

Date: 05 December 2018
Our ref: 266511
Your ref: APP/18/01138



Emma Chisnell
Planning Case Officer
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BY EMAIL ONLY

Dear Emma

Planning consultation: HRA & Appropriate Assessment - Erection of 2x3 bed bungalows with associated parking and access from Copse Lane.

Location: Rear of Cranbrook Villa, Copse Lane, Hayling Island PO11 0RJ

Thank you for your consultation on the above dated 27 November 2018 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.

Protected sites – no objection

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. Provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).

Traditional orchard – no objection subject to mitigation

This application is supported by a Phase 1 Habitat Survey (CC Ecology June 2018) which states an area of Traditional orchard habitat in the south of the site, recorded in previous surveys on the site (CC Ecology 2015), has been removed. Traditional orchard is a priority habitat listed as required under section 41 of the Natural Environment and Rural Communities Act 2006. The report includes recommendations for reinstatement of the orchard, however this has not been included on any of the proposed plans supporting the application.

It is Natural England's opinion that the orchard should be reinstated, details of this should be set out in a Biodiversity Mitigation and Enhancement Plan (BMEP) which has been agreed by a Hampshire County Council (HCC) Ecologist. Where this is not possible or there is residual loss, a compensation package will need to be agreed if the requirements for biodiversity enhancement as

set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d are to be met. Further, you should be aware that Section 40 of the Natural Environment and Rural Communities Act (2006) provides a duty to conserve and enhance biodiversity stating that, 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

Natural England therefore recommends that your authority seeks additional habitat compensation measures from the proposals. We would recommend that this is achieved through direct habitat creation, or alternatively a financial contribution secured by a S106 that is in line with the requirements of the Dorset Biodiversity Compensation Framework, or similar mechanism such as that used by the Environment Bank. The agreed level of funding should be used to support projects that facilitate the management, or creation of new or existing areas of Traditional Orchard within the Borough. This could be discussed with the council's Biodiversity team as to how this might be achieved. Natural England would also be happy to discuss with the applicant through our [Discretionary Advice Service](#).

In addition, Natural England would advise on the following issues.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 02080 261472.

Should the proposal change, please consult us again.

Yours sincerely

Rachael Clemson, Planning Adviser
Dorset, Hampshire and Isle of Wight Area Team