

Dated:

2021

EASTLEIGH BOROUGH COUNCIL

and

WINCHESTER CITY COUNCIL AND NEW FOREST DISTRICT COUNCIL

**DEED OF AGREEMENT
PURSUANT TO SECTION 33 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND
SECTION 1 OF THE LOCALISM ACT 2011
RELATING TO LAND COMPRISING THE EBC NUTRIENT OFFSET SCHEME**

BETWEEN:

- (1) **Eastleigh Borough Council** of Eastleigh House, Upper Market Street, Eastleigh Hampshire SO50 9YN (“**the Owner**”); and
- (2) **Winchester City Council** of City Offices, Colebrook Street, Winchester, Hampshire SO23 9LJ (“**the First Authority**”); and
- (3) **New Forest District Council** of Appletree Court, Beaulieu Road, Lyndhurst, Hampshire, SO43 7PA (“**the Second Authority**”)

RECITALS

- A The Owner is the freehold owner of the Mitigation Land registered with title absolute at the Land Registry under Title Numbers HP279019, HP585566, HP717268, HP474351, HP503665 and HP537794 together with land awaiting first registration with HM Land Registry.
- B Under Regulation 63 of the Habitats Regulations local planning authorities may only grant planning permission where they are satisfied that there will not be an adverse effect on the European Designated Sites as a result of proposed development.
- C High levels of nitrates in the European Designated Sites means that local planning authorities in the Solent region cannot be satisfied that Development resulting in additional residential and other overnight accommodation will not have an adverse effect as a result of increased levels of nitrogen being discharged via wastewater treatment works.
- D In circumstances where new residential or overnight accommodation benefits from deemed planning permission pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, such planning permission is granted subject to a deemed condition under regulation 75 of the Habitats Regulations that, where it is likely to have a significant effect on a European site, the Development must not be begun until the Owner receives written notification of the approval of the local planning authority under regulation 77 of the Habitats Regulations.
- E In order to ensure that there is no such adverse effect, it is proposed to offset the increase in nitrogen arising from the Occupation of a Development by inter alia imposing appropriate and counter-balancing restrictions on proportionate parts of the Mitigation Land.
- F The Owner has agreed to enter into this Deed with the Enforcing Authorities pursuant to the Enabling Powers in order to regulate the use of the Mitigation Land for the provision of Credits in

connection with applications for planning permission in respect of future development comprising residential and other overnight accommodation in the Catchment Area.

IT IS AGREED AS FOLLOWS:

1 DEFINITIONS

1.1 In addition to the definitions set out below, a series of specific definitions are included in the Schedule to this Deed giving further defined terms and expressions to facilitate interpretation and unless stated to the contrary the specific definitions in the Schedule shall apply throughout this Deed where the relevant terms and expressions are used.

1.2 In this Deed the following expressions shall have the meanings indicated:

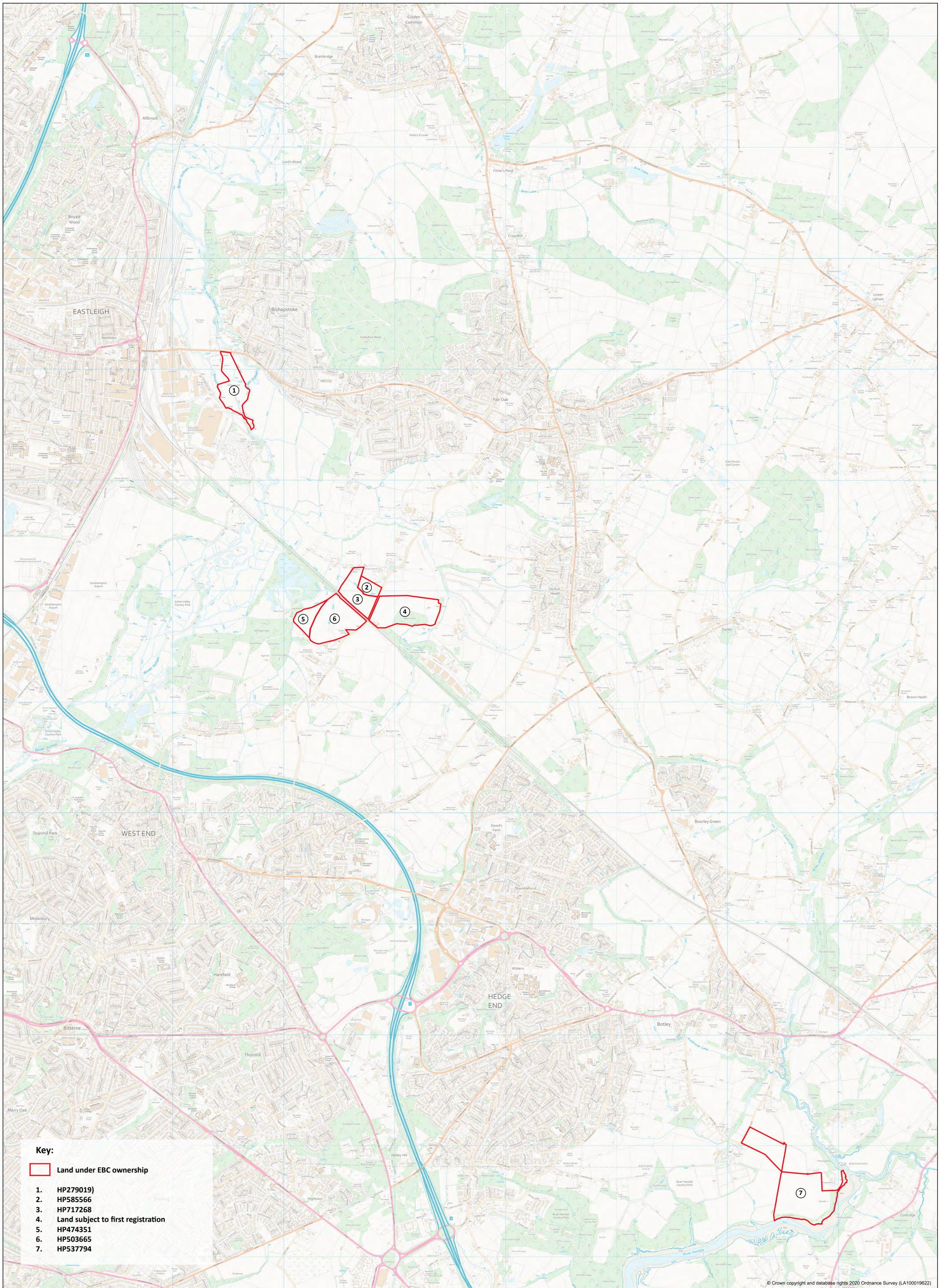
| | |
|-------------------|---|
| "Activation Date" | The date of the first Nitrate Mitigation Vesting Certificate issued for any Development |
| "Agriculture" | <p>(a) use for horticulture, fruit growing, seed growing (including the growing of cereal crops);</p> <p>(b) use for dairy farming;</p> <p>(c) use for the breeding and keeping of livestock (any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land);</p> <p>(d) use of the land as grazing land, save for conservation grazing included within a land management plan; and</p> <p>(e) use as market gardens or nursery grounds,</p> <p>and 'Agricultural' shall be construed accordingly</p> |
| "Application" | Any planning application for residential development or development comprising other overnight accommodation in the relevant Catchment Area submitted to and validated by the relevant Enforcing Authority |
| "Catchment Area" | <p>any one of the following river catchments:</p> <ul style="list-style-type: none"> • River Test and River Itchen; • Bartley Water; • River Meon; and/or • River Hamble <p>as more particularly defined by Natural England's Guidance on Achieving Nutrient Neutrality for New Housing Development June 2020.</p> |
| "Commence" | The carrying out of a "material operation" (as defined in section 56(4) of the Town and Country Planning Act 1990) in connection with a Development (and "Commencement" and "Commenced" shall be construed accordingly) |
| "Credits" | Credits sold by the Owner to a developer where one Credit equates to 1 Kg per annum of total nitrogen reduction (as |

| | |
|--|--|
| | against historic discharges on the Mitigation Land) discharged from the Mitigation Land. |
| “Credit Deficit” | if the number of Credits assessed as available for the Mitigation Land is less than the number of Credits already purchased by developers |
| “Deed” | This deed |
| “Development” | The development of Development Land in accordance with a Permission |
| “Development Land” | The land which is the subject of an Application |
| “Disposal” | A transfer or lease |
| “Enabling Powers” | Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 1 of the Localism Act 2011 and all other enabling powers |
| “End Date” | The date 100 years from the date of issue of the final Nitrate Mitigation Vesting Certificate |
| “Enforcing Authorities” | the First Authority and the Second Authority [etc] who are local planning authorities for the purposes of the Town and Country Planning Act 1990 and any further local planning authorities which enter into a supplemental deed with the Owner incorporating the terms of this Deed |
| “European Designated Sites” | Collectively the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast SPA |
| “Habitats Regulations” | The Conservation of Habitats and Species Regulations 2017 |
| “Initial Credits” | Credits identified at Appendix 3 and available from cessation of Agriculture on the Mitigation Land shown for identification purposes only edged with a red line on Plan 1 |
| “Land Management Plan” | the Land Management Plan(s) annexed at Appendix 2 or such other Land Management Plan that is agreed in writing by Natural England |
| “Mitigation Land” | The land registered with HM Land Registry under title numbers HP279019, HP585566, HP717268, HP474351, HP503665 and HP537794 together with the land awaiting first registration with HM Land Registry and shown for identification purposes only edged with a red line on Plan 1 or such other land as shall be included in accordance with Clause 14 |
| “Nitrate Mitigation Vesting Certificate” | A written notification to a developer of the completion of the purchase of Credits which shall be in the form annexed at Appendix 1 |
| “Occupation” | Occupation for the purposes permitted by a Permission but not including occupation by personnel engaged in construction, |

| | |
|----------------------------|--|
| | fitting out or decoration or occupation for marketing or display or occupation in relation to security operations and “Occupy” and “Occupied” shall be construed accordingly |
| “Offset Scheme” | the EBC Nutrient Offset Scheme for the Mitigation Land which is the subject of this Deed |
| “Plan 1” | The plan annexed hereto and marked “Plan 1” showing the Mitigation Land edged red |
| “Permission” | A full or outline planning permission or any reserved matter permission granted pursuant to an outline planning permission subject to conditions to be granted by one of the Enforcing Authorities pursuant to an Application (and for the avoidance of doubt shall include any modifications of such planning permission and variations of conditions attaching to such planning permission, and any minor or non-material amendments to such planning permission provided such modifications, variations or amendments do not increase the number of Credits required for the Development and is first approved in writing by the Enforcing Authority in which the Development Land is located) or a planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 |
| “Statement of Compliance” | an annual report prepared by the Owner following an annual site walk and audit confirming compliance with the Land Management Plan and Credits that remain available for purchase. |
| “Statement of Suitability” | a written statement from the Owner and approved by Natural England detailing the suitability of additional land for use as nitrate mitigation. |
| “Working Day” | Monday to Friday inclusive, excluding any bank or public holidays |

2 INTERPRETATION

- 2.1 Any reference to the Owner shall include the Owner’s successors in title.
- 2.2 Where in this Deed reference is made to any clause, paragraph, schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph, schedule or recital in this Deed.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations,



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Plan 1 - EBC Nutrient Offset Scheme - Mitigation Land

Whilst every care has been taken in the compilation of this information, Eastleigh Borough Council will not be held responsible for any loss, damage, or inconvenience caused to any person as a result of any inaccuracy or error contained within this plan. Anyone who relies on this information will do so at their own risk.



Scale: NTS | Date: June 2020 | Dept: SP



permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

- 2.6 References to any party to this Deed shall, to the full extent permitted by law, include the successors in title to that party and to any person deriving title through or under that party and in the case of the Enforcing Authorities the successors to their respective statutory functions.
- 2.7 References to "the parties" shall mean the parties to this Deed and reference to a "party" shall mean any one of the parties.
- 2.8 The headings and contents list are for reference only and shall not affect construction.
- 2.9 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.

3 EFFECT OF THE AGREEMENT

- 3.1 Subject to clause 3.2 this Deed shall take effect on the day and year first before written.
- 3.2 The covenants contained in Paragraph 1 of the Schedule to this Deed shall only take effect in respect of the Mitigation Land on the Activation Date.

4 COUNCIL'S COVENANTS

The Owner hereby covenants with the Enforcing Authorities so that this shall be a covenant to which Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply and with the intention of binding the Mitigation Land and each and every part of it, that the Owner and its successors in title will observe and perform the covenants contained in the Schedule to this Deed subject to the operation of clauses 3.2 and 5.2 of this Deed.

5 RELEASE AND LAPSE

- 5.1 Where any Permission is quashed following a successful legal challenge the Credits relating to that Permission (via a Nitrates Mitigation Vesting Certificate) shall be released automatically on such quashing of such Permission from the covenants contained in the Schedule to this Deed so that the Owner shall then be entitled to serve a new Nitrates Mitigation Vesting Certificate in relation to those Credits.
- 5.2 Where any Permission expires without having been Commenced, following written confirmation from the relevant Enforcing Authority that the same Permission has expired, the Owner shall then be entitled to serve a new Nitrates Mitigation Vesting Certificate in relation to those Credits.
- 5.3 Subject to clauses 5.1 and 5.2 the Owner covenants with the Enforcing Authorities that it will not allocate the same Credits to more than one Development.
- 5.4 It is hereby agreed that the Owner shall not be liable for a breach of any of its obligations under this Deed (save for antecedent breaches) after it shall have parted with all of its interests in the Mitigation Land.

6 DUTY TO ACT REASONABLY

All parties to this Deed acknowledge that they are under a duty to act reasonably and (without prejudice to generality) if any deed consent approval or expression of satisfaction is due from one party to another under the terms of this Deed the same shall not be unreasonably withheld or delayed.

7 NO FETTER ON DISCRETION OR WAIVER

No waiver (whether expressed or implied) by the Enforcing Authorities of any breach or default in performing or observing any of the covenant's terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Enforcing Authorities from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

8 COVENANT AS TO TITLE

The Owner hereby covenants with the Enforcing Authorities that no person other than the Owner to this Deed has any interest in the Mitigation Land.

9 SEVERABILITY

It is agreed that if any part of this Deed shall be declared unlawful or invalid by a court of competent jurisdiction then (to the extent possible) the remainder of this Deed shall continue in full force and effect.

10 CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Deed shall be enforceable by a third party who is not a party to the Deed and for the avoidance of doubt the terms of this Deed may be varied by Deed between the parties without the consent of any such third party

11 NOTICES

11.1 Any notices required to be served by one party on another under this Deed shall be served by First Class prepaid post or by email in the following manner:

11.1.1 on the Owner at the address as detailed above or as notified by the Owner in writing to the Enforcing Authorities.

11.1.2 On the First Authority at the address as detailed above or as otherwise notified in writing to the Owner

11.1.3 On the Second Authority at the address as detailed above or as otherwise notified in writing to the Owner

- 11.2 Notices served in accordance with this clause 12 shall be deemed received:
- (a) where sent by first class prepaid post, by 4pm on the second Working Day after posting; or
 - (b) where sent by email, by 9am on the following Working Day after sending.

12 RESTRICTION ON DISPOSALS

12.1 The Owner covenants with the Enforcing Authorities, with the intention of binding the Mitigation Land and each and every part of it, not to make any Disposal of the whole or any part of the Mitigation Land without first procuring that the disponee enters into a Deed of Covenant in substantially the same form as this Deed and promptly supplies a copy of the same to the Enforcing Authorities.

12.2 In order to ensure compliance with the covenants in Schedule One, the Owner consents to the entry of the following restriction against the Owner's title to the Mitigation Land at HM Land Registry and shall apply to HM Land Registry to request the registration within 20 Working Days of completion of this Deed:

"No transfer or lease of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by a conveyancer that the provisions of clause 14.1 of a Deed of Agreement dated..... And made between Eastleigh Borough Council (1) and [detail initial enforcing authorities] (2) have been complied with".

13 VARIATION OF LAND PARCELS COMPRISING THE NUTRIENT OFFSET SCHEME

13.1 The Enforcing Authorities agree that the Owner may add or remove individual parcels of Mitigation Land making up the Offset Scheme.

13.2 Where the Owner adds Mitigation Land to the Offset Scheme it will:

13.2.1 Provide details to the Enforcing Authorities including:

13.2.1.1 a copy of the Statement of Suitability, including written approval from Natural England.

13.2.1.2 Provide details of the number of additional Credits;

13.2.2 Enter into a supplemental deed with the Enforcing Authorities to ensure that the additional land is subject to the obligations in this Deed; and

13.2.3 Enter a restriction on the title of the additional land as detailed in clause 13

13.3 Where the Owner wishes to remove land from the Offset Scheme it will be entitled to do so without express agreement from the Enforcing Authorities provided

13.3.1 The removal of such land does not create a Credit Deficit.

13.3.2 The Owner has provided the Enforcing Authorities with a written update of the total Credits remaining in the scheme and total remaining for purchase; and

13.3.3 There is no subsisting breach of the Owners covenants under this Deed that if unresolved would result in the creation of a Credit Deficit.

13.4 Providing clause 14.3 is satisfied the Enforcing Authorities agree that they will immediately provide consent to release the relevant parcel of Mitigation Land from the restriction on title imposed by Clause 13.

14 COUNTERPARTS

This agreement may be executed in any number of counterparts, each of which shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

15 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

16 DELIVERY

This Deed is for the purposes of the Regulatory Reform (Execution of Deeds and Documents) Order 2005 a deed and for the avoidance of doubt the Deed shall be deemed not delivered despite being executed by the parties until such time as it is dated.

SCHEDULE

THE COVENANTS

The Owner covenants with the Enforcing Authorities as follows:

1. COVENANTS REGULATING USE OF THE MITIGATION LAND

- 1.1 To manage the Mitigation Land in accordance with the Land Management Plans contained at Appendix 2.
- 1.2 In the event that the Land Management Plans are amended the Owner shall provide copies of such amended Land Management Plans and a copy of Natural England's written approval of the same, to each of the Enforcing Authorities.
- 1.3 Subject to paragraph 1.4 of this Schedule not to use the Mitigation Land for Agriculture or deposit or permit the deposit of any fertiliser on the Mitigation Land at any time between the Activation Date and the End Date.
- 1.4 Notwithstanding the provisions of paragraph 1.2 of this Schedule, the following activities (without limitation) shall for the avoidance of doubt be permitted:
 - 1.4.1 The harvesting and removal of any existing crop in the ground at the Activation Date provided no additional fertiliser inputs are applied;
 - 1.4.2 leaving the Mitigation Land naturally to regenerate;
 - 1.4.3 maintaining existing trees, hedgerows;
 - 1.4.4 maintaining existing greensward;
 - 1.4.5 planting and maintaining new greensward;
 - 1.4.6 planting and maintaining new trees and hedgerows;
 - 1.4.7 creating and maintaining open space;
 - 1.4.8 the carrying out and maintenance of any planting scheme or woodland management plan that is first approved by Natural England, the Forestry Commission, or any other authority for the time being with relevant responsibility for land such as the Mitigation Land;
 - 1.4.9 any other nutrient offset activities;
 - 1.4.10 for the harvesting of solar energy;
 - 1.4.11 for use for recreation or conservation (including but not limited to use as a Suitable Alternative Natural Green Space); and/or

1.4.12 for the installation and use of footways, cycleways and other infrastructure (including but not limited to cables, pipes, and other services); provided no further fertiliser inputs are applied and provided the impact of the activity or use does not result in a Credit Deficit.

2. NOTIFICATION REQUIREMENTS

Upon completion of any sale of Credits, but only once the Owner has been paid in full for such sale, the Owner shall immediately:

- (a) send the relevant Nitrate Mitigation Vesting Certificate to the purchaser of the Credits; and
- (b) provide a copy of that Nitrate Mitigation Vesting Certificate to the relevant Enforcing Authority.

3. MONITORING/REPORTING

- 3.1 Within 3 months of the preparation and approval of the annual Statement of Compliance in accordance with the Owner's internal procedures, the Owner shall provide the Statement of Compliance to the Enforcing Authorities to confirm the continued provision of mitigation for Developments for which Credits have been purchased during the use of such Developments in accordance with the Land Management Plan and this Deed.
- 3.2 The Enforcing Authorities, on giving reasonable written notice to the Owner, shall be permitted to enter the Mitigation Land in order to confirm compliance by the Owner with the Land Management Plan and this Deed.
- 3.3 The Owner shall not confirm or allow the purchase of Credits unless it can evidence to the Enforcing Authorities if requested that sufficient Credits remain available for purchase

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written

Executed as a DEED by affixing)
THE COMMON SEAL OF)
WINCHESTER CITY COUNCIL)
in the presence of:)

.....
Authorised Signatory

Executed as a DEED by affixing)
THE COMMON SEAL OF)
NEW FOREST DISTRICT COUNCIL)
in the presence of:)

.....
Authorised Signatory

Executed as a DEED by affixing)
THE COMMON SEAL OF)
EASTLEIGH BOROUGH COUNCIL)
in the presence of:)

.....
Authorised Signatory

Appendix 1: Nitrates Mitigation Vesting Certificate

[ON HEADED NOTEPAPER OF EBC]

[APPLICANT]
[ADDRESS LINE 1]
[ADDRESS LINE 2]
[POSTCODE]

[DATE]

Dear Sirs,

Nitrate Neutrality Offset Scheme - Vesting Certificate

In consideration of the payment of £[xxx] , receipt of which we acknowledge, we write to confirm the acquisition of the Nitrate Credits as set out below.

| | |
|--|------------------------|
| Nitrate Credits Purchased | |
| Location of Nitrates Offset land | [insert relevant Ward] |
| Applicant | |
| Local Planning Authority of Applicant | |
| Development | |
| Planning Ref Number | |
| Affected Fluvial Catchment | |
| Affected River Basin | |

We confirm that:

Other than the Local Planning Authority of the applicant or a successor in title of the applicant, a person who is not a party to this letter shall not have any rights under or in connection with it.

These credits cannot be transferred, sold or otherwise used for the benefit of any party other than the Applicant nor can they be used for the benefit of any property other than the Development.

These credits are not refundable in any circumstances. However, if requested by the Applicant Eastleigh Borough Council may at its absolute discretion agree to purchase back some or all of the credits at the fixed price of £[] plus VAT per credit (or a proportionate amount for any part credit)

There has been no transfer of any property or any rights in property as a result of this transaction.

Please retain this letter for your records.

Yours faithfully,

.....
Authorised Signatory
For Eastleigh Borough Council

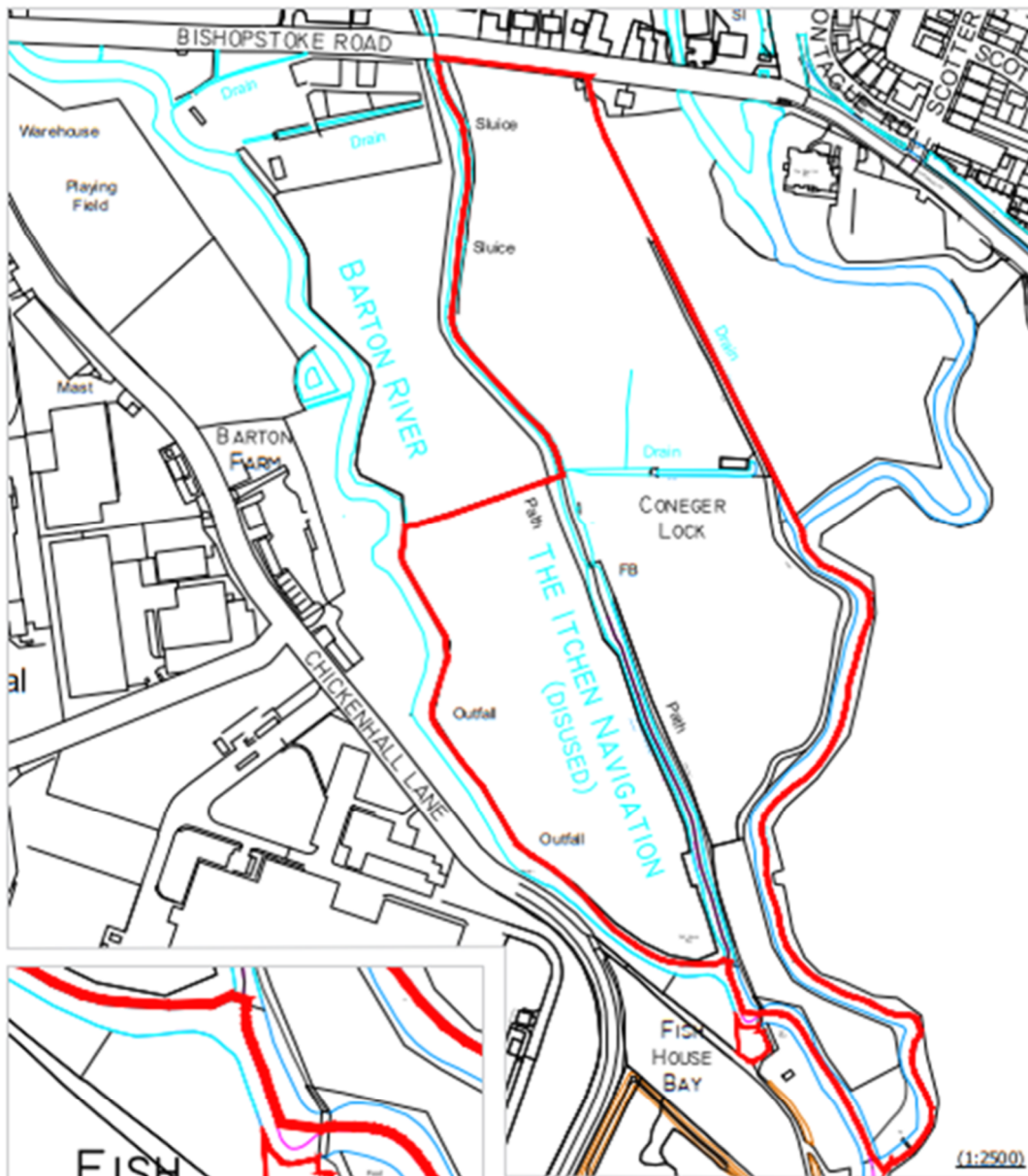
Appendix 2: Land Management Plans

Eastleigh Borough Council
Land Management Review - September 2021
HP279019 HP362865

Description of Land

| | |
|-----------------------------|---|
| Title Number | HP279019 HP362865 |
| Location | South of Bishopstoke Road, Eastleigh |
| Total Area | 10.164 Hectares / 25.42 Acres |
| Description | Water Meadows |
| Buildings | Small dilapidated Pole barn (circa 100 sq m) |
| Hardstanding | Area of hardstanding by entrance of Porous Material |
| Woodland | N/a |
| Trees | Isolated with various bounding watercourse and field divisions Selection of dying ash to be monitored |
| Hedgerows | Minimal |
| Vegetation / Scrub | Vegetation along the Navigation |
| Watercourses | Main River - Itchen, Navigation, Barton |
| Ditches | Tributaries |
| Ponds | Na (Sitting water to the Southern extent) |
| Fluvial Catchment | Itchen |
| Previous Use | Grazing of Livestock |
| Designations | SSSI – Northern section SINC – Southern section SAC - Watercourses |
| Invasive Species | Non observed – Further survey required along watercourses |
| Injurious Weeds | Evidence of Thistles |
| Public Rights of Way | Fenced off from land - running along and over the Navigation |
| Easements | Right of access for adjacent land owner via track Right of access for those with fishing rights |
| Maintenance Access | Vehicular access via Bishopstoke Road to HP279019 Vehicular access across Navigation via ford Pedestrian access from HP279019 to HP362865 |
| Boundaries | In part central line of watercourses Northern extent Highways responsibility Secured via 3 strand barbed wire upon round posts |
| Flood Risk | Zone 1 – North of site Zone 2 – Southern Section Zone 3 – Far South |
| Other information | Population of Southern Damselfly on adjacent land |

Eastleigh Borough Council
Land Management Review - September 2021
HP279019 HP362865



Inset - HP362865

Area (HP362865): 0.034 H.A.
 Area (HP279019): 10.13 H.A.

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NORTH should be taken as the top of the page, unless clearly marked otherwise.

Scale as marked @ A3



ADDRESS: [Morris]
 Land East of Chickenhall
 South Bishopstoke
 Eastleigh

TITLE: Transfer Plan

Ref. 228 SLP MOR-LR01

Date: 25th of September 2020

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Eastleigh Borough Council
Land Management Review - September 2021
HP279019 HP362865

Management Plan

As a local authority, Eastleigh Borough Council are suitably placed custodians of the land. Ensuring that it is appropriately managed as to avoid exceedance of the 5kgN/ha/yr rate.

For the avoidance of doubt the following stipulations will apply:

Prohibited Activities

- Introduction of new nitrogen onto the land
- Application of fertiliser
- Re-seeding of entirety except to initially revert harvested crops to grassland
- Supplementary feeding of livestock
- Dairy Farming
- Commercial horticulture or growing of cereal crops
- Ploughing of the land except minimum tillage for the purpose of planting

Permitted Activities

- Harvesting and removal of any existing crop and reverting to grassland
- Grazing of livestock to maintain and enhance the biodiversity of the land
- Planting and/or management of trees and shrubs
- Natural regeneration of the land
- Planting and maintenance of greensward

The intention is that the land receives minimum intervention during the course of the agreement. Key components of management requirements are outlined as:

Trees and Woodland

Management to be implemented taking into account the risk/proximity of dangerous trees, diversity of woodland and habitat provisions/enhancements.

Hedgerows and Vegetation

To receive an annual cut (September through to February). Those on the immediate highway, restricting vehicular visibility splays or restricted access on Public Rights of Ways to receive secondary cut if essential with a nesting bird check prior to works. Selective vegetation left for natural regeneration.

Grass Management

To receive staggered bi-annual mechanical cut, spring and late summer/autumn dependent on weather and ground conditions. Peripheral areas, understories and selective scrub left for natural regeneration.

Conservation Grazing

Considered on a case by case basis ensuring no exceedance of the rate of 5kgN/ha/yr.

Gates and Fencing

To be maintained, ensuring land is secure from trespass, flytipping and unwanted access.

Eastleigh Borough Council
Land Management Review - September 2021
HP279019 HP362865

Access

Only granted on designated Public Rights of Way and for those with existing entitlements. Public use and recreation is not considered at this time.

Ponds, Water Courses and Ditches

Main river and watercourse constraints to be observed where applicable with consent required when implementing works in vicinity. Watercourses to be kept free flowing with caution expressed to habitat suitability. No fishing rights come with the land.

Designations

Where areas fall under specific designations, compliance will be met and permission will be sought if operations fall outside of normal regimes. Natural England's assessments will be reviewed

Chemical Applications

Fertilisers and pesticides will be avoided. Herbicides may be used if targeting invasive species or injurious weeds.

Invasive Species and Injurious Weeds

If evident on the land to be actively managed in-line with best practice guidance

Neighbourly Relations

Regular liaison with records of correspondence if warranted.

Monitoring Arrangements

Monitoring report to be compiled by or on behalf of Eastleigh Borough Council in order to:

- ensure compliance with the management and use of the land
- record and evidence the evolving site context
- make further observations and recommendations
- address any incidents or non-compliance that may constitute a breach of the agreement

Monitoring Report to be compiled and made publicly available at the following intervals:

- Initial report to be conducted within 3 months of the agreement
- Annually for Years 1-5
- Every 5 Years for the remainder of the agreement

In addition to the arrangements outlined above:

- An appointed department within the council will carry out regular check of all parcels with observations recorded and remedial action programmed. Such detail will be made available to further inform the 'monitoring report'
- If so wished, upon serving reasonable notice Natural England or their chosen delegate may enter the land and inspect for compliance. Such inspections and findings will be recorded and distributed.

In the event that a breach has been identified, rectification will be initiated within 3 months of receipt of the report. There-after, monitoring reports to be compiled and made available on a 6 monthly basis for a period of 3 years.

Eastleigh Borough Council
Land Management Review - September 2021
HP585566 HP717268

Description of Land

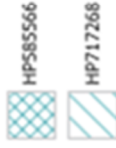
| | |
|-----------------------------|---|
| Title Number | HP585566 & HP717268 |
| Location | West of Allington Lane (north of railway) |
| Total Area | 9.58 Hectares |
| Description | Grassland |
| Buildings | N/a |
| Hardstanding | Porous surface off access onto HP717268 |
| Woodland | N/a |
| Trees | Predominately along hedge lines/ditch plus isolated trees |
| Hedgerows | Along outer Boundaries and historic field boundaries |
| Vegetation / Scrub | Understorey of trees and hedgerows |
| Watercourses | N/a |
| Ditches | Ditch running East to West (flowing into pond) |
| Ponds | Located on alignment of ditch (southern extent HP585566) |
| Fluvial Catchment | Itchen |
| Previous Use | Grazing |
| Designations | SINC HP585566 |
| Invasive Species | N/a |
| Public Rights of Way | N/a |
| Easements | Utilities along southern extent |
| Maintenance Access | Gated access off Allington Lane (one onto each title) |
| Boundaries | Hedges, stock fencing, Railway embankment |
| Flood Risk | Zone 1 Zone 3 abutting railway embankment |
| Other information | |

Eastleigh Borough Council
Land Management Review - September 2021
HP585566 HP717268

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Area: 9.58 H.A.



Scale 1:2,500 @ A3



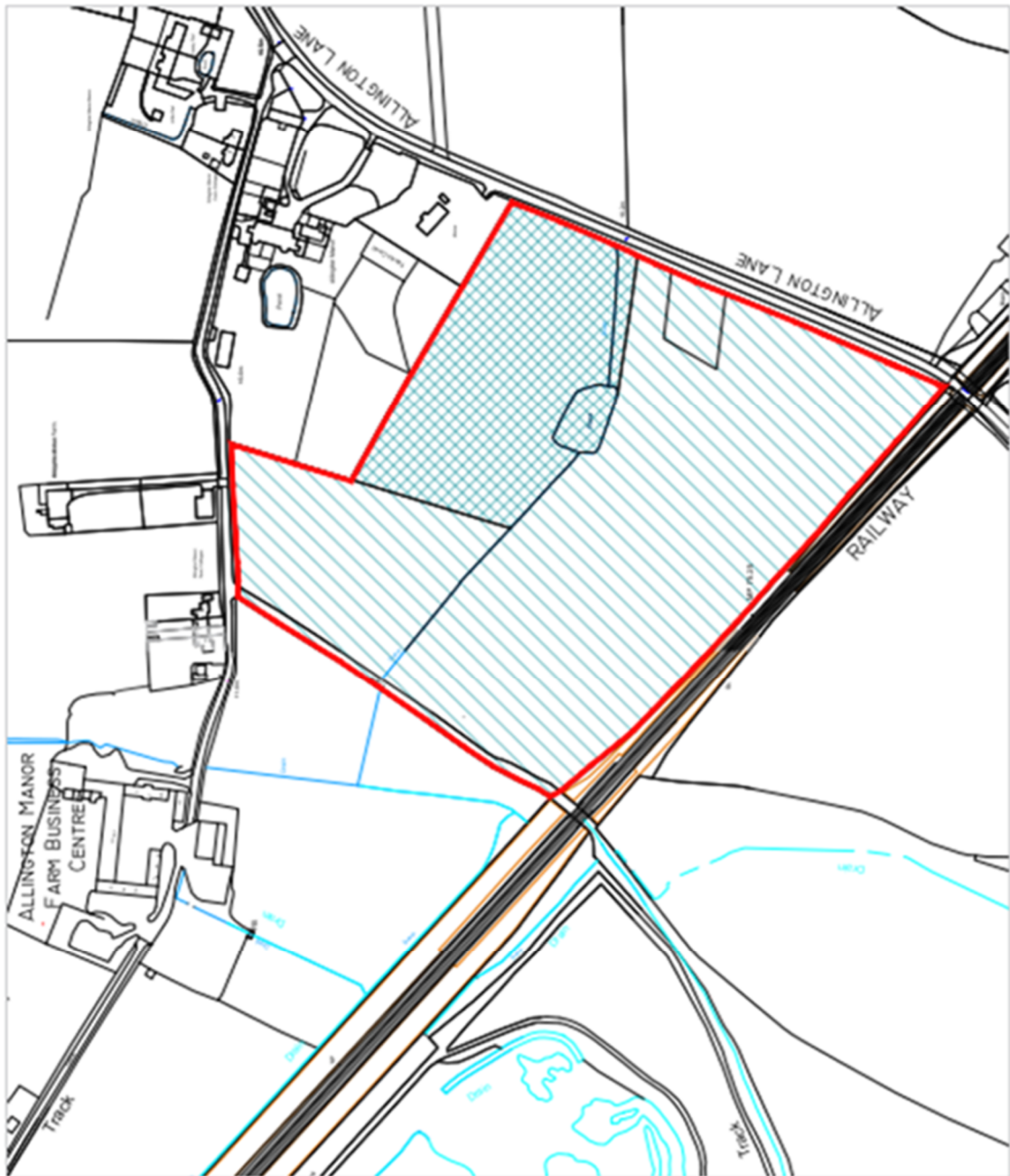
ADDRESS: [Gosney]
Land North-West of Allington Lane
South Bishopsstoke
Eastleigh

TITLE: Transfer Plan

Ref. 228 SLP GO-LR02

Date: 23rd of September 2020

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Eastleigh Borough Council
Land Management Review - September 2021
HP585566 HP717268

Management Plan

As a local authority, Eastleigh Borough Council are suitably placed custodians of the land. Ensuring that it is appropriately managed as to avoid exceedance of the 5kgN/ha/yr rate.

For the avoidance of doubt the following stipulations will apply:

Prohibited Activities

- Introduction of new nitrogen onto the land
- Application of fertiliser
- Re-seeding of entirety except to initially revert harvested crops to grassland
- Supplementary feeding of livestock
- Dairy Farming
- Commercial horticulture or growing of cereal crops
- Ploughing of the land except minimum tillage for the purpose of planting

Permitted Activities

- Harvesting and removal of any existing crop and reverting to grassland
- Grazing of livestock to maintain and enhance the biodiversity of the land
- Planting and/or management of trees and shrubs
- Natural regeneration of the land
- Planting and maintenance of greensward

The intention is that the land receives minimum intervention during the course of the agreement. Key components of management requirements are outlined as:

Trees and Woodland

Management to be implemented taking into account the risk/proximity of dangerous trees, diversity of woodland and habitat provisions/enhancements.

Hedgerows and Vegetation

To receive an annual cut (September through to February). Those on the immediate highway, restricting vehicular visibility splays or restricted access on Public Rights of Ways to receive secondary cut if essential with a nesting bird check prior to works. Selective vegetation left for natural regeneration.

Grass Management

To receive staggered bi-annual mechanical cut, spring and late summer/autumn dependent on weather and ground conditions. Peripheral areas, understories and selective scrub left for natural regeneration.

Conservation Grazing

Considered on a case by case basis ensuring no exceedance of the rate of 5kgN/ha/yr.

Gates and Fencing

To be maintained, ensuring land is secure from trespass, flytipping and unwanted access.

Eastleigh Borough Council
Land Management Review - September 2021
HP585566 HP717268

Access

Only granted on designated Public Rights of Way and for those with existing entitlements. Public use and recreation is not considered at this time.

Ponds, Water Courses and Ditches

Main river and watercourse constraints to be observed where applicable with consent required when implementing works in vicinity. Watercourses to be kept free flowing with caution expressed to habitat suitability. No fishing rights come with the land.

Designations

Where areas fall under specific designations, compliance will be met and permission will be sought if operations fall outside of normal regimes. Natural England's assessments will be reviewed

Chemical Applications

Fertilisers and pesticides will be avoided. Herbicides may be used if targeting invasive species or injurious weeds.

Invasive Species and Injurious Weeds

If evident on the land to be actively managed in-line with best practice guidance

Neighbourly Relations

Regular liaison with records of correspondence if warranted.

Monitoring Arrangements

Monitoring report to be compiled by or on behalf of Eastleigh Borough Council in order to:

- ensure compliance with the management and use of the land
- record and evidence the evolving site context
- make further observations and recommendations
- address any incidents or non-compliance that may constitute a breach of the agreement

Monitoring Report to be compiled and made publicly available at the following intervals:

- Initial report to be conducted within 3 months of the agreement
- Annually for Years 1-5
- Every 5 Years for the remainder of the agreement

In addition to the arrangements outlined above:

- An appointed department within the council will carry out regular check of all parcels with observations recorded and remedial action programmed. Such detail will be made available to further inform the 'monitoring report'
- If so wished, upon serving reasonable notice Natural England or their chosen delegate may enter the land and inspect for compliance. Such inspections and findings will be recorded and distributed.

In the event that a breach has been identified, rectification will be initiated within 3 months of receipt of the report. There-after, monitoring reports to be compiled and made available on a 6 monthly basis for a period of 3 years.

Eastleigh Borough Council
Land Management Review - September 2021
HP474351 HP503665

Description of Land

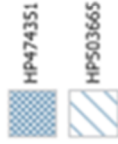
| | |
|-----------------------------|---|
| Title Number | HP474351 & HP503665 |
| Location | Off Hogwood Lane and Allington Lane (south of railway) |
| Total Area | 17.3 Hectares |
| Description | Grassland |
| Buildings | N/a |
| Hardstanding | N/a |
| Woodland | N/a |
| Trees | Predominately along hedge lines plus isolated trees |
| Hedgerows | Along outer Boundaries and historic field boundaries |
| Vegetation / Scrub | Understorey of trees and hedge lines HP474351 has mosaic of scrub/vegetation |
| Watercourses | N/a |
| Ditches | Drainage ditches |
| Ponds | N/a |
| Fluvial Catchment | Itchen |
| Previous Use | Grazing |
| Designations | N/a |
| Invasive Species | N/a |
| Public Rights of Way | N/a |
| Easements | Overhead lines along boundary with Hogwood Lane |
| Maintenance Access | 2 x off Hogwood Lane, 1 x off Allington Lane |
| Boundaries | Hedgerow and railway embankment |
| Flood Risk | Zone 1 Zone 2/3 – North/Western and Western extent |
| Other information | |

Eastleigh Borough Council
Land Management Review - September 2021
HP474351 HP503665

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NORTH should be taken as the top of the page, unless clearly marked otherwise.

Area: 17.30 H.A.



Scale 1:2500 @ A3



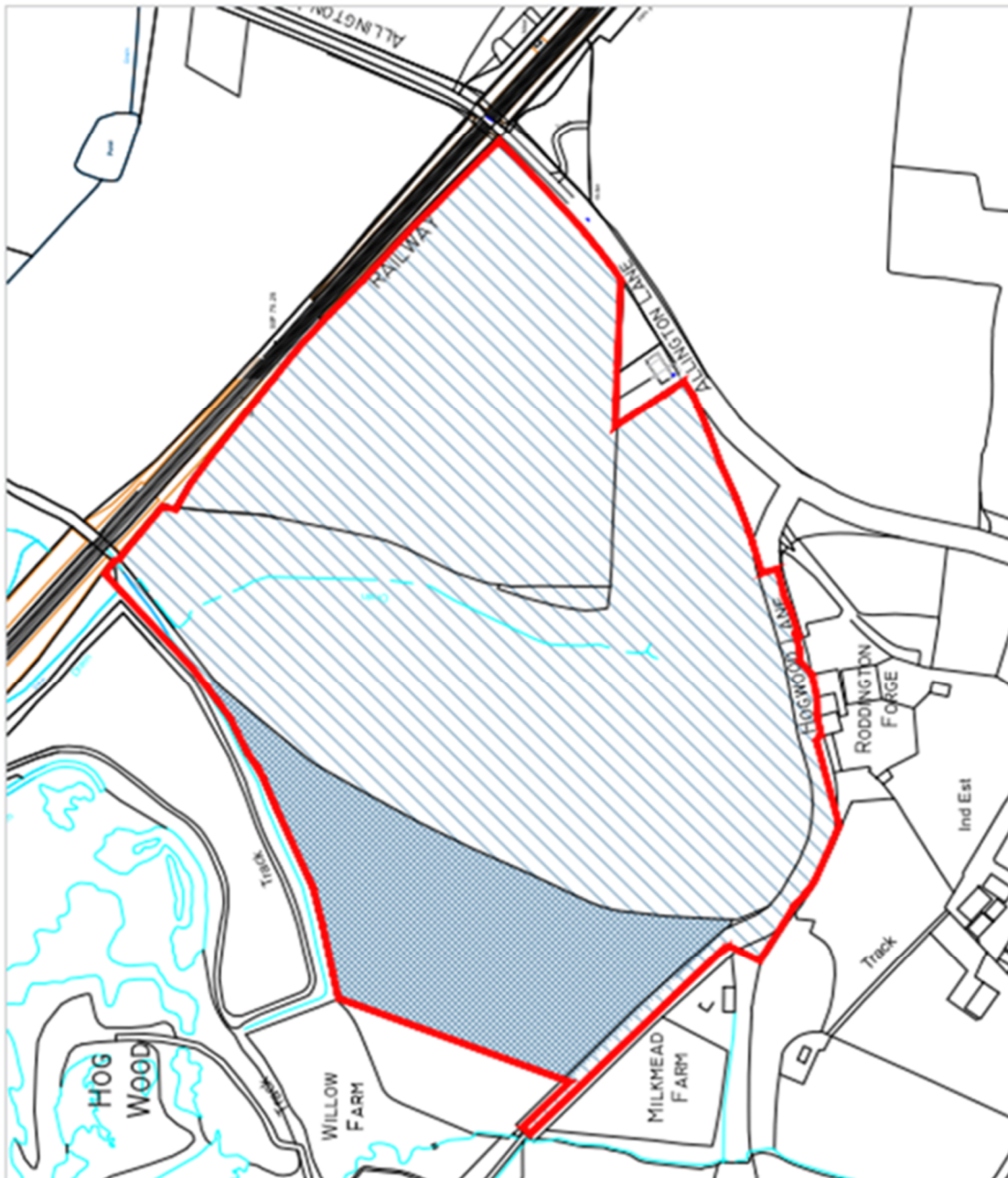
ADDRESS: [Gosney]
Land North of Allington Lane
South Bishopstoke
Eastleigh

TITLE: Transfer Plan

Ref. 228 SLP GO-LR03

Date: 23rd of September 2020

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Eastleigh Borough Council
Land Management Review - September 2021
HP474351 HP503665

Management Plan

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Prohibited Activities

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- Application of fertiliser
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- Commercial horticulture or growing of cereal crops
- Ploughing of the land except minimum tillage for the purpose of planting

Permitted Activities

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The intention is that the land receives minimum intervention during the course of the agreement. Key components of management requirements are outlined as:

Trees and Woodland

Management to be implemented taking into account the risk/proximity of dangerous trees, diversity of woodland and habitat provisions/enhancements.

Hedgerows and Vegetation

To receive an annual cut (September through to February). Those on the immediate highway, restricting vehicular visibility splays or restricted access on Public Rights of Ways to receive secondary cut if essential with a nesting bird check prior to works. Selective vegetation left for natural regeneration.

Grass Management

To receive staggered bi-annual mechanical cut, spring and late summer/autumn dependent on weather and ground conditions. Peripheral areas, understories and selective scrub left for natural regeneration.

Conservation Grazing

Considered on a case by case basis ensuring no exceedance of the rate of 5kgN/ha/yr.

Gates and Fencing

To be maintained, ensuring land is secure from trespass, flytipping and unwanted access.

Eastleigh Borough Council
Land Management Review - September 2021
HP474351 HP503665

Access

Only granted on designated Public Rights of Way and for those with existing entitlements. Public use and recreation is not considered at this time.

Ponds, Water Courses and Ditches

Main river and watercourse constraints to be observed where applicable with consent required when implementing works in vicinity. Watercourses to be kept free flowing with caution expressed to habitat suitability. No fishing rights come with the land.

Designations

Where areas fall under specific designations, compliance will be met and permission will be sought if operations fall outside of normal regimes. Natural England's assessments will be reviewed

Chemical Applications

Fertilisers and pesticides will be avoided. Herbicides may be used if targeting invasive species or injurious weeds.

Invasive Species and Injurious Weeds

If evident on the land to be actively managed in-line with best practice guidance

Neighbourly Relations

Regular liaison with records of correspondence if warranted.

Monitoring Arrangements

Monitoring report to be compiled by or on behalf of Eastleigh Borough Council in order to:

- ensure compliance with the management and use of the land
- record and evidence the evolving site context
- make further observations and recommendations
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Monitoring Report to be compiled and made publicly available at the following intervals:

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- Annually for Years 1-5
- Every 5 Years for the remainder of the agreement

In addition to the arrangements outlined above:

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Eastleigh Borough Council
Land Management Review - September 2021
HP537794

Description of Land

| | |
|-----------------------------|--|
| Title Number | HP537794 |
| Location | Church Lane Botley |
| Total Area | 26.65 Hectares |
| Description | Arable land with Woodland |
| Buildings | N/a |
| Hardstanding | N/a |
| Woodland | Ancient Woodland along South Eastern Boundary |
| Trees | Singular 'Parkland' Tree |
| Hedgerows | In Part (Central Spine) |
| Vegetation / Scrub | Understorey of Woodland and Tree |
| Watercourses | Abutting River Hamble to the South and East |
| Ditches | N/a |
| Ponds | N/a |
| Fluvial Catchment | East Hants - Hamble River |
| Previous Use | Arable |
| Designations | South and Eastern Boundary SSSI and Ancient Woodland Eastern Boundary is Ramsar |
| Invasive Species | N/a |
| Injurious Weeds | Ragwort evident in lower field |
| Public Rights of Way | N/a |
| Easements | Access over central track to adjacent land |
| Maintenance Access | Access off Church Lane |
| Boundaries | In part – hedgerows and woodland |
| Flood Risk | Zone 1 – Outside of River Hamble tidal limits |
| Other information | |

Eastleigh Borough Council
Land Management Review - September 2021
HP537794

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Area: 26.65 H.A.

Scale 1:2500 @ A3



ADDRESS: [Gooney]
Land at Church Lane,
Botley,
Eastleigh

TITLE: Transfer Plan

Ref. 228 SLP GO-LR04

Date: 23rd of September 2020

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Eastleigh Borough Council
Land Management Review - September 2021
HP537794

Management Plan

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Permitted Activities

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Grass Management

To receive staggered bi-annual mechanical cut, spring and late summer/autumn dependent on weather and ground conditions. Peripheral areas, understories and selective scrub left for natural regeneration.

Conservation Grazing

Considered on a case by case basis ensuring no exceedance of the rate of 5kgN/ha/yr.

Gates and Fencing

To be maintained, ensuring land is secure from trespass, flytipping and unwanted access.

Eastleigh Borough Council
Land Management Review - September 2021
HP537794

Access

Only granted on designated Public Rights of Way and for those with existing entitlements. Public use and recreation is not considered at this time.

Ponds, Water Courses and Ditches

Main river and watercourse constraints to be observed where applicable with consent required when implementing works in vicinity. Watercourses to be kept free flowing with caution expressed to habitat suitability. No fishing rights come with the land.

Designations

Where areas fall under specific designations, compliance will be met and permission will be sought if operations fall outside of normal regimes. Natural England's assessments will be reviewed

Chemical Applications

Fertilisers and pesticides will be avoided. Herbicides may be used if targeting invasive species or injurious weeds.

Invasive Species and Injurious Weeds

If evident on the land to be actively managed in-line with best practice guidance

Neighbourly Relations

Regular liaison with records of correspondence if warranted.

Monitoring Arrangements

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Eastleigh Borough Council
Land Management Review - September 2021
Unregistered Title – ‘Hearts Copse’

Description of Land

| | |
|-----------------------------|---|
| Title Number | Unregistered |
| Location | East of Allington Lane (north of railway) |
| Total Area | 14.9 Hectares |
| Description | Grassland with subsidiary woodland |
| Buildings | To be removed at point of VP |
| Hardstanding | Formed by access route of concrete construction |
| Woodland | Hearts Copse Ancient semi-natural woodland (3.2 ha) |
| Trees | Additional scattering of hedgerow trees |
| Hedgerows | Outer Boundary |
| Vegetation / Scrub | Understorey of trees and hedgerows (in part) |
| Watercourses | Main River (Ditch on South Eastern Boundary) |
| Ditches | Minimal Evidence (South Eastern Boundary) |
| Ponds | Seasonal pond within woodland |
| Fluvial Catchment | Itchen |
| Previous Use | Livestock Grazing |
| Designations | SINC – Woodland Ancient - Woodland |
| Invasive Species | N/a |
| Public Rights of Way | From Allington Lane along southern extent of land |
| Easements | N/a |
| Maintenance Access | 2 points of access off Allington Lane |
| Boundaries | Predominately Hedges. Gates require replacement |
| Flood Risk | Zone 1 |
| Other information | |

Eastleigh Borough Council
Land Management Review - September 2021
Unregistered Title – 'Hearts Copse'

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Area: 14.90 H.A.

Scale 1:2500 @ A3

EASTLEIGH
BOROUGH COUNCIL

ADDRESS: [Gosney]
Land East of Allington Lane
South Bishopstoke
Eastleigh

TITLE: Transfer Plan

Ref. 228 SLP GO-LR01

Date: 23rd of September 2020

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Eastleigh Borough Council
Land Management Review - September 2021
Unregistered Title – ‘Hearts Copse’

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Conservation Grazing

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Gates and Fencing

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Eastleigh Borough Council
Land Management Review - September 2021
Unregistered Title – ‘Hearts Copse’

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Appendix 3

| LR Title Number(s) | Geographic Location | Fluvial Catchment | River Basin | Area (Ha) | Credits Kg N loss/yr | Imposed N-Loss @ 5kg/Ha | Net Credits to trade |
|-----------------------|---------------------|-------------------|-------------|--------------|----------------------|-------------------------|----------------------|
| HP279019, HP632865 | Bishopstoke | Itchen | Itchen | 10.16 | 249.70 | - 51.45 | 198.25 |
| HP585566, HP717268 | West End | Itchen | Itchen | 9.58 | 415.10 | - 47.10 | 368.00 |
| Unregistered | West End | Itchen | Itchen | 14.90 | 662.10 | - 75.10 | 587.00 |
| HP503665, HP474351 | West End | Itchen | Itchen | 17.30 | 740.60 | - 84.00 | 656.60 |
| HP537794 | Botley | East Hants | Hamble | 26.65 | 1,564.50 | - 135.10 | 1,429.40 |
| | | | | 78.59 | 3,632.00 | - 392.75 | 3,239.25 |