

Date: 27 February 2023
Our ref: 421101
Your ref: APP/23/00076



Steve Weaver
Havant Borough Council

BY EMAIL ONLY

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Dear Steve

Planning consultation: Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the land as a campsite in association with events. Construction of vehicular track from the public highway to the proposed wedding and events venue at Tournerbury Woods

Location: Tournerbury Woods, Tournerbury Lane, Hayling Island

Thank you for your consultation on the above dated 06 February 2023 which was received by Natural England on the same date.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Chichester Harbour Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Survey and assessment of potential impacts to the SSSI from use of the existing access track along the northern boundary of the SSSI.
- Clarification if any works or importation of materials are proposed to upgrade the existing track to make it suitable for use by coaches and/or other vehicles.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

This application is a resubmission of a previous application APP/18/00943. The

Chichester & Langstone Harbours SPA – no objection subject to mitigation

We note the application is accompanied by the Appropriate Assessment for the previously

submitted application. We advise your authority completes an Appropriate Assessment for the current application, but on the basis that this will not materially change, provided that the mitigation measures set out within the Appropriate Assessment are secured by an appropriate condition or obligation attached to any planning permission and are fully adhered to at all times by the applicant, Natural England is satisfied that the applicant has mitigated against the potential adverse effects on the integrity of the European site(s).

SPA functionally linked land

The proposed track is located within an area identified as functionally linked land of Chichester Harbour SPA. The site H40E is identified in the Solent Waders and Brent Goose Strategy as a Low Use site. It is also adjacent to H40F which identified as Secondary Support Area. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the existing network and provide alternative options and resilience for the future network.

The proposals will result in a small loss of functional land associated with the construction of the vehicular track. However, Natural England considers that the nature and scale of the proposals would be unlikely to have a significant effect on the integrity of the European sites, in addition the track is screened by hedgerow.

To be precautionary we suggest the following condition is appended to the planning permission: "No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive)."

Provided that the applicant is compliant with this condition, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Disturbance to overwintering SPA birds

In relation to disturbance impacts to overwintering birds as a qualifying feature of the SPA, we are satisfied impacts can be addressed through various mitigation measures as set out in the visitor management strategy (VMS) dated December 2021. Comments on relevant aspects of the application and VMS which have informed our advice are included below. Should this application be granted, we advise that the relevant details and the measures set out in the VMS are secured by planning conditions.

We understand that noise disturbance associated with events would be infrequent (a maximum of 3-4 times across the month of October and restricted from November to March), of short duration (max. 1-2 hours) and extremely localised in nature. The marquee is located where it is screened by vegetation from the harbour itself. In addition, there are measures requiring dogs to be kept on leads at all times and no fireworks are allowed. Music is proposed to be provided using an attenuated directional sound system.

When the temporary jetty is not in use, the foreshore will be roped off with signs to restrict access, but in any case the foreshore is unlikely to be attractive to guests in wedding attire because of the muddy and rocky terrain underfoot. Proposed barriers and signage will further discourage access. Subject to the proposed measures in the VMS being implemented, and on the basis that the limited events do not fall within the coldest overwintering months, we do not consider that the proposal will result in significant disturbance impacts to overwintering birds and is therefore unlikely to result in an adverse effect on the integrity of the SPA. This should be assessed through your authority's HRA.

Chichester Harbour Site of Special Scientific Interest – Further Information Required

The application site is located within Chichester Harbour SSSI Unit 3, which is designated for lowland mixed deciduous woodland. The northern part of the woodland known as The Bury is an area of ancient semi-natural woodland which has historically supported a heronry.

We note this application differs to the previous application with a different access route proposed through the SSSI. The proposals include construction of a new track which joins the SSSI in the north western corner meeting an existing track which is located within the SSSI along the northern boundary. The existing track is described as 5m wide however no survey of this section is included within the supporting ecological appraisal. It is our understanding that the surface of the existing track is a soft woodland floor bordered by woodland bank. It is also not certain how this track is proposed to be used, e.g. is it intended for vehicle use or pedestrian only. We have concerns about the use of this track for use by coaches and other vehicles, potential impacts from vehicle use include; tree root damage, soil compaction, damage to the tree canopy and vegetation. Clarity is required as to how this existing track is to be used and if any works required to upgrade this track to make it passable for vehicles. Also if any vegetation or tree canopy along the track will be removed. Natural England would not support importation of materials into the SSSI to upgrade the track.

Protected Landscapes - Chichester Harbour AONB

The proposed development is for a site within a nationally designated landscape, namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team