

Date: 18 March 2021
Our ref: 345342
Your ref: APP/21/00189



Lesley Wells
Havant Borough Council

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BY EMAIL ONLY

Dear Lesley

Planning consultation: Outline application for the development of new employment units to provide up to 29,000 sq m (gross internal area) for flexible use across use classes E (light industrial), B2 and B8 with ancillary offices, car parking, service yards, drainage works, landscaping and associated works to prepare the site for development. All matters are reserved except the primary means of access to the site

Location: Brockhampton West, Harts Farm Way, Havant

Thank you for your consultation on the above dated 03 March 2021 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 & Langstone Harbours Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further details of how the financial contribution will directly mitigate the impact from the loss of the Solent Wader and Brent Goose Strategy Low Use site
- An assessment of indirect effects to SPA functionally linked land and mitigation where impacts are identified
- A Construction Environmental Management Plan
- A Habitat Regulations Assessment

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.

SPA functionally linked land

The application site is identified in the Solent Waders and Brent Goose Strategy as Low Use site H08, it also adjacent to a Core Area H07A, a Secondary Support Area H07B and a Low Use site

H07C. 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 in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network and proportionate mitigation, off-setting and/or enhancement measures will be required.

The application is supported by an Ecology Report (Applied Ecology February 2021) and Planning & Design Statement (Michael Sparks Associates February 2021) which sets out that a financial contribution will be made to the Solent Wader and Brent Goose Strategy to compensate for the direct loss of Low Use site H08.

Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an “appropriate assessment”) the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

Therefore it is also Natural England’s advice that further detail is required to inform the Appropriate Assessment with regards to how the financial contribution will directly mitigate the impact from the loss of the Low Use site; i.e. how it will be used to maintain and enhance the wider network within the Borough in a timely manner.

It is Natural England’s advice that the proposed funding should be managed by the respective local authority to support schemes across the network, this includes those in neighbouring authority boundaries. Where no such strategic schemes are currently available, the onus falls to the applicant to provide a suitable mitigation solution.

Suitable mitigation solution requirements

The aim of the Strategy is to ensure that the current geographical spread of sites across the network is maintained and enhanced. In order to safeguard the network from long-term degradation of number and importance (classification) of sites, mitigation will need to be appropriately designed to address the loss and ensure the continued ecological function of the network in a timely manner.

Mitigation can come in the form of a new ‘bird refuge’ situated in an appropriate locality within the network. Alternatively, proposals can come forward that seek to enhance, manage and raise the importance of an existing site within the network.

Each mitigation scheme will be assessed on its own merits and on a case by case basis, based on the submitted evidence. A suitable mitigation scheme will need agreement by Natural England and the competent authority as necessary and further detail of offsetting areas is included in the Solent Waders and Brent Goose Strategy guidance note.

Mitigation schemes should consider:

- Provision and/or enhancement of suitably sized areas with habitats and features for waders and/or brent geese. Enhancement features can include the provision of scrapes for loafing and as freshwater sources;
- Consideration of recreational or other disturbance. Access management and screening measures may be necessary;
- The provision and ongoing management of the scheme specifically for the waders and / or geese, delivered and managed by a suitable third party (such as LPA or NGO partner (or similar stable management body such as Land Trust) in perpetuity);

- A protocol for long term monitoring and how any adaptive measures will be secured.

Such measures should be supported by an agreed and costed habitat management plan with appropriate level of funding secured in perpetuity.

Where a deliverable and funded mitigation scheme comes forward that addresses the above requirements, Natural England considers the impacts on the SWBG network as a result of the proposals can be suitably addressed.

An agreed and deliverable mitigation strategy could address the potential for direct and indirect significant effects arising from the development on the qualifying features of the Solent and Southampton Water SPA. Guidance on the off-setting and mitigation requirements has been issued to local planning authorities and this sets out the necessary measures to avoid impacts. Securing early commitment to this mitigation will ensure the potential significant effects have been addressed.

Indirect impacts

The ecology report does not discuss indirect impacts to the adjacent SWBGS sites H07A; H07B and H07C, therefore further assessment of indirect impacts is required and mitigation where impacts are identified. Indirect effects may arise from increased recreational pressure and access to sensitive sites; overshadowing and lighting from new buildings; or noise and visual disturbance from construction work on land adjacent to sensitive sites. These activities and the presence of built form may reduce the functional area of a site available to roosting and foraging SPA birds.

Due to the proximity to Chichester & Langstone Harbours SPA and SPA functionally linked land. Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

The CEMP should ensure there is 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). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

In addition, Natural England would advise on the following issues.

Protected species

Natural England refer your authority to our national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2019 as amended), paragraphs 8, 118, 170, 174 and 175d. Natural England recommend that an appropriate level of enhancement, such as the addition of bat boxes and/or bird boxes, are secured as part of this application.

If you have any queries relating to the advice in this letter please contact me on 02080 261472.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames & Solent Area Team