

FAO –Daphne Haywood

Your ref - APP/18/00724 HRA & Appropriate Assessment - Erection of 195 dwellings, associated open space, pumping station, sub-station & formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader & Brent Geese Refuge Area. Land at Sinah Lane, Hayling Island
Our ref-310651

Dear Daphne,

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

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.

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 **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. Natural England advises that the assessment does not currently provide enough information.

We advise that the Appropriate Assessment includes further detail of the measures that will be secured with the planning permission to ensure there will be no adverse effect on integrity of the designated sites. Please note we do not foresee that these measures will be difficult to resolve. We will respond in a timely manner to any revised HRA / AA.

Construction impacts – further information required

The HRA /AA refers to H05A and designated sites to the south of the development site. We advise that this is corrected to the designated sites to the north-west of the residential development area and the remaining area H34C, which will be secured as a Wintering Bird Mitigation Area.

It is noted that a CEMP will be secured with any planning permission. It is Natural England advice that the key mitigation measures required to ensure there will be no impact on designated sites, supporting habitat and their qualifying features are included within the Appropriate Assessment and secured within the planning application.

We advise that the planning permission secures the measures listed in 4.2.2 of the Wintering Bird Mitigation Strategy with regard to noise and visual disturbance from construction work on the Wintering Bird Mitigation Area.

The information to inform a Habitats Regulation Assessment report also includes mitigation measures to be adopted during construction. This includes dust control measures, pollution and surface water drainage measures during construction. These measures should be secured with any planning permission.

Natural England also recommends that measures are taken to ensure that there will be no impacts from construction lighting on the Wintering Bird Mitigation Area.

It is recommended that the following condition is attached to any planning permission:

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 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.

Loss of supporting habitat

We note that the AA states that the submitted Winter Bird Mitigation Strategy proposes a refuge on the north of the proposed housing development adjacent to the Hayling Island Brent Goose Refuge (E26). The area would be actively managed to provide permanent foraging for Brent Geese and other waders during the winter by the RSPB.

Provided any planning permission secures that the Wintering Bird Mitigation Area is operational at the time it is required to offset the adverse effects which are being addressed, Natural England raises no further comments. Natural England recommends that the planning permission secures that the infrastructure works for the Wintering Bird Mitigation Area are progressed at the earliest opportunity and prior to commencement of construction.

Deterioration of the water environment

The HRA states that the nutrient budget is appended to the document. This has not been attached. We responded to an earlier planning consultation and noted that the Wintering Bird Mitigation Strategy includes the provision for grazing in the future. The 5 kg/TN/ha open space figure assumes there is no grazing or a very low density - 1 livestock unit per 10 ha per year. We advised that if grazing levels are likely to be higher than this level then it may be more appropriate to use an alternative figure in the calculation.

Provided the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Sustainable urban Drainage System

Given the close proximity of the development site to designated sites and supporting habitat, we advise that any changes to water quality run off as a result of the development are addressed in the Habitats Regulation Assessment.

Provided the SuDS is designed, installed with appropriate management in accordance with the requirements in the CIRIA SuDS Manual (C753) and is secured with any planning permission, Natural England raise no further concerns. The pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required

that provides environmental protection in the event of an unexpected pollution event or poor system performance’.

Recreational disturbance

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). The development proposal will need to be in accordance with the Definitive Strategy rates. Please note these rates were updated as of 1 April 2019.

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.

Please let me know if you need any further information.

Kind regards
Rachel

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Thames Solent Area Team

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<http://www.gov.uk/natural-england>

Please send planning consultations to Natural England by email to:
consultations@naturalengland.org.uk.

www.gov.uk/government/organisations/natural-england

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