

Date: 30 November 2010
Our ref: SEG.61.03
Your ref: PLAN/PC/HR085 – 10/02547/CMA



Mr Peter Chadwick
Hampshire County Council

London & South East
Region

Block A
Government Buildings
Coley Park
Coley Avenue
Reading Berkshire
RG1 6DT

By email only, no hard copy to follow

T 0300 060 4922

Dear Mr Chadwick,

**CASTLE BOTTOM TO YATELEY AND HAWLEY COMMONS SITE OF SPECIAL SITE OF SCIENTIFIC INTEREST (SSSI)
BRAMSHILL SITE OF SPECIAL SITE OF SCIENTIFIC INTEREST (SSSI)
THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

**Erection of a Waste Reception Building and changes to internal layout in Units 1,2,3, 4,5 & 8 and permanent use of Units 1,2,3,4,5 & 8 for waste recycling and transfer activities, including the recycling and transfer of non putrescible construction, demolition, commercial, industrial and municipal waste
Eversley Haulage Park, Brickhouse Hill, Eversley, Hook Hampshire RG27 0PZ**

Thank you for your email dated 02 November 2010 consulting Natural England regarding the above application.

The application site is within close proximity of Castle Bottom to Yateley and Hawley Commons Site of Special Site of Scientific Interest (SSSI), Bramshill SSSI and the Thames Basin Heaths Special Protection Area (SPA). This reply comprises our statutory consultation response under provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

Natural England considers that the application, as submitted, should not adversely affect the interest features of Castle Bottom to Yateley and Hawley Commons SSSI or Bramshill SSSI. Given the proximity of the proposal site to the SSSIs and the associated potential for damage as a result of storage or disposal of materials, and operation of machinery or plant within the SSSIs, should the Council be minded to grant permission, we advise that the following informative is appended to any consent:

- The applicant is advised that should storage, access or encroachment within the Castle Bottom to Yateley and Hawley Commons SSSI or Bramshill SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.

We advise that the following should be secured by way of a condition on the planning permission:

- All contractors working on site should be made aware of the informative and should be provided with a map that clearly shows the boundaries of the Castle Bottom to Yateley and Hawley Commons SSSI and Bramshill SSSI in relation to the development site.

Natural England would expect all other activities not subject to changes within this application but an integral part of the current operations, within the confines of the approved applications, to continue to operate in accordance with these approvals and associated conditions of operation. This is certainly the case in terms of the Dust Management Scheme (DMS) and Peter Brett Associates Report (section 5, Aug 2004) submitted alongside a previously approved application on the site. Our comments at the time, in letter dated 05 October 2004 from Conservation Officer Catherine Chatters (ref: MWP/PC/HR085), stated that *“if such mitigation measures are imposed we consider that the recycling operations will not cause pollution or deterioration of the habitats supporting the Annex 1 birds within the proposed SPA”*.

We would therefore ask the Authority to consider this prior to the determination of this application to ensure, most certainly in respect of dust control, that emissions levels will not result in deterioration/pollution of habitats supporting the Annex 1 birds or significantly disturb the Annex 1 birds in the vicinity of the application site.

Natural England would recommend and prefer to see waste management operations that could subject the locality to greater noise or dust pollution to be undertaken within buildings, especially in light of this application and is thus supportive of the proposed construction of a new waste reception building.

Hydrology

Natural England is concerned this development could have a negative effect on the hydrology of the site and surrounding area. We would advise that all schemes and works related to hydrology, including surface water drainage and runoff, are conducted in accordance with Environment Agency advice, guidelines and best practice.

Biodiversity Enhancement

This development has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Natural England would further advise that any landscaping/planting schemes use native species of local provenance and that existing wildlife habitat and corridors are retained. Further information can be found from the following link:

<http://www.nhm.ac.uk/nature-online/life/plants-fungi/postcode-plants/index.html>

Protected Species

Natural England welcomes the submission of the ecological assessments and we recommend that you consult your in-house ecologist with regards to the results of these assessments and the appropriateness of the mitigation proposed. This is in line with Natural England’s standing advice which can be found at

http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/protectedspecies/default.aspx

Subject to the inclusion of the above condition and the proposals being carried out in strict accordance with the terms of the application and the submitted plans, **Natural England has no objections to this proposal at present**. Should there be any modification or amendment to the application, however, which may affect the SSSIs or European sites, Natural England must be consulted further.

If your authority decides to allow the development without applying the requirements / conditions set out above it must notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, it has taken our advice into account. It must then allow a further period of 21 days before the development can commence to allow us to consider any further action. For further details of these requirements, and a summary of the legislation protecting SSSI's and the duties which apply to planning authorities, please refer to Part II of Circular 06/2005¹.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact me at the above address, by telephone on 0300 060 4922 or by email to stewart.coles@naturalengland.org.uk.

Yours sincerely,



Stewart Coles
Environmental Planning Adviser, Western Area Government Team
London & South East Region

¹ Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005/Defra Circular 01/2005
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>