Houghton, Michelle

From: Jones, Rachel <Rachel.Jones2@naturalengland.org.uk>
Sent: 16 April 2019 16:03
To: Havant Planning and Development Mailbox New
Subject: APP/19/00211 HRA & Appropriate Assessment - Conversion to form 1 bedroom flat with associated parking. 37 Creek Road, Hayling Island PO11 9QZ

FAO: Bee Crawford
Your ref: Application: APP/19/00211 HRA & Appropriate Assessment - Conversion to form 1 bedroom flat with associated parking. 37 Creek Road, Hayling Island PO11 9QZ
Our ref: 278037

Dear Bee

Thank you for consulting Natural England on the above Habitats Regulations Assessment and Appropriate Assessment.

Increased impact from recreational disturbance

Natural England agrees with the conclusions of the HRA and AA with respect to recreational disturbance on the Solent SPAs. Natural England requires the Bird Aware Solent contribution to be secured with any planning permission.

Hydrological changes - foul water

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment has not considered whether the increase in waste water from the new housing will have a likely significant effect on the European designated sites (SPA, SAC, pSPA).

As you know, there is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH water quality work has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. The proposal comprises new housing development and it is Natural England's advice that the existing uncertainty about the deterioration of the water environment must be appropriately addressed in order for the assessment to be legally compliant.

Natural England advises that there is a likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. 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 the implications of the proposal in view of the conservation objectives for the European site(s) in question within the appropriate assessment.

Natural England therefore advises that this issue is examined within the appropriate assessment and we recommend that the proposals achieve nutrient neutrality. It is appreciated that this may be difficult for smaller developments. Therefore, we strongly advise that an interim approach is set up for the Borough that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

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.

Please let me know if you have any queries or would like to discuss the above further.

Kind regards
Rachel

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Dorset, Hampshire and Isle of Wight Area Team

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