

Houghton, Michelle

From: Forster, Joseph <Joseph.Forster@naturalengland.org.uk>
Sent: 18 November 2020 14:19
To: Havant Planning and Development Mailbox New
Cc: Haywood, Daphney
Subject: NE Response. APP/18/01297

Your ref - APP/18/01297 HRA & Appropriate Assessment & Nitrogen Budget - Construction of 1x4 bed dwelling and 8x3 bed dwellings, following demolition of existing glasshouse, together with improved site access and associated vehicle parking. Manor Road Nurseries, Manor Road, Hayling Island PO11 0QL

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.

Occupation impacts – No objection subject to mitigation

As advised in our previous response dated 12th November 2020 the proposals have the potential to impact on SPA functionally linked. The proposals are adjacent to a site identified in the Solent Waders and Brent Goose Strategy as H49H, a Primary site. 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. Natural England advises the authority to ensure that the development is in accordance with Policy E17 of the pre-submission Havant Local Plan, which states; "Development proposals adjacent to sites used by SWBG will only be permitted where access and disturbance to the adjacent SWBG site is prevented. This can either be achieved by avoiding development close to the adjacent SWBG site, or by providing a package of avoidance and/or mitigation measures which are agreed with the Council."

Mitigation measures include boundary hedging and retention of a solid 2m high cross boarded fence around the development, and enforceable restrictions to prevent future access of the designated site by residents of the occupational development.

Provided the applicant is fully compliant with the mitigation strategy and an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of occupational disturbance on the integrity of the Solent Waders and Brent Goose site(s).

Construction impacts – no objection subject to mitigation

The application is supported by Construction Environment Management Plan, Natural England advises this should be submitted to and approved by the Council's ecologist. Provided the approved CEMP is secured by appropriately worded condition attached to any planning consent and shall be adhered to at all times, Natural England is satisfied that the applicant has mitigated against the potential adverse effects during the construction phase on the integrity of the European site(s).

Solent recreation mitigation – no objection subject to mitigation

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects from increased recreational pressure on the integrity of any of the sites in question. Provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).

Deterioration the water environment – no objection subject to mitigation

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. 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 local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Joseph Forster

Sustainable Development Advisor

Thames Solent Team | Natural England

07464 905079

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