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Your ref: APP/25/00162



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BY EMAIL ONLY

Dear Arleta

Planning consultation: APP/25/00162 – Langstone Coastal Scheme - Flood and coastal erosion risk management scheme

Location: Land and coast adjacent to, Langstone Road, Havant

Thank you for your consultation on the above dated 06 May 2025 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO SECURING MITIGATION AND COMPENSATION

Natural England note that this Flood and Coastal Erosion Risk Management Scheme's (FCERM) purpose is to deliver Hold the Line (HTL) coastal defences for homes and essential infrastructure as part of the North Solent Shoreline Management Plan (SMP). The North Solent SMP has been through Habitats Regulations Assessment (HRA) process and the derogation tests under Article 6(4) of the Habitats Directive. The Secretary of State (SoS) has issued an Imperative Reasons of Overriding Public Interest (IROPI) ruling for HTL coastal defences at this location. The SoS has approved the Environment Agency's Habitat Compensation and Restoration Programme (HCRP), upon which this proposal relies, as the compensatory mechanism for habitat losses caused by coastal squeeze from the HTL policies within the North Solent SMP.

Natural England considers that the scheme will have an adverse effect on the integrity of:

- Chichester and Langstone Harbours Special Protection Area (SPA) & Ramsar
- Solent Maritime Special Area of Conservation (SAC)

Due to the loss of 172m² of intertidal sediment when these coastal defences are built out, there is a direct footprint loss and in addition, loss of intertidal sediment and saltmarsh habitat that will occur over the lifetime of the scheme as a result of 'coastal squeeze' adjacent to these HTL defences.

Both of these losses require compensation. The Environment Agency's Habitat Compensation and Restoration Programme (HCRP), is the agreed mechanism for the strategic coastal squeeze loss, and it may, if the appropriate habitat is available, agree to pick up the footprint losses of any scheme implement the agreed SMP policy.

Essential mitigation measures for constructional impacts to designated sites are also outlined within the body of this letter. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

Further advice

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant (*Appendix C- Information for Habitats Regulations Assessment, February 2025*). As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Scheme Background

The Langstone Flood and Coastal Erosion Risk Management Scheme (FCERM) covers a cumulative 1km length of coastline and will protect 53 residential properties, 4 non-residential properties, critical infrastructure, and heritage assets. The scheme is part of the North Solent Shoreline Management Plan (SMP) and the Portchester to Emsworth Coastal Strategy (PEMS) and will deliver Hold the Line (HTL) coastal sea defence as part of these broader strategies.

The North Solent SMP and PEMS has already been through Habitats Regulations Assessment (HRA) process and has received an Imperative Reasons of Overriding Public Interest (IROPI) ruling from the Secretary of State (SoS) to deliver HTL sea defences, and the Environment Agency's Habitat Compensation and Restoration Programme (HCRP) has been established to deliver compensation. An explanation of the HRA process can be found in Annex A.

Compensation Measures

The Information for HRA document states that impacts to the environment have been reduced as much as possible and alternative measures have been considered. Natural England notes that it is for yourselves as the LPA to consider whether the alternative measures process has been followed. Compensation is therefore required for the remaining habitat losses that will occur in the operational phase of the Langstone FCERM Scheme.

Direct footprint losses and cumulative operational losses of habitat

172m² of intertidal sediment will be lost across frontages 3, 4, and 5 as a direct result of the coastal defences being built for the scheme (footprint losses). In addition, further (unquantified in the application but calculated strategically by the HCRP) losses of intertidal sediment and saltmarsh habitat will occur from the implementation of the HTL policy along the entirety of the Langstone FCERM frontage due to sea level rise and coastal squeeze over the lifetime of the scheme.

Both Chapter 8 (Marine Ecology) and Appendix C of the Environmental Statement state that the 172m² of habitat loss comprises a mixture of B1 Coastal Shingle and A2.1 Littoral Coarse Sediment. Natural England mapping indicates the foreshore in this location is designated as a mixture of A2.2 Intertidal sand and muddy sand, A2.3 Intertidal Mud, and A2.4 Intertidal Mixed Sediments, but which has likely been the subject of anthropogenic influence.

As these losses will be compensated for through the agreed mechanism of The Environment Agency's Habitat Compensation and Restoration Programme (HCRP), Natural England recommend clarity is sought as to which designated feature is being lost to inform which habitat needs to be compensated for. Natural England notes that it is the competent authority's ([Habitats regulations assessments: protecting a European site - GOV.UK](#)) responsibility to ensure the necessary compensatory habitat is secured

If the HCRP is used for the footprint losses it should be clear that there is sufficient appropriate habitat available and which compensation site has delivered this to ensure it meets all the requirements set out in the guidance above.

Mitigation measures

The following mitigation measures are necessary to rule out an Adverse Effect on Integrity (AEI) for the Chichester and Langstone Harbours SPA and the Solent Maritime SAC during the construction phase:

Construction Environmental Management Plan (CEMP):

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) or the marine environment
- Waste disposal
- Noise/visual/vibrational impacts
- Measures to ensure no uncontrolled materials, machinery, vehicles or works will encroach on the designated site
- Measures to ensure no uncontrolled abrasion/ disturbance of the substrate and suspended sediment/smothering/siltation considerations (silt curtains, tidal restrictive working and work areas, defined haul routes)
- Timings of certain works to avoid bird sensitive seasons.
- Detailed methodology on the reinstatement of any disturbed or temporarily lost habitats

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and should be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

SPA functionally linked land

The proposals have the potential to affect SPA functionally linked land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the Solent Wader and Brent Goose Strategy (SWBGS) for more information.

The sites potentially affected are H126, a secondary support site which includes records of greenshank, and H25D, a low use site with records of black-tailed godwit, lapwing and oystercatcher.

It is welcome that potential impacts to SPA birds have been considered within the Environmental Statement, and mitigation measures include construction techniques to reduce noise impacts, prohibiting construction works in sensitive areas during the overwintering period (October to March inclusive), implementation of an ornithological watching brief, and putting in place measures to stop works in severe cold weather conditions. These measures should be secured as conditions on any planning permission granted.

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.

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me using the details below.

Should the proposal change, please consult us again.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Reid', enclosed within a large, stylized bracket.

Connor Reid (he/him)
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Natural England
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Please find below a brief overview of the steps.

Step 1 - Is the Plan or Project Directly Connected to or Necessary for Site Management?

This should be interpreted as specifically meaning the management which is necessary for the conservation or restoration if appropriate of the site's European nature conservation features.

Step 2 – Assessment of 'Likely Significant Effect'

This step requires the competent authority to initially assess the risk of a significant adverse effect associated with a new plan and project. A 'likely significant' effect (LSE) will be one that may reasonably be predicted as a consequence of a plan or project that might undermine the achievement of conservation objectives of the features for which the site is designated but excluding trivial or inconsequential effects. Whilst not a statutory requirement, competent authorities are encouraged to seek the informal advice of Natural England early in the process when considering whether projects would be likely to have a significant effect on a European site. This is an opportunity for Natural England to provide scoping advice for the assessment and/or indicate any concerns. Natural England's Discretionary Advice Service is available to provide such advice. The assessment of projects (in view of the site's conservation objectives) should be done by the competent authority responsible for issuing a permission or consent or proposing to undertake a project directly. Those promoting a project must submit all relevant information to the competent authority which it may require to assess whether or not likely significant effects, either alone or in combination, can be ruled out. Projects that are subject to the consent of a public body, and those which are to be carried out by a public body, even if no application for consent is required, e.g. because they are permitted developments, must be assessed under the Habitats Regulations.

An in-combination assessment is required where a plan or project may have an appreciable effect on a European site, but on its own the effect is not likely to be significant. The potential effects of the project should then be considered together, or in-combination, with other plans or projects that similarly may have an effect, but where on their own those effects are also not likely to be significant. The combined effects of two or more plans or projects may therefore become significant.

Where a competent authority concludes there would be no likelihood of a significant effect they should clearly record the reasons for the decision and good practice would be to advise Natural England. In that case, if all parties agree that there would be no likelihood of a significant effect, alone or in combination, there is no need for any further assessment unless the project is subsequently amended or any mitigation measures are not secured

Step 3 - The Appropriate Assessment (AA)

Any project that is not directly connected with or necessary to the management of the site and is likely to have a significant effect on a European site (or a significant effect cannot be ruled out) must be subject to an Appropriate Assessment (AA) made by the competent authority. This is the next step of the HRA process. The aim of the AA is to assess in greater detail each stage and element of the project and its potential impact on the integrity of the European site features, taking full account of the ecological needs of the features likely to be affected, the prevailing environmental conditions of the site at the time of the assessment and the formal conservation objectives for the site(s). The purpose of the appropriate assessment is to ascertain whether an adverse effect on site integrity can be clearly ruled out.

Neither the Habitats Directive nor the Habitats Regulations define a standard methodology for an AA, but it is taken to mean that the assessment must simply be appropriate to the project and its purpose under the Regulations (and also the Directive, which originated the use of the term). It does not necessarily mean that it has to be detailed and lengthy, but it should be as thorough and robust as possible in objectively addressing the likely effects on a site.

The competent authority is responsible for completing the Appropriate Assessment and it must be undertaken and finalised *before* the competent authority considers giving the project its consent, permission or other authorisation.

Submission by the project proponent of alternative solutions and possible compensatory measures may be appropriate at this stage. They cannot be formally considered by the competent authority until the Appropriate Assessment stage has been completed but this does not prohibit informal discussions between the proponent, the competent authority and Natural England about these future steps where it is clear that these will need to be a consideration.

Natural England must be formally consulted on an Appropriate Assessment by a competent authority, who must then have regard to any representations it may make. The period allowed for Natural England to respond to any consultation on the Appropriate Assessment should be specified and be reasonable depending on the circumstances of the case. Natural England also acts as an Informal 'adviser' to competent authorities in respect of the potential effects of projects on European sites in England. This is irrespective of where the projects are located. For example, projects in Scotland or Wales close to the English border may have an impact on sites within England. However, there is no statutory requirement for a competent authority to seek Natural England's opinion at the Likely Significant Effect (LSE) stage.

Some projects may also need an Environmental Impact Assessment (EIA) under the Regulations implementing the 1985 EIA Directive (as amended). Carrying out an EIA will usually be the role of a local planning authority.

Where a project subject to EIA would also be likely to have significant effects on a European site, the Appropriate Assessment must be carried out as well as undertaking the EIA. Usual practice is to embed the information to support the HRA in the Environmental Statement. Both HRA and EIA can be jointly co-ordinated where appropriate.

Step 4 - The Integrity Test

The competent authority must use the outcomes of the Appropriate Assessment (AA) to ascertain that the project will not have an adverse effect on the integrity of the site.

It is not for the competent authority to show that the proposal would harm the site in order to refuse to give its permission. It is for them to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission.

Integrity is considered at a site level and now forms the basis of Natural England's advice on European Site Conservation Objectives.

The integrity test embodies the **precautionary principle**, i.e. a competent authority must be certain that the project will not have an adverse effect on integrity before giving consent.

There are two possible outcomes to the determination of an adverse effect on integrity. It is vital to follow the way in which this test is worded in the Habitats Regulations because the wording encapsulates the precautionary principle.

- 1) It can be ascertained that the plan or project will not adversely affect the integrity of the European site, either with or without conditions or restrictions;
- 2) It cannot be ascertained that the plan or project will not adversely affect the integrity of the European site.

Step 5,6,7,8 - Alternative solutions and Imperative Reasons of Over-riding Public Interest (IROPI)

Projects likely to cause an adverse effect on site integrity can still proceed but are first subject to a series of additional tests and procedures for this, which are described as below. A key reference point regarding these steps is Government guidance on alternative solutions, IROPI and compensatory measures (published 2012). This is sometimes referred to as the 'Article 6(4) guidance' reflecting its origins in the Habitats Directive.

If a project is to proceed despite a negative assessment that an adverse effect on site integrity cannot be ruled out, the competent authority must first be satisfied that there are no alternative solutions that would have no adverse effects (or a lesser adverse effect) on the integrity of the site. Alternative solutions are different ways of achieving the same objectives of the project, which would avoid adverse effects on the integrity of the site.

Alternative solutions may be more expensive, more difficult or less convenient to implement, but if the plan or project is still viable, then it is a realistic alternative. Unrealistic alternatives that cannot be achieved are not alternative solutions.

Natural England should be consulted on whether identifiable alternative solutions would avoid adverse effects on the integrity of the European Site(s). This may involve assessment of effects of the alternative solutions (alone or in-combination) on different interest features, or different European sites.

If there are no alternative solutions, the competent authority may consider whether the project falls within this IROPI definition and whether the importance of the project outweighs the harm it may cause to the European site. It should be noted that social and economic reasons do not apply if the project would adversely affect a SAC with priority habitats or species as listed on Annex I and II of the Habitats Directive.

Imperative Reasons of Overriding Public Interest (IROPI) means:

- Imperative - both necessary and urgent;
- Overriding - of such a scale of importance that the reasons outweigh the scale of harm to the integrity of the site;
- Public Interest – to achieve a public good rather than a private interest;

If minded to proceed with a project for imperative reasons of overriding public interest, a competent authority must notify the relevant UK Government department and wait 21 days before issuing its authorisation.

The decision as to whether to allow a project to proceed under the Habitats Regulations is, in effect therefore, a Government decision. The Government will scrutinise the availability of alternative solutions before assessing the case for imperative reasons of overriding public interest.

Dealing with ‘priority natural habitats and species’ as defined in the Habitats Directive

Where a plan or project is likely to have an adverse effect on a SAC priority natural habitat or species, as defined in Article 1 of the Directive, that plan or project can only be approved – notwithstanding an adverse effect - if there are imperative reasons of overriding public interest concerning human health and public safety or beneficial consequences of primary importance to the environment. In these circumstances, social and economic reasons do not constitute an imperative reason of overriding public interest. This reflects the stricter protection which the Habitats Regulations generally affords to these priority SAC features at this stage of the HRA process.

With regard to SPAs, the Wild Birds Directive does not identify any equivalent priority species of bird, and so social and economic reasons can be considered as IROPI.

The terms ‘*human health*’, ‘*public safety*’ and ‘*beneficial consequences of primary importance to the environment*’ are not defined in the Habitats Directive or Habitats Regulations but are considered by the European Commission to be the principal reasons for derogating from the legislation. A further opinion may be sought by Government from the European Commission. This option will no longer be available once the UK leaves the EU.

If the IROPI test is to apply, then proof must be provided and the need must relate to the timescales for implementation of the plan or project.

Steps 9 and 10 – Compensatory measures

Mitigation measures cover avoidance and reduction measures which may also result in no significant effect or no adverse effect on site integrity. These are different to **compensatory measures**. The former aim to reduce or avoid any potential adverse effects of new projects on European sites, whereas the latter are considered where there is still a net residual adverse effect after the Appropriate Assessment and Integrity Decision steps (i.e. despite the consideration of additional mitigation measures) and the competent authority is minded to consent the project given there may be no alternative solutions. Compensatory measures are intended to ensure that the ecological coherence of the wider European Site network is maintained if a European Site is adversely affected.

The competent authority must clearly distinguish between mitigation and compensatory measures in any assessment. They should be aware that the distinction may not be clear or correctly made in the details of the project.

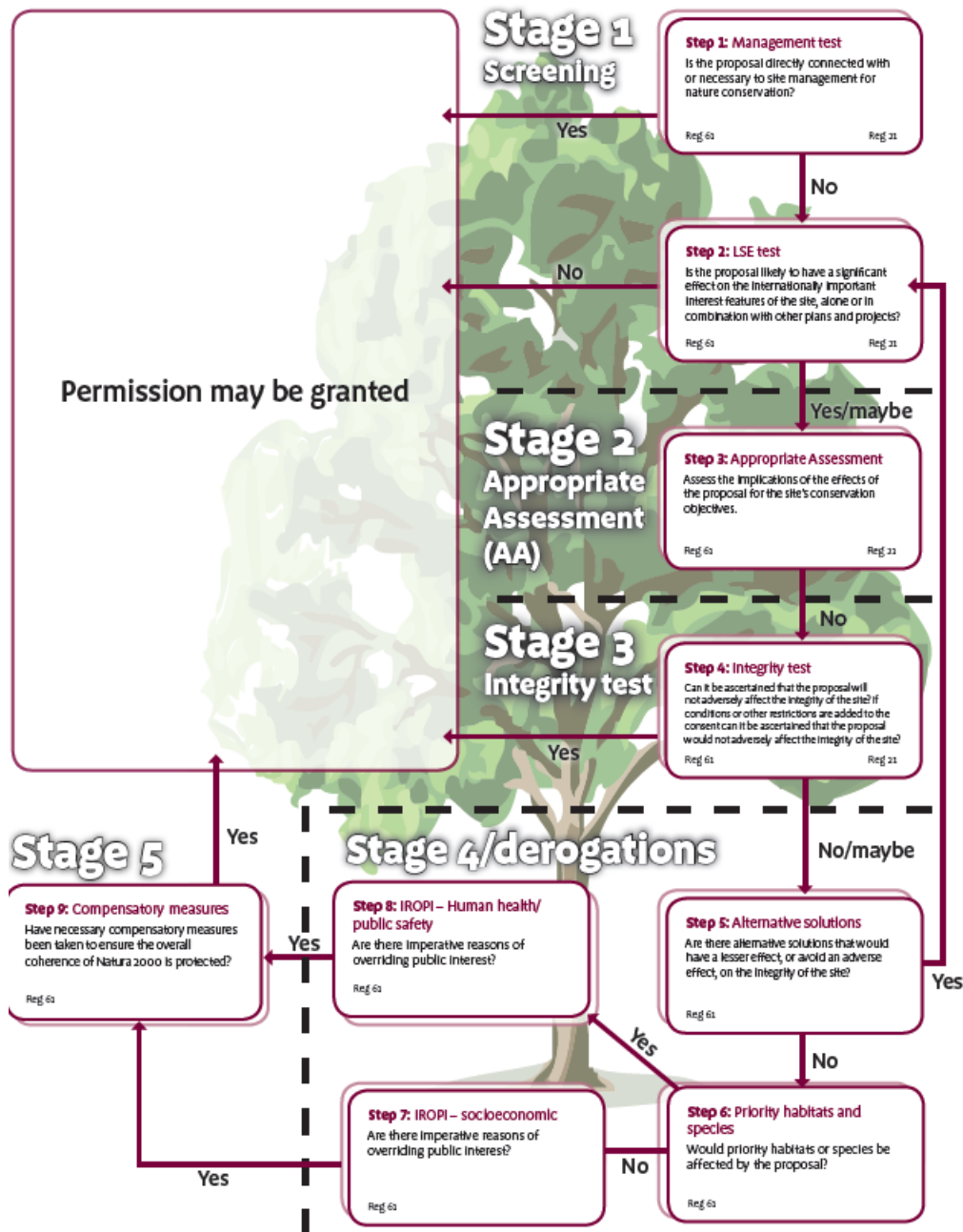
It should be noted that it is only mitigation measures, and not compensatory measures, which should be taken into account, when considering the likelihood of a significant effect or an adverse effect on site integrity on the site.

Where a competent authority determines it necessary to proceed with the project notwithstanding an adverse effect, because there are no alternative solutions and there are imperative reasons of overriding public interest, all necessary compensatory measures must be secured and provided to the satisfaction of the Secretary of State. The project proponent should formulate, fund and deliver the compensatory measures, and the competent authority should satisfy itself as to the efficacy of the compensatory measures and ensure that they will be implemented.

In the above situation, the Government has to ensure that the coherence of the European Site network is secured. It is essential that compensatory measures are effective, comprehensive and put in place in time to provide fully the ecological functions for which they are intended to compensate. It is therefore important that project proponents and competent authorities consult Natural England on the compensatory measures as they evolve.

In general, compensation should be delivered before the adverse effect occurs so as to ensure that there is continuity of ecological function and the coherence of the European Site network is protected. However, in certain situations – perhaps because of the long time it would take to fully recreate a habitat – it may be acceptable to put in place measures which do not provide a complete functioning habitat. If this is the case, they should include provisions to ensure that the compensation will be secured within a given timeframe. In some circumstances, the affected habitat may be irreplaceable or impossible to recreate. In these cases, other forms of compensatory measures to maintain network coherence may be required. Where suitable compensatory measures cannot be secured, the plan or project may not be able to be authorised.

Summary of the Habitats Regulations Assessment process



ANNEX B – NATURAL ENGLAND GENERAL ADVICE

Invasive Non-Native Species

The applicant should ensure that all necessary biosecurity measures are taken to avoid the introduction and or spread of INNS. To reduce the risk of introducing or spreading INNS plan all activities, including the disposal of any removed material, and follow the Check, Clean, Dry procedures at all times (Check, Clean, Dry - GB non-native species secretariat (www.nonnativespecies.org/what-can-i-do/check-clean-dry/)).

Protected Landscapes

Paragraph 189 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (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 190 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 \(legislation.gov.uk\)](http://legislation.gov.uk) 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 187 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 \(legislation.gov.uk\)](http://legislation.gov.uk) 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 \(www.gov.uk\)](http://www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 193-195 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](http://www.gov.uk) for more information for planning authorities).

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 \(England\) \(arcgis.com\)](http://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981

places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](#)).

Protected Species

We have not assessed this application and associated documents for impacts on marine protected species as listed on Schedule 5 of the Wildlife and Countryside Act (1981 as amended). The onus is on the Applicant and the LPA to ensure that they are legally compliant with the legislation throughout the duration of the licence. Further details of the species protected through this legislation can be found here: <https://www.gov.uk/government/publications/protected-marine-species>. Natural England has also produced [Protected species and development: advice for local planning authorities - GOV.UK](#) (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](#) (www.gov.uk) 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 187, 188 and 192 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 environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' 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) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority 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](#) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](#) (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 187(d), 192 and 193. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is also applies extended to small scale development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

[Biodiversity Net Gain](#) guidance (gov.uk) provides more information on biodiversity net gain and includes a link to the [Biodiversity Net Gain Planning Practice Guidance](#) (gov.uk).

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](#) for more information. For small development

sites, [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 193 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.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](#)

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). 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 \(naturalengland.org.uk\)](#) 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 \(www.gov.uk\)](#) 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 193 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 187, 188). 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 \(naturalengland.org.uk\)](https://naturalengland.org.uk/gi-how-principles). 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 \(naturalengland.org.uk\)](https://naturalengland.org.uk/green-infrastructure-map) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://naturalengland.org.uk/gi-mapping-analysis) 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 105, 185, 187 and 193 of the NPPF highlight 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 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.

The King Charles III England Coast Path (KCIIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

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