

FAO – Daphne Haywood

Your ref – APP/18/00724

Our ref -
289105

Dear Daphne,

Thank you for consulting Natural England on the additional information submitted in relation to the above application.

Timing, Monitoring and Management of the Wintering Bird Mitigation Area

Further details on the timing of the Wintering Bird Mitigation Area is required. Confirmation is required that the mitigation area will be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed. Natural England recommends that the infrastructure works for the Wintering Bird Mitigation Area are progressed at the earliest opportunity and prior to commencement of construction. This will need to be secured with any planning permission.

To ensure that the Wintering Bird Mitigation Area is completed to the required standard, Natural England strongly recommends that a condition is attached to any outline permission that secures a sign-off visit by Natural England, prior to the commencement of development. For your information, this visit would fall under our Discretionary Advice Service.

It is noted that provision is made by the applicant for 3 years of monitoring. The Solent Waders and Brent Goose Strategy Offsetting and Mitigation Requirements Guidance includes a requirement for offsetting sites to be monitored to ensure their effectiveness. We advise that the costed management plan includes provision for the RSPB to monitor the site regularly on the long term with submission of results to the local planning authority and the Solent Waders and Brent Goose Strategy Steering Group .

With regard to management, it is unclear whether the land itself will be transferred to the RSPB or whether there will be a long term lease. It is Natural England's preference for the land ownership to be transferred so that the site is secured permanently.

Natural England require confirmation from the RSPB that they will take on the management of the Wintering Bird Mitigation Area for the commuted sum. Provided this is the case and the above

issues are addressed, then Natural England raises no further comments. Appropriate legal agreements will need to be in place to ensure this is secured with any planning permission.

Mitigation during construction

Any planning permission should secure the measures listed in 4.2.2 of the Wintering Bird Mitigation Strategy with regard to noise and visual disturbance from construction work on the Wintering Bird Mitigation Area.

It is recommended that the following condition is attached to any planning permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant then Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

The information to inform a Habitats Regulation Assessment report includes mitigation measures to be adopted during construction. This includes dust control measures, pollution and surface water drainage measures during construction. These measures should be secured with any planning permission.

Natural England also recommends that measures are taken to ensure that there will be no impacts from construction lighting on the Wintering Bird Mitigation Area.

Deterioration of the water environment

It is noted that a revised nutrient budget has been provided in line with Natural England's advice dated June 2019 and that the development achieved nutrient neutrality based on the existing and proposed land uses at the site.

Natural England recommends a condition that secures the water use of 110 litres per person per day.

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

The competent authority will need to be assured for perpetuity that this open space will be managed as such and there will be no additional inputs of nutrients or fertilisers onto this land. The nitrogen budget assumes that a total area of 7.33 ha will be managed as open space. Appropriate planning and legal measures will be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affects nutrient inputs on the long term. It is therefore recommended that these areas are designated open space on-site and long term management of public open space is secured to ensure the provision of dog bins and that these are regularly emptied.

It is noted that the Wintering Bird Mitigation Strategy includes the provision for grazing in the future. The 5 kg/TN/ha open space figure assumes there is no grazing or a very low density - 1 livestock unit per 10 ha per year. We advise that if grazing levels are likely to be higher than this level then it may be more appropriate to use an alternative figure in the calculation. It is Natural England's advice to local planning authorities and applicants to be as precautionary as possible when addressing uncertainty and calculating nutrient budgets.

Sustainable Urban Drainage Systems

Natural England recommends that a best practice SuDS is adopted post-construction and designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753). 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'.

Protected Species and Biodiversity

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the [Hampshire Biodiversity Information Centre](#) and other appropriate bodies.

Natural England has published Standing Advice on protected species. Please note 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.

Provided the implementation of an HCC approved Ecological Mitigation and Enhancement Plan is secured by any permission then your authority may be satisfied that it will have met its duties relating to conserving biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Please see our response dated 12 September 2018 (ref 255080) with regard to other issues for consideration.

Please let me know if you have any queries.

Kind regards

Rachel

Rachel Jones

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Dorset, Hampshire and Isle of Wight Area Team

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