

Date: 28 November 2018
Our ref: 264097
Your ref: APP/18/01033



Lewis Oliver
Havant Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Lewis

Planning consultation: APP/18/01033 - Residential Development of 69 dwellings
Location: Land East of, Castle Avenue, Havant

Thank you for your consultation on the above dated 07 November 2018 which was received by Natural England on 09 November 2018.

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.

Appropriate Assessment:

Please note that, recent case law ([‘Sweetman II’](#)) outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to ‘screen out’ impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures to offset recreational impacts on the Chichester and Langstone Harbours SPA sites can be outlined.

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 H19.*

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

SPA Functional Land

The proposals have the potential to affect land identified within the Solent Waders and Brent Goose Strategy (SWBGS). These terrestrial wader and brent goose sites are located on land that falls outside of the Solent SPAs boundaries. However, as this land is frequently used by SPA species (including qualifying features and assemblage species), it supports the functionality and integrity of the designated sites for these features. This land will contribute to the achievement of the SPAs' conservation objectives and is therefore protected in this context. This land supports the ecological network by providing alternative roosting and foraging sites.

The development site forms part of H19, which is classed as a Low Use site in the SWBGS with records of Curlew. We note that the ecological assessment recognises the importance of the site within the Solent Waders and Brent Goose Strategy and that the development site forms approximately 20%-25% of the wider site parcel. The wintering bird surveys in 2017 did not record any SPA birds on the development site itself. We accept that the eastern fields may have more potential for SPA birds. However, some uncertainty remains about the development site. Low Use sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network.

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 direct effects on SWBGS sites. The final version is available [here](#).

The ecological assessment has also examined the potential impact of the development on the remaining Low Use site (H19). We welcome the identification of mitigation measures including hedgerow planting, sensitive lighting and signage. However, Natural England is concerned about the adequacy and effectiveness of these measures proposed in the short term and in perpetuity (in excess of 80 years).

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. Natural England is particularly concerned about the 'access point for future development' shown on drawing A-02-020-SP. This road effectively leads to the Low Use site and may encourage future access into the sensitive Low Use site.

In order to provide the necessary information for the Habitats Regulations Assessment, Natural England requests further consideration of mitigation measures to ensure the impact of the development on H19 has been addressed with the required level of certainty for the Habitats Regulations. In the first instance, consideration should be given to further on-site mitigation, off-setting and/or enhancement. Where this has been demonstrated to not be practical or feasible and impacts cannot be avoided or adequately mitigated on-site, off-site options and / or compensation funding should be considered. Compensation funding may include payment towards the management and enhancement of the wider waders and brent geese ecological network. Natural England would be happy to advise further under our Discretionary Advice Service.

Other advice

Solent Recreation Mitigation Strategy / Bird Aware Solent

This application is within 5.6km of the Chichester and Langstone Harbours Special Protection Area and will lead to a net increase in residential accommodation. As a result, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Natural England is aware that Havant Borough Council has recently 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 site(s).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Construction Disturbance

Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

The CEMP should ensure that, wherever possible, there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site). We advise that this is secured by condition. 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.

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the functional land.

Biodiversity Mitigation and Enhancement Plan (BMEP)

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. This will ensure the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8, 170, 174 and 175d. The scope of the BMEP should be agreed with the HCC Ecologist and will need to consider bats, breeding birds and reptiles.

The application should include a consideration of what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Examples might include:

- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Consideration can also be given to how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips).

- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

We recommend the applicants make use of the Defra [biodiversity metric](#), which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals.

Landscape Advice

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.

Water Environment

Natural England recommends that the planning application includes a comprehensive drainage strategy during the construction work and post-construction in line with best practice.

Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

Green Infrastructure and Environmental Enhancement

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions such as improving the attractiveness of the future dwellings for new residents, flood risk management, provision of accessible green space, climate change adaptation, biodiversity enhancement and supporting and enhancing the wider ecological network. Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural

England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Natural England would be happy to provide further advice on mitigation and off-setting requirements and we recommend that you use our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07552268113.

Should the proposal change, please consult us again.

Yours sincerely

Rebecca Berry
Sustainable Development Adviser