

From: Jones, Rachel [<mailto:Rachel.Jones2@naturalengland.org.uk>]

Sent: 31 March 2021 11:36

To: Haywood, Daphney <Daphney.Haywood@havant.gov.uk>

Cc: Clemson, Rachael <Rachael.Clemson@naturalengland.org.uk>

Subject: RE: APP/20/01093

Dear Daphney

Your ref - APP/20/01093 - Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area (Resubmission of APP/18/00724 - Land at Sinah Lane, Hayling Island

Our ref - 347770

Thank you for consulting Natural England on the updated Habitats Regulations Assessment and Appropriate Assessment for the above application.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Construction impacts

The HRA /AA refers to H05A and designated sites to the north-west of the residential development area and the remaining area H34C, which will be secured as a Wintering Bird Mitigation Area.

It is noted that a CEMP will be secured with any planning permission, with some mitigation measures included in the Appropriate Assessment. Provided the CEMP includes measures for dust control, pollution and surface water drainage measures during construction and measures to prevent noise, lighting and visual disturbance on the designated sites and supporting habitat, Natural England raises no further comments.

It is recommended that the following condition is attached to any planning permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)

We advise that you may want to seek your own legal advice on the implications of the Sweetman II ruling and the level of detail that should be included within an Appropriate Assessment.

Loss of Supporting Habitat

We note that the AA states that the submitted Winter Bird Mitigation Strategy proposes a refuge on the north of the proposed housing development near to the Hayling Island Brent Goose Refuge (IN1K). The area would be actively managed to provide permanent foraging for Brent Geese and other waders during the winter by the RSPB. Natural England is satisfied the refuge will provide suitable offsetting habitat in line with Solent Wader and Brent Goose Strategy mitigation guidelines.

Provided any planning permission secures that the Wintering Bird Mitigation Area is operational at the time it is required to offset the adverse effects which are being addressed, Natural England raises no further comments. Natural England recommends that the planning permission secures that the infrastructure works for the Wintering Bird Mitigation Area are progressed at the earliest opportunity and prior to commencement of construction.

Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). The competent authority should be assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary. This is dependent on 7.33ha of retained woodland/public open space as future land use

We note that the Wintering Bird Mitigation Strategy proposes that default future management will be through cutting with low intensity grazing as an alternative. The 5 kg/TN/ha open space figure assumes there is no grazing or a very low density - 1 livestock unit per 10 ha per year. We advised that if grazing levels are likely to be higher than this level then it may be more appropriate to use an alternative figure in the calculation.

The purpose of the mitigation is to avoid the impacts by neutralising the additional nutrient burden that will arise from the proposed development, achieving a net zero change at the designated sites in a timely manner. It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development.

Provided the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Sustainable urban Drainage System (SuDS)

Provided the SuDS is designed, installed with appropriate management in accordance with the requirements in the CIRIA SuDS Manual (C753) and is secured with any planning permission, Natural England raise no further concerns. The pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

Solent Recreation Mitigation Strategy

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational

pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

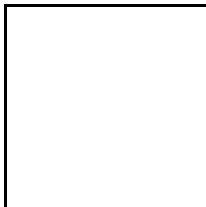
Please contact me if you have any queries relating to this advice

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

Tel: 02080 261472

Please note my non-working day is Friday



Please send planning consultations to Natural England by email to:
consultations@naturalengland.org.uk.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

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