

Date: 15 February 2024  
 Our ref: 465359  
 Your ref: 24/00174/OUTS



Customer Services  
 Hornbeam House  
 Crewe Business Park  
 Electra Way  
 Crewe  
 Cheshire  
 CW1 6GJ

T 0300 060 3900

Sarah Barter –  
 Test Valley Borough Council

**BY EMAIL ONLY**

Dear Sarah,

**Planning consultation:** Outline planning for demolition of existing buildings and erection of up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School and associated works. AMR except for means of access.

**Location:** Land At Halterworth Lane, Halterworth Lane, Romsey.

Thank you for your consultation on the above dated 26 January 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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application could have an adverse effect on the integrity of the following designated sites:

- Solent Maritime SAC
- Solent and Southampton Waster SPA and Ramsar
- Portsmouth Harbour SPA and Ramsar
- Chichester and Langstone Harbours SPA and Ramsar
- Solent and Isle of Wight Lagoons SAC
- New Forest SAC, SPA and Ramsar
- Emer Bog SAC

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Nutrient mitigation as set out in the supporting documents is secured to fully offset the nutrient burden arising from this development
- Appropriate contributions in line with the Council's interim New Forest Recreational Disturbance strategy are secured

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 on mitigation***

### **Deterioration of the water environment**

#### Nutrient Budget

The application is supported by two nutrient budgets discussed via the *Nutrient Neutral Assessment & Mitigation Strategy (APPENDIX 329/NNAMS/A2 Nutrient Neutral, January 2024)* which have been calculated in line with Natural England's recent guidance on nutrient neutrality. The budgets calculate that the proposal will result in a precautionary additional load of 169.47 kg TN/year discharging to the Solent designated sites.

It is noted that one budget has been produced for 100 dwellings to demonstrate the nutrient load pre-2030, prior to TAL being implemented. It is proposed that only 100 dwellings will be occupied by 2030 in completing this nutrient budget assessment. This concluded an additional load of 169.47 kg TN/year discharging to the Solent. A second budget has been produced to demonstrate the nutrient load post-2030, after TAL has been implemented, of the full completed scheme of 270 dwellings. This budget resulted in an additional load of 165.28 kg TN/year.

The applicant has proposed to purchase 169.47 kg TN/year of permanent nitrogen credits to achieve nutrient neutrality across the entire scheme.

We advise that a phasing plan is produced and secured by yourselves as competent authority via a suitable mechanism such as a planning condition. This should limit the occupancy to the first 100 dwellings prior to TAL being implemented in 2030. This will ensure that mitigation will fully offset the requirements of the development at any given time.

Any mitigation proposal 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.

#### Land use change

It is understood that a significant area of greenspace is proposed to be secured in the land use change. Such areas are likely to need appropriate conditions or other legal measures to ensure the land will not change to alternative uses that affect nutrient inputs in the long term, and that long term management will be necessary to ensure the provision of dog bins and that these are regularly emptied.

#### Mitigation

To offset the positive nutrient load arising from the proposed development, the applicant has agreed to purchase nutrient credits from an 'identified source' necessary to secure the full precautionary value of 169.47 kg TN/year. Natural England advise that the purchase of the required nutrient mitigation credits is secured from an accepted nutrient mitigation scheme, such as Test Valley Borough Council's strategic scheme for nutrient mitigation at Roke, Awbridge, which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to an established and accepted nutrient mitigation scheme, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

### **Recreational impacts - New Forest SAC, SPA and Ramsar**

[Recent analysis](#) shows that new residential development within a 13.8km buffer zone of the New Forest designated sites is likely to have a significant effect on the sites via recreational impacts (including disturbance, trampling, eutrophication amongst others), alone and/or in combination with

other plans or projects. Larger developments (e.g. EIA development) beyond this zone but within 15km may also contribute to recreational impacts on the designated sites.

This application is situated within 13.8km zone and will result in an increase in residential accommodation. Natural England is aware that your authority has an adopted interim strategy to mitigate against adverse effects from recreational disturbance on New Forest European sites, and that this is being updated and developed as a Supplementary Planning Document (SPD) which recently went out to public consultation. Natural England provided a response to this and continue to work with the Council on developing its SPD.

Natural England is aware that your authority, in partnership with other local authorities within and surrounding the New Forest designated sites are committed to help prepare a more strategic, cross-boundary approach to habitat mitigation for the New Forest SPA/SAC/Ramsar. This will ensure a proportionate and co-ordinated approach to address this issue and enable a robust means for forthcoming development to avoid and/or mitigate its impacts over the long term. Natural England is working with affected local authorities to develop such a strategy.

For this application we recommend that the Appropriate Assessment includes information regarding how residual impacts at the designated sites will be suitably addressed. It is our advice that any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice. Where you as competent authority are satisfied the proposed mitigation is suitably precautionary and can be appropriately secured and delivered in perpetuity, Natural England raises no further comments on this aspect of the proposals.

### **Mottisfont Bats SAC**

Please note Mottisfont Bats SAC has a 7.5km Zone of Influence (ZOI) where developments could potentially impact the foraging habitats for protected bats inhabiting the SAC. It is noted that the application site lies adjacent to the boundary of the Mottisfont Bats' ZOI. Please note the survey work which generated the 7.5km ZOI also showed that bats were flying up to 14km from their maternity roosts at Mottisfont to feed their young.

It is Natural England's view that applications for medium to large developments located within the ZOI should consider their impact on the Mottisfont Bats SAC and include this consideration in the Habitats Regulations Assessment. As the ZOI outlines the foraging habitats for the designated species of bats at Mottisfont SAC, we advise this application should consider this development's impact on foraging sites, including any loss, damage, modification, and isolation of foraging areas.

### **Surface water drainage**

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

Please note, the pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

The detailed design of a Sustainable Drainage System (SuDS) should be submitted and agreed with Test Valley Borough Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no deterioration in water quality [or changes in water quantity] in discharges from the site. Information on the long term management and maintenance (including funding) of the SuDS for the lifetime of the development should also be secured prior to the commencement of any works.

### **Nationally Designated Sites of Special Scientific Interest (SSSIs)**

Some of the above impacts may also affect SSSIs. Please note that if your authority is minded to

grant planning permission contrary to the advice in this letter, you are required under Section 28I (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 A.

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 on

[REDACTED]

Should the proposal change, please consult us again.

Yours sincerely

Jack Baribeau  
Sustainable Development Lead Adviser  
Thames Solent Team

## Annex A – Natural England general advice

### Protected Landscapes

Paragraph 182 of the [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 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 [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

### 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](#)'. 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 [Impact Risk Zones](#) or as standard or bespoke consultation responses.

### Protected Species

Natural England has produced [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.

### 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](#) 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. A list of priority habitats and species can be found on [Gov.uk](#).

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, further information including links to the open mosaic habitats inventory can be found [here](#).

### **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 [NPPF 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.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

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. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [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.

Natural England's [Environmental Benefits from Nature tool](#) 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 [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

### **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. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account 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 [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website



Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

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](#)**

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). 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 Green Infrastructure 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.

GI mapping resources are available [here](#) and [here](#). These 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. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides 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 Planning Practice Guidance on the [natural environment](#)