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Our ref: 362413
Your ref: APP/21/00601



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BY EMAIL ONLY

Dear David

Planning consultation: Portsmouth Water HQ building; widened access onto Solent Road; car parking, felling of 7 trees subject of TPO No.1801 to improve access/allow for the development
Location: Land north of Solent Road (adjacent to Bosmere Medical Centre) Havant

Thank you for your consultation on the above dated 30 July 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 Solent Maritime Special Area of Conservation, Chichester and Langstone Harbours Special Protection Area and Ramsar. 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
- A drainage assessment of impacts from surface water runoff
- Details of mitigation for loss of Solent Wader and Brent Goose Strategy Low Use site

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.

Additional Information required

SPA functional land

The site is identified in the Solent Waders and Brent Goose Strategy as a Low Use site. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the

existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network and proportionate mitigation, off-setting and/or enhancement measures will be required.

Natural England is concerned that, without appropriate mitigation, the proposed development could have significant direct impacts upon the qualifying features of the aforementioned designated site due to impacts on the Solent Waders and Brent Goose ecological network. Where impacts cannot be avoided or adequately mitigated on-site, proportionate mitigation would comprise off-setting or enhancement measures via payment towards the management and enhancement of the wider waders and brent geese ecological network.

An agreed and deliverable mitigation strategy could address the potential for significant effects arising from the development on the qualifying features of the Solent and Southampton Water SPA. Guidance on the off-setting and mitigation requirements can be found [here](#), this sets out the necessary measures to avoid impacts. Securing early commitment to this mitigation will ensure the potential significant effects have been addressed.

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).

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. We therefore advise the AA includes details of the project that any offsetting funding will contribute to. In the first instance, the local planning authority should be contacted to see if there is an appropriate strategic scheme in place. Alternatively, the applicant will need to identify a bespoke mitigation scheme that the offsetting funding can contribute to.

Natural England would be happy to advise on the level of mitigation required under our [Discretionary Advice Service](#).

Impacts on the water environment

The application site is bordered by the Brockhampton Stream, which drains into the Solent Maritime SAC, Chichester and Langstone Harbours SPA and Ramsar. The proposals have the potential to negatively impact the water environment during the construction and operational phases.

Construction impacts

The application is supported by a Construction Environmental Management Plan (CEMP) (Chancerygate March 21) which sets out the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats including dust suppression and control of surface water runoff.

We advise the CEMP should be submitted to and approved by your retained ecologist. 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.

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites

Operational impacts

Natural England advises that the application should be supported by a drainage assessment/strategy which should consider the current condition of the site and nearby watercourses, assess the potential impacts upon the protected sites from water pollution and nutrient enrichment, and suggest mitigation measures where impacts are identified. Consideration

should be given to the various pollutants that may be present in surface water arising from traffic use of the site (e.g. chemicals, oils, hydrocarbons etc.).

Consideration should be given to the incorporation of 'naturalised' sustainable urban drainage systems (SuDS) into the scheme design that aims to reduce the volume of run-off from the development site, slow the flow of run-off to greenfield rates, and include pollutant controls, prior to discharge into any watercourse. SuDS should be designed and installed in accordance with latest best practice guidance in the CIRIA SuDS Manual (C753).

Our advice is that these impacts should be addressed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site in accordance with the Habitats Regulations.

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

Protected species and Biodiversity Enhancement

In order for your authority to be assured that the proposal meets the requirements of Natural England's standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 7, 8, 131, 174, 175 180, 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.

The submission of an HCC approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities 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'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

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 (as amended)

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.

If you have any queries relating to the advice in this letter please contact me on 07500 954264.

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

