

Date: 12 September 2018
Our ref: 255080
Your ref: APP/18/00724



Mrs Daphne Haywood
Havant Borough Council

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BY EMAIL ONLY

Dear Daphne,

Planning consultation: APP/18/00724 Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area

Location: Land at Sinah Lane, Hayling Island

Thank you for your consultation on the above dated 06 August 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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:

- Further information on the Wintering Bird Mitigation Area – the submission of an agreed costed management plan, agreement of management body, confirmation of the timing of the mitigation area.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

SPA Supporting Habitat

The site is identified as a Primary Support Area in the forthcoming update of the Solent Waders and Brent Goose Strategy. The planning application includes the provision of a Wintering Bird Mitigation Area to mitigate the loss of supporting habitat for brent geese.

Natural England welcomes and supports the principle of a Wintering Bird Mitigation Area on-site.

We advise that you request further information on the Wintering Bird Mitigation Area to inform the Habitat Regulations Assessment:

1) Agreed costed management plan

We note that a costed management plan has been submitted and discussions are on-going with the RSPB with regard to the design of the site and future management to ensure its success. We support the proposed approach for the Bird Mitigation Area to be managed specifically for geese as a nature reserve by an NGO partner such as the RSPB.

Whilst it is noted that some costs have been set out in the management plan, we are aware that discussions are on-going with the RSPB, who is the preferred management body. In order to provide the certainty for the Habitat Regulations, agreement of the commuted sum and maintenance fund is required. This should be evidenced by an agreed, costed, 80 year management and monitoring plan that is secured and implemented with any planning permission. We therefore advise that an agreed, costed management plan is submitted in due course with confirmation of the management body.

The agreed management plan should include full details of the infrastructure to be provided by the applicant, along with details of the ongoing maintenance / replacement requirements with costs calculated for perpetuity (usually taken as 80 years).

It is also understood that the ownership of part of the Bird Mitigation Area will be transferred to the management body. Appropriate legal agreements will need to be in place to ensure this is secured.

2) Timing and availability

The mitigation area will need to be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site. Confirmation that the Wintering Bird Mitigation Area will be operational in advance of any loss will be required and this will need to be secured with any planning permission.

Bird Aware Solent / Solent Recreation Mitigation Contributions

Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against the adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Bird Aware Solent / Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure for the 195 residential dwellings.

Biodiversity Mitigation and Enhancement Plan

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the [Hampshire Biodiversity Information Centre](#) and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

Natural England welcomes the Ecological Mitigation and Management Plan and the Biodiversity Net

Gain Assessment. We recommend that your authority seeks the approval of the submitted Ecological Mitigation and Enhancement Plan by a Hampshire County Council (HCC) ecologist. Natural England has not assessed the application and associated documents for impacts on protected species and habitats.

Provided the implementation of an HCC approved Ecological Mitigation and Enhancement Plan 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. In the event that Ecological Mitigation and Enhancement Plan cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

Construction Environmental Management Plan

We advise that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority as a condition of any planning permission. This should identify the steps and procedures that will avoid or mitigate impacts on the adjacent designated sites, the proposed Bird Mitigation Area and other sensitive ecological receptors, as appropriate. The CEMP shall ensure best working practices are maintained during the construction phase.

Water Quality

The waste water from the new development will introduce an additional source of nutrient loading (Total Nitrogen) to the Chichester and Langstone Harbours SPA, Ramsar catchment. There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites.

An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty as to whether housing development in the later stages of the plan period would require mitigation.

In light of this uncertainty, Natural England advises that a nutrient budget is calculated for this development. For confidence that the development will be deliverable, Natural England recommends that the proposals achieve nutrient neutrality. Natural England would be happy to advise on the calculation methodology further as part of our [Discretionary Advice Service](#).

Water resources

Natural England encourages all new development to 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.

Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land

quality and soils, although more general guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. A Landscape & Visual Impact Assessment has been provided with the proposal to inform decision making. Natural England recommends that a landscape and open space strategy is agreed and secured with your Authority's landscape officer.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk.

Yours sincerely

Rachel Jones
Lead Advisor Solent
Dorset, Hampshire and Isle of Wight