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Your ref: APP/19/00802



Tina Pickup
Havant Borough Council
BY EMAIL ONLY

Customer Services
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Dear Tina,

Planning consultation: Erection of modular clad portable building for health and wellness activities.

Location: The Langstone Hotel, Northney Road, Hayling Island, PO11 0NQ

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Thank you for your consultation dated 29 October 2019.

Further Information Required

The application site is within 200m of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC) and within the Chichester Harbour AONB. Further information is required to determine the impact of the proposal on the SAC and SPA, specifically in relation to the impact of nutrients from the development.

Deterioration of the water environment

With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water in the Solent catchment will have an adverse effect on the international sites. This advice is pertinent to this application as the proposal is likely to have significant water use associated with the operation phase.

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new growth.

The proposal comprises commercial development which has exceptional 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.

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the proposal. 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 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](#).

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.

Chichester Harbour AONB

The development lies within the Chichester Harbour AONB. You should therefore consider seeking advice of the AONB Team. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Species and Biodiversity Enhancement

Natural England refer your authority to our national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraph 109. Natural England recommend that an appropriate level of enhancement, such as the specification of native planting and the addition of bat boxes and/or bird boxes on retained trees, are secured as part of this application.

<https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

I trust this advice will assist you and the authority in considering the application further. Please contact me if you have any queries relating to this advice.

Yours sincerely
Emily Greaves

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