

Date: 19 March 2019
Our ref: 275207
Your ref: APP/18/01297



Daphney Haywood
Havant Borough Council

BY EMAIL ONLY

Customer Services
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Dear Daphney,

Planning consultation: Construction of 1 No. four bed dwelling and 8 No. three bed dwellings, following demolition of existing glasshouse, together with improved site access and associated vehicle parking.'

Location: Manor Road Nurseries, Manor Road, Hayling Island, PO11 0QL

Thank you for your consultation on the above dated 27 February 2019 which was received by Natural England on the same date.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON CHICHESTER AND LANGSTONE HARBOURS SPECIAL PROTECTION AREA

As submitted, the application could have potential significant effects on the Chichester and Langstone Harbours Special Protection Area. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required to inform the Habitats Regulations Assessment:

- Further mitigation measures to address the potential impacts on the Solent Waders and Brent Goose Strategy site H49H.

Please re-consult Natural England once this information has been obtained.
Natural England's advice on other issues is set out below.

Further advice on mitigation

Solent Wader and Brent Goose Functional Land H49H

The proposals have the potential to affect SPA functional land during construction and occupation through indirect impacts. The wintering bird surveys in 2017 recorded 57 Brent Goose using the functional land adjacent to the site and higher numbers have been recorded in previous years (max count 750 Brent geese) as well as use by Curlew and Lapwing.

Natural England note the submission of a CEMP and while we support the inclusion of avoiding the

over-wintering period for excavation and construction works, this has not been agreed by the district ecologist/biodiversity officer. We therefore recommend that the implementation of the HCC approved CEMP is secured as a condition of any permission. As the CEMP is required to mitigate for impacts on the SPA functional land it should be included as relevant mitigation in the Appropriate Assessment.

While the CEMP seeks to mitigation for impacts during the construction phase, indirect impacts from the occupation phase have not been addressed.

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."

Therefore, Natural England advises that further consideration is given to the guidance on mitigation and off-setting requirements that has been prepared by Natural England and the SWBGS Steering Group to address indirect effects on SWBGS sites. Potential indirect effects arise from increased recreational pressure and unauthorised access, and impacts associated with the presence of built form adjacent to sensitive bird sites.

We welcome the inclusion of measures including hedgerow planting, fencing along the field edge and sensitive lighting which, while not being provided specifically to address mitigation for the impact on the SPA functional land, will provide some level of mitigation for disturbance of the functional land as well as their primary purposes. However, Natural England is concerned about the presence of built form adjacent to sensitive bird sites, the adequacy and effectiveness of the measures proposed in perpetuity (in excess of 80 years), and the potential for increased unauthorised access to H49H from West Lane.

Natural England therefore recommends that further consideration is given to avoidance and / or mitigation measures to safeguard this sensitive bird site, for example through improved protection or management. Such measures could include the provision of additional hedgerows to protect the boundary of H49H from unauthorised access in perpetuity or funding to achieve this aim. Alternatively, consideration could be given to the provision of funding for the management of sites within the wider wader and Brent goose network. Natural England would be happy to advise the applicant further, as necessary.

Solent Recreational Mitigation Strategy

The application site is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). 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 sites. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Appropriate Assessment – further information required

The Appropriate Assessment does not cover all of the potential impacts on the designated sites and therefore Natural England cannot agree with the conclusion.

We refer your authority to our original response to this application which details that any mitigation measures proposed for avoidance of impact on the functionally linked land of the SPA should also be taken into consideration within the Appropriate Assessment. There appears to be a discrepancy between the application form and the Appropriate Assessment regarding the number of bedrooms being proposed which should be reviewed.

Please re-consult Natural England when the Appropriate Assessment has been updated.

Biodiversity Mitigation and Enhancement – condition recommended

Natural England note the submission of an Ecological Mitigation and Enhancement Plan (EMEP) dated February 2019. However this has not been agreed by a HCC Ecologist. We agree with the comments from the HCC Senior Ecologists that provided the implementation of the HCC Ecologist approved EMEP is secured by any permission then your authority may be satisfied that it will have met its duties relating to conserving biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Emily Greaves on 020802 69986. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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