

Date: 12 September 2012
Our ref: 62234
Your ref: PLAN/KS/NF172



Hampshire County Council,
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BY EMAIL ONLY

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Dear Sir/Madam,

Planning consultation: Variation of condition 1 of Planning Permission 09/94538 to extend the time period of completion until 31 December 2025

Location: Marchwood Quarry, Jacobs Gutter Lane, Southampton SO40 4UD.

Thank you for your consultation on the above dated 17 August 2012, which was received by Natural England on 17 August 2012

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.

This application is in close proximity to Eling & Bury Marshes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. This SSSI is further designated as the Solent & Southampton Water Special Protection Area (SPA), the Solent Maritime Special Area of Conservation (SAC) and the Solent & Southampton Water Phase 2 of International Importance under the Ramsar Convention (Ramsar Site).

This reply gives our advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations.

Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.

The Government has provided advice¹ on BAP and protected species and their consideration in the planning system.

[Natural England Standing Advice](#) is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local landscape

Natural England does not hold information on local landscape character, however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority 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 118 of the NPPF. 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*'.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Yours faithfully



James Hughes
Customer Service Consultation Team

¹ Paragraph 98 and 99 of ODPM Circular 06/2005