

FAO – Miss S Donophy

Your ref – **APP/20/00369** | Change of use from A2 (photography studio) to C3 (residential) to form 2No. 1 bed flats with associated bin storage and revised fenestration. | 14 East Street, Havant, PO9 1AQ

Our ref – 317620

Dear Miss Donophy,

Thank you for consulting Natural England on the above application. Please find our comments below.

Further information required to determine impacts on designated sites

Deterioration of the water environment

The proposal comprises new housing development situated within the Solent catchment and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

As you are aware, 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. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens. Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land. Natural England has advised that your authority set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England is working closely with affected local planning authorities to help address this issue. Natural England can also provide further advice to the applicant on mitigation options under our [Discretionary Advice Service](#).

It is noted that the application is supported by a nitrate neutrality statement (Design and Access Statement from Critchley Architecture And Design Ltd, May 2020) that outlines why they believe the development to result in a net improvement to nitrate neutrality. This development consists of a conversion from a photography studio to residential accommodation. It is appreciated that the existing use of the photography unit generated waste water. However, it is assumed that the people using the photography studio already live in the catchment. With the closure of the facility, these people are likely to remain living in the catchment and are likely to use alternative studios in the catchment and continue to generate waste water.

The provision of new residential development will bring more people into the catchment. It is therefore our view that the baseline use should not be included in the nutrient assessment. The proposal will result in a net increase in residential development and therefore a budget should be calculated in accordance with the methodology in the NE guidance (attached). We recommend that an updated nutrient budget calculation and details of a mitigation strategy are provided to inform your authority's appropriate assessment.

Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.

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.

Sites of Special Scientific Interest

The above impacts on European sites may also impact SSSIs. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Biodiversity and protected species

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

We encourage all developments to achieve a net gain in biodiversity. The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the Borough.

For example, proportional contributions could be taken to plant new trees in the city, provide new bat and bird boxes, help manage the Borough's wildlife sites etc.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

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.

Many thanks,
Lara Brant

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