

Date: 28th October 2020
Our ref: 330926
Your ref: APP/19/00768



Lesley Wells
Havant Borough Council

Customer Services
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Dear Lesley,

Consultation: APP/19/00768 HRA & Appropriate Assessment & Nitrogen Budget - Erection of 16 new dwellings with associated access, parking and open space. Land to rear of 15-17 Horndean Road, Emsworth, PO10 7PT

Thank you for your consultation on the above dated 15th October 2020 which was received by Natural England on the same day.

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.

NO OBJECTION SUBJECT TO MITIGATION

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Water quality – nutrients

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Thornham WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long-term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment, competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Water Quality – surface drainage

The watercourse to the west of the proposed site drains to the Solent Maritime SAC and Chichester and Langstone Harbour SPA & Ramsar. There is potential for poor water quality in surface drainage to negatively impact on these watercourses and the features for which the protected sites are designated (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, garden chemicals such as enriching fertilisers or herbicides/insecticides, household detergents etc.) assessment of this risk.

Therefore, it is our advice that best practice SuDS are designed in accordance with the requirements in the CIRIA SuDS Manual (C753) for this development. It should be noted that 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'.

Therefore, in line with a precautionary approach in respect of the European site, it is advised further cleaning/filtration treatment features/steps may be required for incorporation into any surface drainage strategy. It is also advised details are provided with regards to the long-term (in perpetuity) maintenance/replacement and funding of SuDS, and which authority will have responsibility for this, for incorporation into your authority's appropriate assessment.

Recreational disturbance – Solent Special Protection Areas (SPAs)

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has 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). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy,

(outlined within the HRA & AA dated 14/10/2020) Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and would have no objection to this aspect of the application.

In addition, Natural England would give the following advice:

Site of Importance to Nature Conservation (SINC)

It is noted that the application boundary on the supporting site plans extends significantly into Land West of Emsworth Recreation Ground SINC which supports semi-improved grasslands with significant elements of relic unimproved grassland habitat.

An assessment should be made to consider the specific impacts of the proposals on the SINC, and whether these can be avoided or mitigated. A comprehensive compensation package will be required for any loss or damage that cannot be otherwise addressed.

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, which has been agreed by a Hampshire County Council (HCC) Ecologist in order to ensure the requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118 are to be met. Further, you should be aware that Section 40 of the Natural Environment and Rural Communities Act (2006) provides a duty to conserve and enhance biodiversity stating that, 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

Construction and Environmental Management Plan

Natural England recommends that the application is supported by a Construction and Environmental Management Plan (CEMP), or equivalent, which has been agreed by a Hampshire County Council (HCC) The CEMP should address the following impacts/actions :

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse
- Waste disposal
- Noise/visual/vibrational impacts
- Combined effects

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.

For queries relating to this letter please feel free to contact me at the number below.

Yours sincerely,

Alex Wilson
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Thames Solent Team
Sustainable Development