

Our ref: A&T Offices_22001
Your ref: 24/102514

By email to: planning@nfdc.gov.uk



Pennyfarthing House
Ossemsley
New Milton
Hampshire
BH25 5TL

Tel: 01425 613958
Fax: 01425 638903

www.pennyfarthinghomes.co.uk
post@pennyfarthinghomes.co.uk

04 April 2024

Dear Sirs

APPLICATION FOR APPROVAL UNDER REGULATIONS 75-77 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

31-33 COMPTON ROAD, NEW MILTON, BH25 6EQ

This letter forms the basis of an application to the New Forest District Council (NFDC) under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

It is made to NFDC as the local planning authority and 'competent authority' for the purposes of the Habitats Regulations.

This application is made following the determination of an application for prior approval (ref 22/11314), approved by the NFDC in its decision dated 4 April. This confirmed that the change of use of the above Property, from offices (Class E commercial, business and service) to ten flats was 'permitted development' and that further prior approval was not required.

Under Regulation 75 of the Habitats Regulations it is a condition of any planning permission granted by a general development order (such as the development allowed by the GPDO), that that development which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).

In this instance the 'development' in question is the use of the Property as ten C3 dwellinghouses (5x 1 bed and 2x 2 bed).

This application requests the written notification of approval from NFDC under Regulation 77. Accordingly, it will a) give details of the development which is intended to be carried out; b) be accompanied by (i) a copy of any relevant notification by the appropriate nature conservation body under regulation 76; and (ii) any fee required to be paid.

Details of the development to be carried out:

The change of use from a Class E (commercial, business and service) use to 10no. C3 (dwellinghouses) in accordance with the confirmation that this constitutes 'permitted development' (under 'Class MA' of Schedule 2 Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) as evidenced by the NFDC's decision on application 22/11314.

A copy of that decision and a plan identifying that Property accompanies this letter, for information.

Notification by appropriate nature conservation body under regulation 76:

No notification has been received from Natural England (as the appropriate nature conservation body) under Regulation 76.

Natural England was not consulted as part of the prior approval application. Natural England will however be consulted by NFDC under Regulation 77(3) and NFNPA must 'take account' of any representations they make.

The fee:

A payment of £30 will be made to NFDC.

In accordance with Reg 77(6) and (7), the NFDC will now, taking account of any representations made by Natural England, make an "appropriate assessment" of the implications of the 'development' for the European site(s), in view of that site's conservation objectives.

We therefore provide additional information to assist NFDC undertaking its appropriate assessment. The Council's decision included informative notes referring to the potential impacts of development on protected European sites.

For NFDC to conclude that the development will not adversely affect the integrity of those protected sites, payments of contributions for mitigation are being made to NFDC, as described below.

The effect of this is to secure mitigation for this development, in accordance with projects and schemes agreed by NFDC and Natural England to mitigate the potential (cumulative) effects of the residential use of this Property.

Recreational Impacts

Policy ENV1 of the Local Plan is supplemented by the 'Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document' (adopted May 2021) which provides detailed guidance on how Policy ENV1 will be implemented in respect of the mitigation of recreational impacts on the New Forest international nature conservation sites, and full details of the on-site mitigation measures and/or financial contributions that residential development will be required to provide or make.

A contribution of **£38,965** as the “Habitats Mitigation (Infrastructure) Contribution”, being “a contribution (towards infrastructure projects) in accordance with the Local Plan 2016-2036 Part One: Planning Strategy New Forest District outside the New Forest National Park policy ENV1 and the Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document 2021”

A contribution of **£5,910** as the “Habitats Mitigation (Access Management and Monitoring) Contribution”, being “the contribution (towards non- infrastructure projects) in accordance with the Local Plan 2016-2036 Part One: Planning Strategy New Forest District outside the New Forest National Park policy ENV1 and the Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document 2021.”

Air Quality

A contribution of **£1,090** as the “Air Quality Monitoring Contribution”, being “a contribution towards the monitoring the air quality effects within the New Forest SPA, SAC and Ramsar Sites in accordance with the Local Plan 2016-2036 Part One: Planning Strategy New Forest District outside the New Forest National Park policy ENV1”.

Nitrates

A completed Solent Nutrient Budget Calculator is provided. This shows that the total annual nitrogen load to mitigate is **6.97kg TN/year**.

In order to mitigate the impact of additional nitrates, 7 units of credits with Heaton Farms are required and have been secured. The Heaton Farms scheme has been formally agreed by NFDC as providing mitigation for the cumulative impacts of new development on nitrates in the Solent SPA. Evidence of the credits for this specific scheme will be provided.

We trust that the NFDC has sufficient information and detail to be able to:

- 1) undertake consultation with Natural England (as the appropriate nature conservation body);
- 2) carry out its Appropriate Assessment under the Habitats Regulations;
- 3) confirm agreement on the ‘Recreational Impacts’ contributions;
- 4) confirm agreement to the ‘Air Quality’ contribution; and
- 5) confirm agreement to the credits from Heaton Farm Ltd to mitigate nitrates.

On the basis the above, NFDC will be able to provide written confirmation that the development at the Property and its residential use will not adversely affect the integrity of protected sites in accordance with Regulation 77 of the Habitats Regulations.

If you require any further information then please let me know directly.

Yours faithfully,

Robert

Robert Lofthouse

Planning Manager

T: 01425 613958 DDI: 01425 626917

M: 07874 874267

Pennyfarthing House, Ossemsley, New Milton, BH25 5TL

www.pennyfarthinghomes.co.uk

RobertLofthouse@pennyfarthinghomes.co.uk



Enc.

- Copy of the decision letter of NFDC 22/11314) dated 4 April 2023
- Location and Block Plans
- Habitat Mitigation Calculator
- Solent Nutrient Budget Calculator

\\PFC-DOCS\Pennyfarthing Data\Sites - Current\A&T_Offices_22001\C_L&P\02_Planning\HRA Applications\Phase 1\HRA_Application Cover Letter_040424.docx