

Your ref - APP/20/00658 | Mixed-use development comprising 175 apartments and two drive-through restaurants, together with associated access, parking and landscaping. | Proposed Development site (former Electricity Board site), Bartons Road, Havant

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the [Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Deterioration of the water environment

The application is supported by a nitrogen budget calculation, Natural England advises the calculation is rerun in line with the latest version of the nutrient neutrality guidance (version 5 June 2020) which allows for a 2mg/l reduction accounting for natural background levels of N.

We note that an alternative occupancy figure has been used in the calculation based on bed spaces. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

As mitigation it is proposed to purchase credits from the Council's strategic mitigation scheme, these details should be included within the appropriate assessment.

Recreational disturbance

The application site is within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and will lead to a net increase in residential accommodation. To address any potential significant effects, any forthcoming planning application will need to comply with adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy.

Provided there is commitment to this mitigation early in the process and an appropriate planning condition or obligation is attached to any forthcoming planning permission to secure this measure, this will ensure this potential effect has been appropriately addressed. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Biodiversity Enhancement

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 notes and welcomes the ecological appraisal submitted with the planning application. This report includes a number of enhancement measures.

We would recommend that a Biodiversity Mitigation and Enhancement is agreed with a Hampshire County Council (HCC) Ecologist to ensure that any measures identified within the report, and any further measures as necessary, are secured and implemented with any planning approval. Consideration should be given to other developments proposed in the locality to ensure the biodiversity mitigation and enhancement measures are addressed strategically and consider the continued ecological function of the area.

Please note that provided the HCC Ecologists are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

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

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

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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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