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Our ref: 487013
Your ref: Regulation 19 Local Plan



Winchester City Council

BY EMAIL ONLY

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Dear Sir/Madam

Draft Submission Winchester District Local Plan 2020 – 2040 (Emerging) – Regulation 19

Thank you for your consultation on the Winchester District Local Plan.

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.

Natural England has one substantive comment to make in relation to the Habitats Regulations Assessment of this Local Plan.

Air Quality – River Itchen SAC - UNSOUND

We understand that the Local Planning Authority (LPA) are currently undertaking further air quality assessment work with the support of Natural England. There remains a possibility that this issue will still be resolved. However at the time of responding, the results of the assessment work were not available. In light of this, we advise that the Local Plan **does not currently pass the tests of soundness** described in Paragraph 35 of the National Planning Policy Framework (NPPF), for the reasons set out below.

The Plan should address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where there are impacts on European sites and SSSIs. The environmental assessment of the plan (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)) should also consider any detrimental impacts on the natural environment alone and in-combination, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England has engaged with the LPA regarding potential air quality impacts from the Bushfield Camp allocation (Policy W5), advice was provided in our Regulation 18 response dated 12th December 2022 on the evidence and assessment required for addressing traffic and air quality impacts at the Plan level. The air quality assessment provided does not assess potential impacts to ecological receptors and does not follow the methodology set out in the [NE001 Air Quality Assessment guidance](#) published by Natural England.

Therefore, currently we are not able to agree with the conclusion of the HRA (dated July 2024) prepared for the Reg 19 Plan, that there will be no adverse effect on integrity of the River Itchen SAC as a result of air quality (paragraphs 5.31).

Table 4.2 within the HRA sets out that in-combination the Plan has an expected increase of 2459 annual average daily traffic (AADT) within 200m of the River Itchen SAC. In addition, the Council

has identified that allocation W5 Bushfield Camp is also likely to have an alone impact on the River Itchen Special Area of Conservation (SAC) from increased traffic.

The HRA is relying on the alone impact from Bushfield Camp to be assessed and mitigated at project level. It is Natural England's advice that this is unlikely to meet the required criteria for mitigation in line with the Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations). 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. Natural England advises that more certain mitigation measures need to be provided to support the conclusion of No Adverse Effect on Integrity.

Whilst Natural England welcome the inclusion of Policy W5 Bushfield Camp within the Local Plan, reliance on this policy would not give the certainty required to meet the tests of the Habitats Regulations. Natural England expect the Local Plan to address the impacts of air quality on the natural environment

Paragraph 5.32 also relies on soft measures from other policies such as enabling sustainable transport. These soft measures relying on behavioural change cannot be relied upon with certainty to meet the tests of the Habitats Regulations.

In light of this, we advise that the Local Plan would not pass the tests of soundness described in Paragraph 35 of the NPPF. Namely:

- b) **Justified:** the air quality evidence base currently available as part of the HRA is not current and does not assess alone and in-combination impacts to ecological receptors.
- d) **National Policy:** the NPPF integrates the tests of the Habitats Regulations into national policies and the HRA is inconsistent with the NPPF.

We continue to work with the LPA on addressing this matter and welcome the opportunity to discuss the updated modelling and results when these are available.

A signed interim Statement of Common Ground dated September 2024 is available and sets out our commitment to work through outstanding issues with Winchester City Council.

Other Matters

The remaining matters raised within the letter are advisory and are not considered soundness issues. We would recommend the following changes are implemented within the Local Plan and supporting HRA to ensure completeness, clarity and inclusivity for users of the Plan.

Habitats Regulations Assessment (HRA)

Natural England note that a Habitats Regulations Assessment (HRA) dated July 2024 has been prepared by LUC for the Regulation 19 of the Winchester District Local Plan. Currently, for the reasons explained above concerning the uncertainty about air quality impacts, Natural England are not able to agree with the conclusions of the Habitat Regulations Assessment that the Plan will not have an adverse effect on integrity of the River Itchen SAC.

Air Quality

Please refer to our comments raised above in relation to Air Quality.

Physical Loss

Paragraph 5.6 refers to the location of functionally linked land associated with the River Itchen SAC is unconfirmed. Natural England has advised the Council that the River Meon and River Dever are

being considered as compensatory habitat for Southern Water's Drought Plan. At the point the Drought Order is enacted the River Meon will be considered as the River Itchen Compensatory Habitat SAC, similarly the River Dever will become the River Test Compensatory Habitat SAC. This should be taken forward for consideration in the Plan HRA.

We welcome that policy NE5 includes specific reference to functionally linked land and Solent Wader and Brent Goose Strategy (SWBGS) sites. Paragraph 5.14 of the Appropriate Assessment infers that only those sites identified as Core areas in the SWBGS require an HRA, this is incorrect all levels of classification will require an HRA where direct or indirect impacts from development are identified as these sites are supporting habitats for the qualifying features of the SPA regardless of classification level.

It also refers to a minimum requirement of one year survey, in appropriate management conditions, will be necessary to confirm the classification of the site. The strategy sets out that where a classification is disputed, a minimum of three years survey will be required.

Nutrient Impacts

There are impacts on nationally and internationally designated sites in the Itchen and Solent catchments arising from excessive nutrients entering the water environment. It is Natural England's view that there is a likely significant effect on internationally designated sites in the River Itchen and Solent catchments due to an increase in wastewater from new housing.

Policy NE16 ensures that any new development posing a likely significant effect to designated sites through wastewater will not cause an adverse effect to the integrity of the Habitats sites.

The Plan HRA is supported by a Nutrient Topic Paper setting out the plan level budget and expected mitigation requirements across the plan period. Paragraph 5.66 relies upon policy NE16 requiring allocations and windfall development to assess nutrient impacts and provide mitigation at project level. This conclusion is not correct and would not meet the tests of the Habitats Regulations. Natural England has advised the Council that the plan must produce a nutrient budget and expected mitigation across the plan period, this work has been set out in the supporting Nutrient Topic paper.

Natural England have worked with the Council on agreeing the nutrient topic paper, we will continue to engage on strategic nutrient mitigation schemes as they come forward.

The HRA should be updated to reflect this in the appropriate assessment conclusions.

Recreational Pressure

Solent Habitats Sites

Natural England agree that the Solent Recreation Mitigation Partnership (SRMP) a.k.a. 'Bird Aware' is an ecologically sound and robust mitigation and avoidance strategy. We would highlight that the SRMP is designed to mitigate and avoid in-combination impacts from development across the Solent region, but there may be instances where a development proposal may pose impacts to a site alone. This distinction is not made clear in the HRA or in Policy NE5.

Natural England are engaging with the Bird Aware project board and the Partnership for South Hampshire (PfSH) on this issue to agree the approach to mitigation when the current strategy ends in 2034, this includes extension of the strategy beyond 2034. It is our understanding that the reviewed strategy has now been approved by PfSH and the Bird Aware project board. It is now with the relevant LPA's to consider adopting this revised strategy, it is Natural England's view that the strategy is ecologically sound. We recommend the HRA is updated to reflect this.

New Forest Habitats Sites

Natural England agree the approach that large developments within 15km should be assessed on a case-by-case basis. Policy NE5 sets out the requirement for mitigation and the criteria where

mitigation is applicable. We recommend the HRA assesses whether any of the allocation policies are likely to meet this criteria and update the allocation policy text accordingly.

Strategic Policies

SP3 Development in the Countryside

Natural England welcomes the inclusion of biodiversity and the water environment in this policy. It is still our view that this policy should be strengthened to address the importance of soils, particularly protection of those sites identified as Best Most Versatile in line with the NPPF (Paragraphs 180 and 181).

SP CN1 Climate Change

We note that this policy has been updated to include nature based solutions which is welcome. However, the policy could be strengthened through the inclusion of specific actions and targets for delivery of nature based solutions.

Similarly we note that this policy is also not referenced in the Local Plan Monitoring Framework with no requirement for reporting. Specific targets and monitoring will make the policy much more likely to deliver tangible outcomes.

SP NE1 Biodiversity and the Natural Environment

We welcome the inclusion of this policy and have no further comments to make.

SP NE3 Open Space, Sport and Recreation

It is welcomed that Natural England's Urban Greening Factor for England is mentioned in NE4 para 7.37, along with the concept of 20 min neighbourhoods in Strategic Policy T1 Sustainable and Active Transport and Travel. We recommend that the 20 minute neighbourhood concept is also referred to under Policy NE3, and NE4 as provision of Green Infrastructure (GI) can play a key role in delivering the objective of Strategic Policy T1.

The provision of enhanced GI and sites of nature conservation value can not only help address some of the mental and physical health problems experienced in the Borough's population but can also benefit society in other ways including improvements to local air and water quality, reducing the risk of flooding, alleviating noise levels and aiding climate change adaptation.

Natural England recommend the Local Plan sets out policy that links public health and wellbeing to the natural environment and seeks to enhance green infrastructure and ecological connectivity across the Borough that is managed for people and nature.

SP NE4 Green and Blue Infrastructure

Natural England welcomes reference to NE GI principles and the Urban Greening Factor. We also welcome specific targets for measurable net of GI that addresses deficits of infrastructure provision, biodiversity enhancement and is linked to policy NE3.

The Plan should also outline how new GI and habitat creation will be monitored to ensure that it develops in accordance with any targets identified within the Plan and the stated intention(s) of the GI. This policy is not mentioned under the Local Plan Monitoring Framework section and it is our view this policy would benefit from monitoring.

SP NE5 Biodiversity

We have the following comments on the policy supporting text:

- e) Paragraph 7.35 should refer to Itchen having international as well as national designation.
- f) Paragraph 7.44 Welcome this wording that a strategic approach to air quality management is required, this also should reference strategic assessment of the Plan for impacts from air quality. We have been working with the Council on this aspect, please refer to our further comments on this aspect under the Habitats Regulations Assessment (HRA) subheading above.
- g) Paragraph 7.48 New Forest Recreational Disturbance. The policy text references that development requiring EIA within the 15km zone will require a project level HRA to assess impacts of new development on the New Forest from increased recreational pressure. Please see our comments on the Plan HRA, it is not clear if the Plan has assessed the allocations meet this criteria. If so, these allocation policies should be updated to include specific reference to the requirement.

In the policy itself, point iv should say ensure impacts to functionally linked land are appropriately avoided, mitigated or compensated in line with mitigation hierarchy and will be subject to a HRA. We also advise that this section refers to the SWBGS and that any development coming forward which is likely to impact either directly or indirectly on this network of sites will be required to provide mitigation in line with the SWBGS mitigation guidance.

We recommend that this policy also has regard to the forthcoming Test & Itchen compensatory habitat. We have previously advised the Council that the River Meon and the River Dever are being considered as compensatory habitat for Southern Water's Drought Plan, at the point the Drought Order is enacted the compensatory habitat will become designated as the River Itchen Compensatory Habitat SAC and River Test Compensatory Habitat SAC and will be subject to The Conservation of Habitats and Species Regulations (2017) (as amended).

NE6 Flooding, Flood Risk and Water Environment

In our Regulation 18 response we advised that this policy should be strengthened to require sustainable drainage systems (SuDS) features to be incorporated into development in order to prevent pollution to the River Itchen SAC from surface water run-off. Supporting text could also reference relevant Ciria guidance for the design of SuDS treatment trains to reduce nutrient enrichment and that an extra treatment train should be considered if development drains to a protected site. This policy should be linked to policy NE4, NE16 and NE17.

NE15 Special Trees, Important Hedgerows and Ancient Woodlands

Natural England welcomes point iii which require adequate buffer zones to woodland and a minimum buffer of 15 to ancient woodland. The supporting text should reference to Natural England and the Forestry Commission's [standing advice](#) on Ancient Woodland and Veteran trees. This sets out that the buffer to ancient woodland should be a minimum of 15m, however this is a minimum starting point, we recommend the policy is strengthened to require assessment of tree root protection zones and that a larger buffer may be required. The Woodland Trust has provided further [advice](#) on impacts from development in the vicinity of ancient woodland and recommended buffer zones, we recommend this is referred to in the policy supporting text.

NE16 Nutrient Enrichment and Neutrality

We welcome this policy supporting mitigation schemes such as tree planting or wetlands in appropriate locations. The policy should also set out that mitigation schemes coming forward should be agreed with Natural England. For wetlands in particular, they must be designed and assessed in line with the Natural England Wetland Framework if they are to be suitable for nutrient credits. Wetlands coming forward in floodplains without well characterised and controllable inflows are unlikely to be suitable as constructed wetlands to generate nutrient credits. In such

circumstances a more naturalised wetland may be an appropriate alternative which would seek to generate biodiversity net gain or carbon credits but not nutrient credits.

Any development coming forward in mains sewage areas which seek to install an onsite wastewater treatment works will need to seek agreement of the Environment Agency and those draining to the River Itchen will need to assess impacts to flows and loads condition targets of the River Itchen SAC both from surface water and groundwater. This is particular is relevant to policy W5 Bushfield Camp.

The policy supporting text also states that the Local Plan may be able to help by allocating land for mitigation schemes using nature based solutions. The plan and nutrient topic paper do not set out any allocations for this purpose, we would encourage the Council to continue to engage with developers and landowners in their plan area to bring forward such schemes.

We would also advise that paragraph 7.112 makes reference to impacts on the River Itchen SAC from nitrogen and phosphorus.

NE17 Rivers, watercourses, and their settings

The policy wording also states that the loss of habitats identified as in the Solent Wader and Brent Goose Strategy do not require HRA. This is incorrect, the SWBGS has mapped a network of terrestrial sites located outside of the Solent SPAs boundaries which 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, they should be referred to as functionally linked land. Any development coming forward which will impact these sites directly or indirectly will require a HRA and should provide mitigation in line with the SWBGS mitigation guidance, this includes Low Use sites. It is also a requirement of the SWBGS that should site classification be disputed, reclassification of a site will only be considered if confirmed by three consecutive years of winter surveys to the agreed methodology, under appropriate habitat management conditions for waders and/or brent geese usage throughout the survey period.

We recommend this policy is also linked to policy CN4.

Allocation Policies

W2 Sir John Moore Barracks

Welcome specific inclusion of protecting the nuns stream winterbournes and the onsite SINC. We understand there is also a candidate SINC located on the northern part of the site, you may wish to consider expanding paragraph x to include assessment and retention of the candidate site.

W5 Bushfield Camp

We have been in discussions with Winchester City Council regarding potential alone impacts through air pollution on the River Itchen SAC from this allocation. Please see the Habitat Regulations Assessment section of this letter for our further comments on this issue. We are also in discussions with the applicant regarding nutrient neutrality mitigation, we would advise that this policy is expanded to require any potential onsite wastewater treatment works is accompanied by an assessment of impacts to the River Itchen SAC through discharges from the WwTW including groundwater modelling, and will require the agreement of both Natural England and the Environment Agency.

SH2 North Whitely

There are a number of Ancient woodlands located throughout the allocation boundary. We have concerns regarding the policy wording recommending that the existing woodland on and adjoining the site should be used to provide recreational facilities and as a possible wood fuel source. 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.

We recommend that the policy is amended to ensure that any development coming forward complies with the Ancient Woodland standing advice which requires a minimum 15 buffer from the canopy edge, larger buffers may be required particularly for any parcels coming forward which are adjacent to Botley Woods, and Everett's and Mushes Copses SSSI. They should also incorporate SuDS to prevent surface water run-off into the woodlands. Where possible access to these woodlands should be prevented or carefully managed to prevent damage to sensitive habitats.

This allocation policy should be linked to policy NE15.

KW2 Land adjoining Cart & Horses PH

In our previous response to the Regulation 18 draft Plan we advised that this policy should take into consideration the proximity to the River Itchen SAC and SSSI, we recommended strengthening this policy to require assessment of potential impacts from surface water run-off and incorporation of naturalised SuDS features. It is disappointing that the policy has not been strengthened to ensure there are no adverse effects on the protected sites, and there is no mention of the River Itchen SAC included in the policy text, protection of the River Itchen SAC should be a priority for this allocation.

Further general advice is provided in Annex A.

For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours faithfully,

Ellen Satchwell
Sustainable Development – Senior Officer
Thames Solent Area Team

Annex A - Natural England's Local Plan Advice

Biodiversity and Geodiversity

The Plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment.

A strategic approach for networks of biodiversity should support a similar approach for green infrastructure (outlined below). Planning policies and decisions should contribute and enhance the natural and local environment, as outlined in para 180 of the NPPF. Plans should set out the approach to delivering net gains for biodiversity. Net gain for biodiversity should be considered for all aspects of the plan and development types, including transport proposals, housing and community infrastructure.

Priority habitats, ecological networks and priority and/or legally protected species populations

The Local Plan should be underpinned by up-to-date environmental evidence. This should include an assessment of existing and potential components of local ecological networks. This assessment should inform the Sustainability Appraisal, ensure that land of least environment value is chosen for development, and that the mitigation hierarchy is followed and inform opportunities for enhancement as well as development requirements for particular sites.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g., badger routes, river corridors for the migration of fish and staging posts for migratory birds. Local ecological networks will form a key part of the wider Nature Recovery Network proposed in the 25 Year Environment Plan. Where development is proposed, opportunities should be explored to contribute to the enhancement of ecological networks.

Planning positively for ecological networks will also contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 181 of the NPPF.

Soil, Agricultural Land Quality and Reclamation

The Minerals and Waste Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver for example:

1. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The [Natural Environment White Paper](#) (NEWP) 'The Natural Choice: securing the value of nature' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils, for example:

- A Vision for Nature: 'We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely' (paragraph 2.5).
 - Safeguarding our Soils: 'Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife' (paragraph 2.60).
 - 'Protect 'best and most versatile' agricultural land' (paragraph 2.35).
2. The conservation and sustainable management of soils also is reflected in the [National Planning Policy Framework](#) (NPPF), particularly in paragraph 180. When planning authorities are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 180 of the NPPF, for example to:
- Safeguard the long-term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.
 - To avoid development that would disturb or damage other soils of high environmental value (e.g., wetland and other specific soils contributing to ecological connectivity, carbon stores such as peatlands etc) and, where development is proposed.
 - Ensure soil resources are conserved and managed in a sustainable way.
3. To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 180 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable information was available, it would be reasonable to expect that developers should commission a new ALC survey, for any sites they wished to put forward for consideration in the Local Plan.

General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Further guidance for protecting soils (irrespective of their ALC grading) both during and following development is available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), to assist the construction sector in the better protection of the soil resources with which they work, and in doing so minimise the risk of environmental harm such as excessive run-off and flooding. The aim is to achieve positive outcomes such as cost savings, successful landscaping and enhanced amenity whilst maintaining a healthy natural environment, and we would advise that the Code be referred to where relevant in the development plan.

All of the allocated sites contain BMV agricultural land. In line with the Planning Practice Guidance (PPG) to support the NPPF; we welcome that the allocated sites are all accompanied by a detailed ALC Survey (Post-1988), available on the [magic](#) website. Where minerals underlie BMV agricultural land, it is particularly important that restoration and aftercare preserve the long-term potential of the land as a national, high-quality resource. Where alternative after-uses (such as forestry and some forms of amenity, including nature conservation) are proposed on BMV agricultural land, the methods used in restoration and aftercare should enable the land to retain its longer-term agricultural capability, thus remaining a high-quality resource for the future.

Reclamation to non-agricultural uses does not mean that there can be any reduced commitment to high standards in the reclamation. Such reclamations require equal commitment by mineral operators, mineral planning authorities and any other parties involved to achieve high standards of implementation.

Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through provision of suitable soil handling and management advice. The planning authority should ensure that sufficient site-specific soil survey data is available to inform decision making. To include, for example, assessment of soil properties to inform appropriate soil management, restoration and drainage, where required.

The [25 Year Environment Plan](#) (25YEP) sets out government action to help the natural world regain and retain good health, including highlighting the need to:

- protect the best agricultural land.
- put a value on [natural capital](#), including healthy soil.
- ensure all soils are managed sustainably by 2030.
- restore and protect peatland.

Air pollution

We would expect the plan to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and HRA) should also consider any detrimental impacts on the natural environment and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification. APIS provides a searchable database and information on pollutants and their impacts on habitats and species: <http://www.apis.ac.uk/>

It is advised that [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations](#) is followed when assessing impacts on protected sites.

Please note that ammonia (NH₃) from traffic emissions should also be assessed as the impact from this source on designated sites is currently unclear.

It is advised air quality impacts on interest features of nationally and locally designated sites is also carried out as part of an assessment of impacts on SSSIs and wider biodiversity.

Biodiversity Net Gain

Embedding biodiversity net gain

It is highly recommended that the Local Plan Update incorporates a policy for biodiversity net gain. Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. The NPPF

highlights the role of policies and decision making to minimise impacts and provide net gains for biodiversity (para 180).

Planning Practice Guidance describes net gain as an ‘approach to development that leaves the natural environment in a measurably better state than it was beforehand’ and applies to both biodiversity net gain and wider environmental net gains. For biodiversity net gain, Natural England’s [statutory metric](#), can be used to measure gains and losses to biodiversity resulting from development. We advise you to use this metric to implement development plan policies on biodiversity net gain. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain.

The Chartered Institute of Ecology and Environmental Management, along with partners, has developed ‘[good practice principles](#)’ for biodiversity net gain, which can assist plan-making authorities in gathering evidence and developing policy.

The following may also be useful considerations in developing plan policies:

- Use of a map within the plan. Mapping biodiversity assets and opportunity areas ensures compliance with national planning policy and helps to clearly demonstrate the relationship between development sites and opportunities for biodiversity net gain.
- Use of a biodiversity net gain target. Any target should be achievable, and evidence based and may be best placed in lower tier documents or a Supplementary Planning Document, or similar, to allow for regular updates in line with policy and legislation.
- Consideration should be given to thresholds for different development types, locations or scales of development proposals and the justification for this. Setting out the scope and scale of expected biodiversity net gains within Infrastructure Delivery Plans can help net gain to be factored into viability appraisals and land values. Natural England considers that all development, even small-scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the [CIEEM guide](#) which provide useful advice on how to incorporate biodiversity net gain into small scale developments.
- Policy should set out how biodiversity net gain will be delivered and managed and the priorities for habitat creation or enhancement in different parts of the plan area. The plan policy should set out the approach to onsite and offsite delivery. Natural England advises that on-site provision should be preferred as it helps to provide gains close to where a loss may have taken place. Off-site contributions may, however, be required due to limitations on-site or where this best meets wider biodiversity objectives set in the development plan. Further detail could be set out in a supplementary planning document.
- The policy could also usefully link to any complementary strategies or objectives in the plan, such as green infrastructure and Local Nature Recovery Strategies.

Wider environmental gains

Natural England focusses our advice on embedding biodiversity net gain in development plans, since the approach is better developed than for wider environmental gains. However, your authority should consider the requirements of the NPPF (paragraph 180, 185 and 186) and seek opportunities for wider environmental net gain wherever possible. This can be achieved by considering how policies and proposed allocations can contribute to wider environment enhancement, help adapt to the impacts of climate change and/or take forward elements of existing green infrastructure, open space or biodiversity strategies. Opportunities for environmental gains, including nature-based solutions to help adapt to climate change, might include:

- Identifying opportunities for new multi-functional green and blue infrastructure.
- Managing existing and new public spaces to be more wildlife friendly (e.g., by sowing wild flower strips, changing cutting regime of open spaces and road verges*) and climate resilient

- Planting trees, including street trees, characteristic to the local area to make a positive contribution to the local landscape.
- Improving access and links to existing greenspace, identifying improvements to the existing public right of way network or extending the network to create missing footpath or cycleway links.
- Restoring neglected environmental features (e.g., a hedgerow or stone wall or clearing away an eyesore).
- Designing a scheme to encourage wildlife, for example by ensuring lighting does not pollute areas of open space or existing habitats

*Please see this [paper](#) regarding cost-effective and low-maintenance management for species-rich grassland on road verges and the value it can contribute to biodiversity and ecosystem services

Any habitat creation and/or enhancement as a result of the above may also deliver a measurable biodiversity net gain.

Evidence gathering

Existing environmental evidence can be gathered from various sources including online data sources like [MAGIC](#), the [Hampshire Biodiversity Information Centre](#) (HBIC), and strategies for green infrastructure, open space provision, landscape character, climate and ecosystem services and biodiversity opportunity mapping. We advise that reference is made to the **Hampshire Ecological Network Mapping** dataset – this comprises the Local Ecological Network mapping for Hampshire, prepared by HBIC. The network comprises statutory designations, non-statutory designated sites, ancient woodlands, and other non-designated priority habitat, and other ecological features such as undesignated water bodies. Usefully, the Hampshire network mapping also identifies areas where there is the greatest potential to enhance the network, referred to as the network opportunities layer, based on habitat suitability indices. This can be useful where deciding where to create or enhance habitat.

Biodiversity data can also be obtained from developments that were subject to Environmental Impact Assessment (EIA) Monitoring, the discharge of conditions or monitoring information from legal agreements with a biodiversity element. This can help establish a baseline to understand what assets exist and how they may relate to wider objectives in the plan area. Cross boundary environmental opportunities can also be considered by working with neighbouring authorities, local nature partnership and/or the local enterprise partnership. The relationship between environmental assets and key strategic growth areas may help to highlight potential opportunities that development could bring for the natural environment. The following may also be useful when considering biodiversity priorities in your plan area:

- What biodiversity currently exists, what is vulnerable or declining?
- How are existing assets connected, are there opportunities to fill gaps and improve connectivity?
- How does the above relate to neighbouring authority areas, can you work collaboratively to improve links between assets or take strategic approaches to address issues or opportunities?

Applying the mitigation hierarchy

The plan's approach to biodiversity net gain should be compliant with the mitigation hierarchy, as outlined in paragraph 185 of the NPPF. The policy should ensure that biodiversity net gain is not applied to irreplaceable habitats and should also make clear that any mitigation and/or compensation requirements for European sites should be dealt with **separately** from biodiversity net gain provision.

Policies and decisions should first consider options to avoid adverse impacts on biodiversity from occurring. When avoidance is not possible impacts should be mitigated and finally, if there is no

alternative, compensation provided for any remaining impacts. Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts. It is also important to note that net gains can be delivered even if there are no losses through development.

The policy for net gain, or its supporting text, should highlight how losses and gains will be measured. The [statutory metric](#) can be used for this purpose as a fully tested metric that will ensure consistency across the plan-area, and we would encourage its use. Alternatively, your authority may choose to develop a bespoke metric, provided this is evidenced based.

The following may also be useful considerations in developing plan policies:

- Use of a map within the plan. Mapping biodiversity assets and opportunity areas ensures compliance with national planning policy and also helps to clearly demonstrate the relationship between development sites and opportunities for biodiversity net gain.
- ***NB: The Hampshire Ecological Network Mapping dataset would be ideally placed to provide this evidence base.***
- Use of a biodiversity net gain target. Any target should be achievable, and evidence based and may be best placed in lower tier documents or a Supplementary Planning Document, to allow for regular updates in line with policy and legislation.
- Consideration should be given to thresholds for different development types, locations or scales of development proposals and the justification for this. Setting out the scope and scale of expected biodiversity net gains within Infrastructure Delivery Plans can help net gain to be factored into viability appraisals and land values. Natural England considers that all development, even small-scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the CIEEM guide which provide useful advice on how to incorporate biodiversity net gain into small scale developments.
- Policy should set out how biodiversity net gain will be delivered and managed and the priorities for habitat creation or enhancement in different parts of the plan area. The plan policy should set out the approach to onsite and offsite delivery. Natural England advises that on-site provision should be preferred as it helps to provide gains close to where a loss may have taken place. Off-site contributions may, however, be required due to limitations on-site or where this best meets wider biodiversity objectives set in the development plan. Further detail could be set out in a supplementary planning document.
- The policy could also usefully link to any complementary strategies or objectives in the plan, such as green infrastructure.

Monitoring

Your plan should include requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

LPAs should work with local partners, including the Local Environmental Record Centre and wildlife trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations and providing as much up-front information on monitoring will help to streamline the project stage.

Water Quality and Resources and Flood Risk Management

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 180 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 166 and 167 of the NPPF.

The Plan should be based on an up-to-date evidence base on the water environment and as such

the relevant River Basin Management Plans should inform the development proposed in the Plan. These Plans implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Competent Authorities must in exercising their functions, have regard to these plans.

The Local Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on European sites, SSSIs and local sites which contribute to a wider ecological network.

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

Tranquillity

The Local Plan should identify relevant areas of tranquillity and provide appropriate policy protection to such areas as identified in paragraph 106 and 191 of the NPPF.

Tranquillity is an important landscape attribute in certain areas e.g. within National Parks/ AONBs/National Landscapes, particularly where this is identified as a special quality. The CPRE have mapped areas of tranquillity which are available [here](#) and are a helpful source of evidence for the Local Plan and SEA/SA.

Agri-environment schemes

Minerals sites may be under existing Higher Level Stewardship agreements before minerals are extracted and may be returned to agricultural use following landfilling. We advise early contact by agreement holders with the Rural Payments Agency to discuss individual cases so that any payments can be amended accordingly.

Annex B - Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (“National Landscape”) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

It is anticipated that the government will provide guidance on how the duty should be applied in due course.

In the meantime, and without prejudicing that guidance, Natural England advises that:

- the duty to ‘seek to further’ is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered.
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England’s view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape’s statutory management plan. The relevant protected landscape team/body should be consulted.