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Our ref: 476145
Your ref: APP/20/00991



Narinder Lakhan
Havant Borough Council

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BY EMAIL ONLY

Dear Narinder

Planning consultation: Request to discharge conditions 4, 12, 16, 21 and 22 (12.3.24). Request to discharge conditions 5, 6, 7, 8, 10, 13, 14, 19 and 20 (26.3.24).

Location: Pipeline from Proposed Reservoir Site, Middle Park Way to land adjacent to, West Street, Havant

Thank you for your consultation on the above dated 07 May 2024 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.

Condition 21 – Ecological mitigation, compensation and enhancement

No phase of the development approved under Condition 4 shall commence until full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) and on-going monitoring of mitigation measures required for each reserved matters application (including both ecological works directly related to that Development Phase reserved matters area and any works associated with that area but lying outside of the boundary of that area) shall be submitted for approval to the Local Planning Authority. Such details shall be in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Outline Biodiversity Mitigation and Compensation Strategy (ECOSA, September 2020), the Habitats Regulations Assessment (Atkins/Portsmouth Water, September 2020) and the Implementation Plan for Off Site Biodiversity Mitigation and Compensation (Atkins, April 2021). Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect and enhance biodiversity in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

The application is supported by a report on Pipeline Phase 1 (Shaft 1) Ecological Mitigation Compensation and Enhancement Measures (Conditions 21 and 22) (Portsmouth Water March 2024).

The compensation measures outlined on page 12 are those agreed in the package of on-site and off-site compensation and enhancement measures for the wider Havant Thicket Reservoir project. Any additional impacts associated with the proposal will need to be assessed and addressed separately. It should be clarified whether any additional impacts associated with the Shaft 1 works phase are accounted for within the main compensation and enhancement package or will require additional measures. Natural England recommends this aspect is agreed with the Council's ecologist prior to discharge of this condition.

The conditions secured with the outline permission refer to information required for the entirety of the pipeline route, however the information submitted for this consultation only covers the phase for the construction of Shaft 1 located at Bedhampton pumping station. We note that the supporting ecological mitigation and compensation plan sets out that a new planning application will be submitted for a revised pipeline scheme. Natural England would be happy to comment on this application once it has been submitted.

Other conditions

We have no comments to make on the remaining conditions. Natural England only needs to be consulted on a discharge of condition application if it has the potential to **significantly** affect the natural environment, this includes any change in circumstances since the planning application was approved that may warrant further environmental assessment, including under the Habitats Regulations.

Please assess whether the discharge of any conditions will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us on these specific conditions.

If any of the conditions relate to protected species, please note the following:

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Further general advice in consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

Yours sincerely

Rachael Clemson
Higher Officer: Sustainable Development
Thames Solent Area Team

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the 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 to respond to 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 and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](#) for further guidance.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/41/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/complying-with-the-biodiversity-duty) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. We refer you to [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/appropriate-assessment) for more information. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](https://www.gov.uk/government/consultations/protected-species-and-development-advice-for-local-planning-authorities) (standing advice) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/wildlife-licences-when-you-need-to-apply) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/local-nature-recovery-strategies) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/habitats-and-species-of-principal-importance-in-england) for a list of priority habitats and species in England.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](https://www.gov.uk/government/consultations/brownfield-hub-buglife) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](https://www.gov.uk/government/consultations/open-mosaic-habitat-draft) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/consultations/national-planning-policy-framework) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biodiversity-net-gain-moves-step-closer-with-timetable-set-out). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biodiversity-net-gain) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biodiversity-net-gain) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/calculate-biodiversity-value-with-the-statutory-biodiversity-metric) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-small-sites-metric) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-environmental-benefits-from-nature-tool-beta-test-version) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/natural-environment) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](#) and [GI Mapping Analysis \(naturalengland.org.uk\)](#) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 104 and 180 of the NPPF highlight the important 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. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](#).