

Subject: NE Response APP/20/01031

Your ref – Amended HRA Consultation Request for APP/20/01031 Land south of Lower Road, Havant

Dear Gill,

Thank you for consulting Natural England on the above updated HRA and AA.

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 Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

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.

Nutrient Neutrality

With regard to the deterioration of the water environment, it is noted that achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures. Provided the necessary measures can be fully secured; Natural England raises no further concerns.

Loss of supporting SPA habitat

The loss of a Secondary Support Area will be offset by a contribution to enhance, manage and monitor the wider Solent Wader and Brent Goose ecological network and secured by legal agreement. Natural England is satisfied with this approach which is in line with agreed offsetting and mitigation guidance.

We understand that Havant Borough Council has a number of options that are being progressed to address the loss of Low Use and Secondary Support Areas in the Borough, which are coming forward in the planning system. We recommend that the confirmed offsetting option is secured with any planning permission. Provided the strategic schemes are in place in time to offset the loss of the Secondary site, Natural England raises no further comments.

Construction impacts on supporting habitat

It is noted that a Construction Environment Management Plan is referenced in the AA. Natural England is satisfied that a noise restriction and an appropriate Construction Environmental Management Plan, which is agreed with Natural England before implementation, would resolve the adverse impacts.

A suggested condition is as follows:

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 the key measures that relate to the qualifying features of the internationally designated sites are detailed in the AA and will need to be secured with any planning permission.

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.

Please let me know if you have any queries.

Joseph Forster

Sustainable Development Advisor
Thames Solent Team | Natural England