

Date: 15 May 2017
Our ref: 213384
Your ref: APP/17/00342



FAO Mr Lewis Oliver
Havant Borough Council

BY EMAIL ONLY

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Dear Lewis

Planning consultation: APP/17/00342 Continuation with Beach Management Activities on the South Coast of Hayling Island (Ferry Inn to Hayling Island Sailing Club) by recycling beach material to protect Eastoke from flooding

Location: Foreshore at South Hayling, Sea Front, Hayling Island

Thank you for your consultation on the above dated 07 April 2017 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.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Without the mitigation measures included in the application for the Continuation with Beach Management Activities, the proposals would:

- have an adverse effect on the integrity of the Solent Maritime Special Area of Conservation, the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent and Dorset Coast potential Special Protection Area
- damage or destroy the interest features for which Sinah Common, Langstone Harbour and Chichester Harbour Sites of Special Scientific Interest have been notified.

In order to make the development acceptable, the following mitigation measures are required. We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

1. The South Hayling Island Beach Management Plan 2017-2022 Technical Report (January 2017) as submitted with the application shall be reviewed and approved by the local planning authority and Natural England every 5 years.
2. To ensure an adaptive risk management approach, the following annual reports shall be submitted to the local planning authority and Natural England for approval;
 - Annual Vegetated Shingle and Bird Monitoring Report to be used to inform the amount of shingle to be extracted from more sensitive areas

- Annual Beach Monitoring Report
 - Annual Beach Management Report to include details of agreed haul routes and volumes and locations of sediment for extraction and deposition prior to each campaign.
3. There will be no works at Gunner Point and Langstone Harbour entrance (BMP Units 6, 7 and 8) between March and August to protect vegetated shingle communities, annual vegetation of drift line and nesting birds.
 4. In other areas there will be no working 1.5 hours before and 1 hour after high tide during the over winter bird period (October to March inclusive). These include Gunner Point, Langstone Harbour Entrance and Chichester Harbour Entrance (BMP Units 1, 2, 6, 7 and 8).
 5. There will be an annual vegetated shingle survey in July / August which will feed into the Annual Vegetated Shingle and Bird Monitoring Report, and will inform where the haul route can go in the following year to protect in particular the seed bank in the shingle.
 6. In BMP Units 1 to 5, there will be an Ecological walkover survey immediately prior to works in the nesting season (March to August inclusive). An exclusion area will be provided if nesting birds are discovered (minimum of 5 metre buffer distance). Additional surveys will be carried out if required to ensure that birds have not nested in the meantime.
 7. The extraction of sand from around the Hayling Island Sailing Club (BMP Unit 1) will only be undertaken in order to keep the Hayling Island pontoon usable. The locations and volumes of sand to be extracted in BMP Unit 1 will be agreed with Natural England prior to each campaign, informed by vegetation surveys and details of accretion.
 8. Prior to the commencement of each campaign, a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority and Natural England. The Construction Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate the impacts on the designated sites. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the local planning authority.

Internationally and nationally designated sites

The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA) and the Solent and Dorset Coast potential SPA, which are European sites. The site is also listed as the Chichester and Langstone Harbour Ramsar site¹ and also notified at a national level as Sinah Common, Langstone Harbour and Chichester Harbour Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The [Conservation objectives](#) for each European site

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment completed by the applicant concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the mitigation measures built into the proposal that seek to avoid all potential impacts. On the basis of the information provided and the proposed conditions listed above, Natural England concurs with this view.

This application is within Sinah Common, Langstone Harbour and Chichester Harbour SSSIs. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

If you have any queries relating to the advice in this letter please contact me on 07717808691.

Should the proposal change, please consult us again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

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