

Date: 06 December 2021
Our ref: 367544
Your ref: APP/21/00893



Adrian Ellis
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BY EMAIL ONLY

Dear Adrian

Planning consultation: Outline planning application for demolition of the existing buildings and the erection of a new residential scheme (C3 use of approximately 210 dwellings to include affordable housing) and associated landscaping, access and supporting infrastructure, all other matters reserved

Location: Land north of Long Copse Lane, Emsworth, PO10 7UN

Thank you for your consultation on the above dated 08 September 2021.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Singleton and Cockings Tunnels Special Area of Conservation (SAC)
- Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site
- Solent and Maritime SAC
- Langstone Harbour Site of Special Scientific Interest (SSSI)
- Chichester Harbour SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitat Regulations Assessment
- Further details of nitrogen neutrality mitigation, including a management and monitoring plan for the proposed woodland planting and detailed design of the onsite wetland
- A Construction Environmental Management Plan
- A Biodiversity Mitigation and Enhancement Plan including details of management of the bat buffers and woodland buffers incorporating a lighting strategy and access prevention measures, a woodland management and enhancement plan for the areas of retained woodland

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Deterioration of the water environment

The calculation set out in the nutrient balancing assessment (Tetrattech July 2021) is not in line with the Solent nutrient neutrality guidance.

The current land uses in Stage 2 of the calculation are urban and no use, this is at odds with the Environmental Impact Assessment which describes the fields as primarily horse grazing pasture, although we note that the lowland grazing figure of 13kg/TN/ha/yr has been used for the urban area.

It is not clear what is meant by no use, this should be clarified. There may be areas of a greenfield development site that are not currently in agricultural use and have not been used as such for the last 10 years. In these areas as there is no agricultural input into the land a baseline nitrogen leaching value of 5 kg/ha should be used. Where development sites include wildlife areas, woodlands, hedgerows and ponds that are to be retained, these areas can be excluded from the calculation as there will be no change in nitrogen input onto this land. This approach assumes that if they are adopted as green infrastructure or a wildlife area in the new development, appropriate management can be secured with any planning permission (see next section) to restrict nitrogen loading.

It is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process. For sites, where existing land use is not confirmed, it is Natural England's advice to local planning authorities and applicants to take a precautionary approach in line with existing legislation and case-law.

Mitigation

As mitigation it is proposed to deliver SuDS wetlands on site. Where wetlands are proposed as a fundamental component of the mitigation strategy, it will instead be necessary to take a bespoke approach in the design of each wetland with suitable specialist input, preferably an accredited member of the [Constructed Wetlands Association](#), to ensure the necessary confidence in the level of mitigation it will provide. Such design will need to take into account the hydraulic loading rates (HLR), inlet N concentrations, temperature and geomorphology to ascertain accurate N removal efficiency rates. There may be potential to install further wetlands along natural watercourses onsite to provide further mitigation; in such cases further information should be provided on the TN

concentrations and flow rate of these drains. Please refer to Natural England Solent nutrient guidance for further detail on wetland design.

In addition it is proposed to plant a minimum of 3.65ha of woodland at Stanstead Estate, which is outside the application site and is not within the applicant's control. In order to achieve a permanent woodland with the requisite nitrogen leachate rate the planting should comprise of native deciduous trees. The local planning authorities are the Competent Authorities with regard to the Habitat Regulations and must be assured and satisfied that any mitigation proposed can be secured and delivered in perpetuity. Any scheme for offsetting nitrogen must meet the basic tests of certainty of delivery, enforceability and the need for securing the adopted measures for perpetuity to ensure it is effective mitigation. Changes on agricultural land need to be enforceable for perpetuity and the local planning authority will need to be certain that these changes have occurred and will continue to occur on the long term.

A nitrogen budget for the mitigation land will need to be submitted and agreed with Havant Borough Council as Competent Authority, this should be calculated separately to the nitrogen budget for the application and should be supported by evidence of the existing agricultural use of the site.

Natural England advises that a monitoring and management plan for the proposed wetland and woodland planting should be submitted. Natural England recommends that the council will need to be satisfied that this will give them certainty the system and mitigation proposals will operate for the lifetime of the development. We recommend that the details should be agreed and outlined in the Appropriate Assessment and this should be appropriately secured with any planning permission. The strategy should consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. We recommend that consideration is given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary.

Alternatively, the requisite nitrogen offsetting could be secured through the conversion of a larger amount of arable land on the Stanstead Estate to deciduous woodland. Based on the applicant's figures it would take a further c1.85 ha to achieve nutrient neutrality without reliance on the proposed SuDS. Such an approach would remove the need to demonstrate the effectiveness of the SuDS for nitrogen removal and reduce the in perpetuity maintenance and monitoring requirements. Natural England would also have no objection to the land identified as Bechstein's bat mitigation at the Stanstead Estate (c1 ha) to be included in the nutrient budget for the scheme.

Geohydrology and Lag Time

The purpose of the mitigation is to avoid the impacts by neutralising the additional nutrient burden that will arise from the proposed development, achieving a net zero change at the designated sites in a timely manner. It is for the Competent Authority to determine the importance of timing issues for each development, depending on the location and form of mitigation applied. 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.

We would draw your attention to the bedrock on the proposed woodland planting mitigation land which is to be used as offsetting for nitrogen.

Nitrogen discharges to the Solent from new housing via waste water treatment works will start at first occupation. However, some of the effects of land use change may take longer before a much reduced nitrogen input from the land involved results in reduced nitrogen at the designated site. Most nitrogen that is transported via groundwater, streams and rivers occurs in the form of nitrate. These pathways are mainly dependent on geology. According to our records the mitigation land is located on chalk bedrock. The time lags can vary considerably between these different geologies and also depend on topography, groundwater depth, site specific factors etc.

The time lags associated with nitrogen offsetting land use changes on chalk deposits can be considerable (ie > 50 years). However, mitigation sites located on steep slopes above watercourses may benefit from a significant element of rapid nitrate transport from surface water runoff. Similarly, localities where there is only a thin layer of chalk above the water table may also benefit from relatively rapid effects, or there may be other site specific features that affect nitrate transport. Processes within groundwater are also complex with both long term storage at depths and faster shallower pathways to rivers and streams.

Where mitigation sites are located in such locations, it is recommended that the Appropriate Assessment considers this issue further. It may be necessary for an independent hydrological assessment to determine the significance of delays at the locality and any additional discounting required to take account of the proportion of nitrates lost to the chalk aquifer. The hydrological assessment should consider the location and topography of the mitigation site, distance from surface water network, depth of the chalk above water table and groundwater processes, as necessary. Other factors that may have a potential influence include karstic features and any man-made field ditches.

Solent recreation mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. 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). 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 and Species 2017 \(as amended\)](#).

Bechstein's Bats

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 7, 109 and 118.

The scope of the BMEP should be agreed with the HCC Ecologist, consideration will need to be given to the adjacent ancient woodland and the woodland on site. An appropriate planted buffer between the woodland and any new development will be required and a consideration of the potential impacts arising from recreational disturbance.

The ecological surveys have confirmed the presence of Bechstein's bat, a rare species found in internationally important numbers in the Forest of Bere landscape. There is evidence that the population of Bechstein's bats within Havant Borough may be functionally linked to the Singleton and Cockings Tunnels SAC as such consideration within an HRA will be needed.

Policy E18 of the emerging Havant Local Plan sets out the following advice:

*'For sites that contain or are **adjacent to sites likely to contain Bechstein's bat**, planning permission will only be granted where:*

- Survey methods appropriate to Bechstein's bat are used and undertaken by a suitably-qualified ecologist.*

*If the **presence of Bechstein's bat is established**, planning permission would only be granted where:*

- The net loss of woodland (including groups of trees) is avoided;*

- *Impacts on Bechstein's bat breeding habitat (i.e. net loss of/excessive disturbance to woodland or trees containing maternity roosts) are avoided;*
- *Proposals include appropriate buffers to woodlands, hedgerows and other flight corridors, taking into account the location of roosts and foraging/commuting habitats; and*
- *Review and monitoring plans are put in place, where appropriate.'*

In line with the 'avoid, mitigate, compensate' hierarchy, Natural England recommends that potential impacts are avoided in the first instance, for example through the design of the scheme, such as location of built development, access restrictions, sensitive lighting strategy. Where avoidance is not possible, the BMEP should include measures for mitigating impacts on protected species and habitats and include biodiversity compensation measures for any residual biodiversity losses that cannot be fully mitigated on site. This might include the provision of offsite replacement habitats, or an agreed financial contribution for biodiversity enhancements elsewhere calculated using a Biodiversity Compensation Framework, Environment Bank, or similar mechanism.

Natural England supports the scheme's layout and welcomes the comprehensive mitigation, compensation and enhancement proposals including the incorporation of unlit, 30-35m wide buffers along the northern, eastern and western site boundaries and 0.35ha of inaccessible wildlife areas. While these measures are welcomed further detail should be provided as to how these buffers will be managed and public access prevented not only to the inaccessible areas but also to the adjacent ancient woodland. 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.

A detailed lighting strategy should also be submitted to and approved by the HCC ecologist which outlines how light spill will be prevented in the unlit bat buffers.

In addition provision of roosting opportunities for Bechstein's bats within the surrounding woodlands and the creation of woodland blocks linking Southleigh Forest and Stand Forest as part of the nitrogen neutrality mitigation is welcomed and the latter will provide valuable enhancement of ecological connectivity for bats. The new woodland planting should comprise of native deciduous trees characteristic of the locality, with the planting scheme agreed by the planning authority. Further, the creation and of the onsite SuDS will provide additional foraging habitat for bats.

These details should be confirmed within an Appropriate Assessment in order to ensure there is no likely significant effect on the Singleton and Cockings Tunnels SAC.

The BMEP should also include measures to benefit wildlife such as planting native trees including fruit trees within gardens, native hedges, new wildlife ponds and the provision and bird (e.g. house martin, swift) and bat boxes of a design that is incorporated into the fabric the new buildings.

Opportunities for enhancement might include:

- Restoring a neglected hedgerow.
- 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.
- Planting fruit trees in gardens
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating bat boxes and swift bricks into the design of new buildings.
- Creation of species rich grassland on road verges
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. 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.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England expects any forthcoming application to set out how biodiversity net gain will be achieved, over and above residual losses which should be accounted for and addressed. 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.

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.

In addition, Natural England would advise on the following issues.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please email me at rachael.clemson@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team