deficit. Ofwat has requested confirmation that this project will be progressed *as a collaboration between Portsmouth Water and Southern Water*. Until this has been confirmed, there is uncertainty whether additional funding will be released to explore this option further, which is the first stage of the project's progression.

Whilst significant work is needed to determine the outcome of the RAPID (Regulators' Alliance for Progressing Infrastructure Development) programme, understanding the nature of the role that Havant Thicket reservoir could play in delivering a larger proportion of the long term solution and whether there is a commitment from relevant parties to bring that forward, is, in our view, an important aspect of the decision making in this case.

It is Natural England's view that the local planning authority fully explores the need and role of the current project within the long term plan for strategic water resources for the region. The project's potential role as part of the long term solution and its comparative impacts compared to other alternative schemes should also be considered where the local planning authority is satisfied that future collaboration and commitment is deliverable by key partners.

Given the relatively large scale of irreplaceable habitat that will be lost to the scheme, it is particularly important to understand this context in order to confirm if wholly exceptional circumstances have been met in this case.

Alternative locations for reservoir and design options

It is noted that the alternative site assessment has identified Havant Thicket as the preferred location for the reservoir and reservoir design has been determined by a separate alternatives assessment. While Natural England has no reason to doubt these assessments we advise that the local planning authority satisfies itself that the alternative site location assessment and alternative reservoir design option have been fully considered and assessed by the applicant.

In addition to the reservoir itself, the application is also for a visitor centre, car park and access roads. Damage to ancient woodland should always be avoided in the first instance. Natural England seeks further clarification on the alternative routes and design considerations available for the access routes to the visitor centre so that it can be demonstrated that the loss of irreplaceable habitats has been kept to an absolute minimum.

The northern access road is routed along an existing woodland management access track through ancient woodland. It is noted that the footprint of the existing track has been excluded from the calculated figures of ancient woodland loss given that part of the track is already present in this location. However, utilising this route as the main access track to the visitor centre and construction route will result in further ancient woodland loss and associated impacts. This is in addition to the loss associated with the footprint of the reservoir. Natural England is aware alternative access options have been considered that would undoubtedly reduce harm to the ancient woodland.

Natural England therefore strongly recommends that these alternatives are explored further by Portsmouth Water and local planning authorities to ensure that loss of irreplaceable habitat is minimised. In accepting the further harm associated with the proposed access route your authority should be satisfied that all alternative options that would reduce harm to the ancient woodland have been fully explored with key land owners.

Similarly we are concerned with impacts to remaining ancient woodland from the southern access road from encroachment into ancient woodland buffer zones. A buffer zone of at least 15 metres is necessary to avoid root damage. A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. The planning application documentation states that a 15 metre buffer from the remaining ancient woodland will be met, where practicable. Natural England recommends that further design considerations are considered to ensure that a buffer of at least 15 metres is fully met for the southern access road. For example, can sections of the road be narrowed with passing places to avoid impacts at the critical sections. You should also be assured that there are no other viable access options that would further minimise direct and indirect impacts to remaining ancient woodland.

Mitigation and compensation strategy

An outline mitigation and compensation strategy has been developed by the applicant to address the loss of irreplaceable habitat and to address the impacts arising from the project on habitats and species. In addition to the loss of ancient woodland, there will be direct and indirect impacts to European and nationally protected species as well as wider biodiversity impacts from the loss of 130 ha of semi-improved grassland, loss of 3.7 km of ephemeral streams with notable species, impacts to SINCs and priority habitats and species.

Natural England has welcomed the extensive pre-application engagement with Portsmouth Water during the development of the Environmental Statement for the proposals. This has allowed the scope of the ecological surveys completed to be agreed, along with the principles and scope of the necessary biodiversity mitigation and compensation strategy. In our view the submitted strategy will help to create, restore, enhance and monitor/study priority habitats at a landscape scale, which if fully realised will contribute significantly to the local Nature Recovery Network. Providing the LPA are satisfied that there are no alternative access road design options that would result in less damage to and loss of ancient woodland, Natural England is also satisfied that provided the mitigation and compensation strategy is secured and fully implemented the scheme will have delivered a suitable compensation strategy for the loss of irreplaceable habitats in the context of NPPF paragraph 175c. Further, we are satisfied that the survey effort and mitigation measures proposed for European and Nationally protected species are appropriate. On this basis, in relation to European Protected Species your authority may be satisfied that the proposals provide sufficient measures to ensure that the test in Regulation 55 (9)(b) of The Conservation of Habitats & Species Regulations 2017 is capable of being met.

Natural England, however, requires the following elements of the mitigation and compensation strategy to be clarified prior to determination and fully secured by any permission

- 1) The strategy includes up to 52 hectares of habitat creation / restoration within the application site and adjacent Havant Thicket woodland.

The detailed mitigation and compensation strategy should include details of the extent and locality of the habitat creation and restoration to be completed by the scheme along with an agreed timetable for the works.

A long term costed management and monitoring plan should be progressed for this element that should include the mitigation measures needed to cover the impact of the development

and to mitigate the increased recreational pressure on the sensitive habitats and species that will arise from the future use of the reservoir site.

It is our understanding that a memorandum of understanding has been signed by key parties. Natural England requires confirmation that the long term management for the reservoir site and wider mitigation area is agreed by a tripartite agreement, or other mechanism, between key land owners - Portsmouth Water, Forestry England and Hampshire Council prior to determination that ensures this element of the mitigation and compensation strategy can be delivered in full.

- 2) Creation of 80 hectares of new wood pasture through a partnership with Hampshire and Isle of Wight Wildlife Trust (HIWWT).

It is understood that a partnership between Portsmouth Water and HIWWT will be developed to deliver a minimum of 80 hectares of wood pasture. Natural England welcomes this commitment. However, if a partnership with HIWWT is not possible then alternative partnerships should be explored (eg LPA, or alternative NGO partner). Alternatively this element of the wood pasture / woodland creation strategy should be delivered directly by Portsmouth Water.

The location is subject to land availability and still to be confirmed. However, key principles and timetable for delivery should be agreed and secured by any permission. The principles should ensure the area(s) of wood pasture creation is maximised in suitably connected locations to not only address the loss of woodland associated with the project, but also to maximise benefits to protected species affected by the proposal, especially Bechstein's bats.

Given that these measures are required due to the irreplaceable loss of ancient woodland, agreements should be secured to ensure this land will be appropriately managed for the lifetime of the development.

- 3) Up to 72 hectares of habitat restoration in Southleigh Forest.

A detailed restoration plan for Southleigh Forest should be submitted and agreed by the local planning authority, Natural England and Forestry Commission. An appropriate timetable for the restoration works should also be agreed so as to avoid excessive disturbance to the area's bat communities.

A long term management plan is also required prior to determination to ensure that, once restored, the land is managed as deciduous ancient woodland for the duration of the scheme. Confirmation of the restoration and long term management organisation / partner is also required prior to determination.

- 4) Detailed European and other protected species mitigation strategies to be agreed with Natural England and the County Ecologist to include mitigation and compensation measures for bats, hazel dormice, great crested newts (if necessary), reptiles, etc to inform the planning application decision and future licence applications.
- 5) It is noted that to address the loss of 3.7km of ephemeral streams, a package of compensation and enhancement is being developed and progressed with the Environment Agency and Portsmouth Water. Natural England would expect this emerging strategy to be fully agreed and secured by any permission.

- 6) A mitigation and compensation package for the loss of grassland includes on-site measures and the provision of 20 hectares of neutral grassland off-site in partnership with HIWWT (para 3.5.2). It is understood that this forms part of the 80 hectares of wood pasture but further confirmation of this is requested.

Further details of the location and long term management to be submitted and secured.

- 7) The outline mitigation and compensation strategy refers to the reuse of deadwood and top-soil on site. The appropriate reuse of these materials is a key part of the mitigation and compensation strategy for the loss of ancient woodlands. Natural England recommends that a deadwood and salvage conservation project is progressed that fully maximises opportunities to deliver projects that reuse the oak and maximises the use deadwood and top-soil in retained woodland on-site and adjacent woodlands. The aim should be to create deadwood habitats derived from the scheme of county significance within the locality with the agreed measures secured by any permission.
- 8) Natural England welcomes the capital grants scheme proposed to provide funding to study and enhance biodiversity locally.

Further details should be confirmed of the proposed start date, amount and fund duration. Given that the project will result in a permanent loss of irreplaceable habitat, it is Natural England's view that the fund should be required to deliver for the full operational lifetime of the project.

It is understood that this is to fund biodiversity enhancements to improve ecological networks and corridors and a biodiversity strategy for the area's Bechstein's bat population to include support for research and monitoring. We advise that early discussions are held with key land owners and stakeholders eg local wildlife groups, farmer clusters / other land owners, local planning authorities, to scope out projects that can secure wider gains for wildlife.

Impacts from the pipeline

It is noted that further detailed design will be undertaken in relation to the pipeline route. A number of SINC's will potentially be affected during construction. All development proposals should follow the mitigation hierarchy to avoid impacts in the first instance, then ensure impacts are adequately mitigated for or, as a last resort, compensation should be considered. Natural England recommends that the detailed design is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by your retained ecologist.

Given that there is a risk that even with mitigation and restoration works, potential impacts to habitats within the SINC's may not be fully addressed following construction. We recommend that the applicant ensures that the biodiversity value of the SINC's are enhanced following the project through supporting habitat improvement projects at the SINC, or associated funds for improved management in consultation with the County Ecologist.

Further details on these mitigation and compensation measures are requested to ensure the impacts from the pipeline route have been appropriately addressed.

Habitats regulations assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The shadow appropriate assessment (AA) 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 the following mitigation measures are appropriately secured in any planning permission given.

The shadow AA includes detailed measures to address water quality degradation through mobilisation of sediment and pollution during construction. These detailed measures should be secured with any planning permission.

The shadow AA assesses the loss of Bechstein's bat foraging habitat within the reservoir site and potential effects on the favourable conservation status of Bechstein's bat that hibernate in Singleton and Cocking Tunnels Special Area of Conservation. Detailed measures are included in relation to the timing of the works, proposals for site clearance and management of impacts during construction. These measures should be secured with any planning permission.

It is accepted that significant mitigation is coming forward as part of the reservoir proposal and we agree that this would address the alone impacts from this project. We welcome that the in-combination effect of the reservoir application and other plans and projects coming forward in local plans has also been considered. The shadow AA recognises that incremental losses from in-combination plans and applications may have occurred to date. These losses have occurred prior to the detailed, more strategic survey work that has been undertaken at Havant Thicket, which adds to the evidence base. The emerging work identifies the importance of the wider landscape for Bechstein's bats.

Given the landscape change that will result from the new reservoir and set in the context of significant development growth that is coming forward in East Hampshire and Havant's local plans, it is Natural England's view that in-combination impacts would be best addressed by a strategic mitigation approach. It is welcomed that Portsmouth Water has started to engage with wider landowners and nearby developers. However, in order to progress a strategic mitigation approach, we advise that a steering group with key stakeholders, local planning authorities, county ecologists is set up and a Bechstein's bat protocol / SPD is progressed with local planning authorities. We are aware of similar approaches being taken in Trowbridge by Wiltshire Council to inform strategic planning growth.

It is Natural England's view that a Bechstein's Bat protocol would help address the uncertainty about the impact of the reservoir project in combination with the significant development growth coming forward in this area on the Bechstein's bat population in this area and that this is an important mitigation tool in order for the reservoir and other planned and future strategic growth to proceed in a timely manner. It is our view that the framework for the strategic mitigation approach should be included within the AA with an agreed timetable for the development and adoption of the strategy.

Given the evidence base that has been developed for the Havant Thicket Reservoir project, Portsmouth Water may be best placed to lead on a bat protocol in association with wider stakeholders, thereby ensuring that future in-combination impacts will be addressed and that the continued ecological function of the wider landscape is retained and can be enhanced to fully support the local Bechstein's bat population. We recommend that this is discussed further with the local planning authority as to the best way forward to deliver this strategic mitigation approach.

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 as set out in the Environmental Statement, in addition to other measures raised during the planning application process.

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.

Biodiversity net gain

The proposal will result in the loss irreplaceable habitat. Therefore, biodiversity net gain cannot be achieved in relation to this habitat and we note that this has been excluded from the assessment. Natural England welcomes the biodiversity net gain assessment that has been completed for this other habitat loss associated with the proposals. It is noted that the full biodiversity net gain assessment is available on request. Please can this be issued to Natural England separately. The tables in the outline mitigation and compensation strategy are difficult to read.

Landscape

Paragraph 170 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 in order to respect 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.

Nitrogen neutrality

It is noted that Portsmouth Water has undertaken a separate report to examine whether the reservoir will deliver a nitrogen reduction to the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. Natural England agrees with the principle of this nitrogen reduction proposal. It is understood that Portsmouth Water has commissioned consultants to peer review the assessment. Natural England's specialists will also review the reports in due course and provide further advice on nitrogen credit capacity in due course.

If you have any queries relating to the advice in this letter please contact me on 07717808691.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Rachel Jones
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Natural England, Thames Solent Team