

FAO Lesley Wells

Your ref: APP/20/00547 HRA & Appropriate Assessment - Variation of Condition 4 of 15465/003 to allow for residential use from 1st March to 31st Dec. Extension of the original licence from 8 months to 10 months. 133 Eastoke Avenue, Hayling Island, PO11 9QR
Our ref: 351514

Thank you for consulting us on the above application. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Recreational disturbance

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 as there won't be an increase in the number of dwellings. This however does not take into account that the additional two months of occupancy from October 31st to December bringing the occupancy period into the overwintering bird period. The application is not supported by an ecological assessment and does not demonstrate how the proposed changes will not result in adverse effects on integrity from potential increased recreational disturbance on the adjacent Chichester and Langstone Harbours SPA during the overwintering period.

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise.

Nitrogen neutrality

Similarly for nutrients it is concluded that a nitrogen assessment is not required as there will not be an increase in the number of dwellings. There will however be an extension of the occupancy period with inevitable increases in wastewater from the proposals. Please note we advise that the competent authority will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and caselaw (e.g. Elvin). The authority should be mindful that the Habitats Regulations [2018](#) are a consideration at any stage (eg reserved matters, discharge of conditions etc) where the authority is making a decision authorising a plan or project with a likely significant effect (LSE) alone or in combination.

Kind regards

Rachael Clemson
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