From: Petrovic, Milena [mailto:Milena.Petrovic@naturalengland.org.uk]
Sent: 07 May 2020 14:32
To: Wells, Lesley <Lesley.Wells@easthants.gov.uk>
Subject: NE Response. APP/19/00629 HRA and AA

Dear Lesley,

Consultation: APP/19/00629 | Variation of condition 3 of Planning Permission 97/62730/000/B to extend occupancy of holiday park from 10 months to 11 months 14 days allowing the park to be used between 1st March and 14th February inclusive. | Woodcott Caravan Parks, Fishery Lane, Hayling Island

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 not 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, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of Regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within Regulation 64 Specific guidance about these tests can be found at:
https://www.gov.uk/government/publications/habitats-and-wild-birds-directives-guidance-on-the-application-of-article-6-4

Kind regards,
Milena

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https://www.gov.uk/natural-england

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