

Your ref - APP/20/00455 HRA & Appropriate Assessment - Outline (with all matters reserved except for access) for the construction of up to 56 dwellings, open space, landscaping, access, the demolition of 149 Lovedean Lane & associated works (part of application site within Havant Borough Council). Land at Cottage Farm, 149 Lovedean Lane, Waterloooville

Thank you for consulting us on the above application.

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.

Deterioration of the water environment

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). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment 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.

With regard to deterioration of the water environment , the supporting nitrogen budget calculation sets out that the proposals will result in a positive nitrogen contribution of 47.713 Kg/N/year.

It is noted that the approach to address the positive nitrogen budget for this development is to offset against creation of an additional 6ha of open space/SANG. As you are aware, 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. To ensure it is effective mitigation, any scheme for neutralising nitrogen must be certain at the time of the appropriate assessment so that no reasonable scientific doubt remains as the effects of the development on the international sites. This will need consideration of the delivery of mitigation, its enforceability and the need for securing the adopted measures for the lifetime of the proposals, generally 80-125 years. We advise that a red line boundary showing this mitigation land should be provided and the competent authority should set out within the appropriate assessment how this will be managed and secured as designated open space, or by other legal mechanism, in perpetuity. We encourage mitigation measures that deliver multiple benefits such as incorporating hedgerow and woodland planting to enhance ecological connectivity of the woodlands in proximity to the site.

Ancient woodland

The application site is in close proximity to James's Copse an area of ancient replanted woodland and to a Site of Importance to Nature Conservation James' Copse & Outlier SINCC. You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 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 veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Impacts associated with close proximity between a development and a woodland include tipping, soil compaction around tree roots, increased light pollution, localised enrichment and contamination of soils. Natural England standing advice states that buffers of a minimum of 15m should be applied when designing development in the proximity of ancient woodland. The proposals should ensure

they are in line with Natural England standing advice and provide a sound justification where they deviate from the stated minimum buffer length.

Construction impacts

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.

Protected species and Biodiversity Enhancement

Please note we have not assessed the application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist.

Provided an HCC approved BMEP, or equivalent, is received and secured by any permission then your authority may be satisfied that it will have met its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which states 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', and in relation to European Protected Species Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

Natural England notes and welcomes the ecological appraisal submitted with the planning application. This report includes mitigation measures for reptiles, bats, mammals and birds as well as enhancement measures for biodiversity gain such as native tree planting and native hedging, bat boxes and bird nest boxes. Further opportunities for enhancement include:

- Provision of fruit trees (e.g. apple, pear etc) and appropriate native species within gardens.
- The creation of species rich low maintenance grass verges for the new urban road network. Further information on the principles and value of creating road verge habitats that contribute to biodiversity and ecosystem services may be found below:

<https://www.sciencedirect.com/science/article/pii/S0301479716310556>

We would recommend that a BMEP is agreed with the HCC Ecologist to ensure that any measures identified within the report, and any further measures as necessary, are secured and implemented with any planning approval. Consideration should be given to other developments proposed in the locality to ensure the biodiversity mitigation and enhancement measures are addressed strategically and consider the continued ecological function of the area.

Please note that provided the HCC Ecologists are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

Please contact me if you have any queries relating to this advice

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

Mobile : 07500 954264

Please note my non-working day is Friday

Please send planning consultations to Natural England by email to:
consultations@naturalengland.org.uk.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

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