

Houghton, Michelle

From: Berry, Rebecca (NE) <Rebecca.Berry@naturalengland.org.uk>
Sent: 21 December 2018 11:23
To: Havant Planning and Development Mailbox New
Subject: FTAO: Mr Oliver - Tracker ref 268035 - NE Consultation response – APP/18/01109 - Dairy Crest Depot, Dunsbury Way, Havant

Dear Mr Oliver,

RE: APP/18/01109 - Outline application for the redevelopment of Former Dairy Crest site for up to 78 dwellings with access off Fulflood Road - Dairy Crest Depot, Dunsbury Way, Havant

Thank you for consulting Natural England on the above application.

No Objection – Subject to Securing Mitigation

Appropriate Assessment

Please note that, recent case law ([‘Sweetman II’](#)) outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to ‘screen out’ impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures to offset recreational impacts on the Chichester and Langstone Harbours SPA sites can be outlined.

Solent Recreation Mitigation Partnership

This application is within 5.6km of Chichester and Langstone Harbours Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Havant City Council has recently adopted a planning policy to mitigate against adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) / Bird Aware Solent. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Please note that the new Bird Aware Solent *Definitive* Strategy Rates came into force on 1st April 2018.

Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Biodiversity Mitigation Enhancement Plan

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. This will ensure the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8, 170, 174 and 175d. The scope of the BMEP should be agreed with the HCC Ecologist and will need to consider bats and nesting birds. Consideration should also be given to Riders Lane Stream which runs along the southern boundary.

The application should include a consideration of 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. Natural England welcome the proposed bat boxes and native planting. Other examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- 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.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Consideration can also be given to how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

We recommend the applicants make use of the Defra [biodiversity metric](#), which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals.

Ancient woodland and veteran trees

Natural England note that the proposal is in close proximity to Great Copse ancient and semi-natural woodland. The proposal may increase recreational pressure and associated site management costs of Great Copse. Evidence from heathlands suggests that sites within 400m are particularly vulnerable to increases in urbanisation effects. The proposal should include consideration of likely increases of recreational visits to these sites and where appropriate provide suitable mitigation measure. These might include provision for the support of ongoing wardening, habitat management and or improved access infrastructure to be agreed with the site's owners.

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. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Water Environment

Natural England welcomes the Flood Risk Assessment & Drainage Strategy. Confirmation on whether site remediation is required would also be welcomed by Natural England. Natural England also recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

Potential impacts of nutrient increase on the Solent International Sites

There are high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be sufficient capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The IWMS recommended that new housing developments could be brought forward albeit in a phased manner up to 2020; targeted to those areas with sufficient capacity. Beyond 2020; we are not yet able to demonstrate with certainty that there will be no adverse impact on European nature conservation designations. In light of this uncertainty, Natural England advises that a nitrogen budget – the principal nutrient that tends to drive eutrophication in the marine environment - is calculated for larger developments. This will help demonstrate whether the development will avoid harm to European protected sites, or require additional mitigation measures to offset any increases in nitrogen discharges that would result from the proposals. For confidence that the development will be deliverable, Natural England recommends that the proposals seek to achieve nitrogen neutrality.

Mitigation can be 'direct' through upgrading sewage treatment works and through alternative measures, e.g. wetlands (see for example <http://www.balticdeal.eu/measures/wetlands-drainage-and-irrigation/>); or 'indirect' by offsetting the nitrogen generated from new development by taking land out of nitrogen intensive uses, e.g. where fertiliser is applied to crops. Mitigation measures will need to be secured for the duration over which the development is causing the effects, generally 80-125 years.

In light of this advice the HRA should consider likely impacts of nitrogen to the Solent and include a nutrient budget for the proposals along with any mitigation measures deemed necessary to avoid an adverse effect on the integrity of the international site(s).

Rights of Way, Access land, Coastal access and National Trails

Paragraph 98 of the NPPF highlights the importance 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.

If you have any queries please let me know.

Kind regards,
Rebecca

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

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