

Date: 04 January 2018
Our ref: 234069
Your ref: APP1700817



Mr David Eaves
Havant Borough Council

BY EMAIL ONLY

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Dear David

Planning consultation: APP/17/00817 Proposed improved and raised path along a section of Northney Road from the Langstone Hotel westwards approximately 215m. Ditch to be piped with new bank, etc (Resubmission of APP/16/00678.)

Location: Northney Coastal Footpath, East of Havant Road, Hayling Island

Thank you for your consultation on the above dated 12 December 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England does NOT support this application

Natural England is concerned that the proposals will lead to the loss of saltmarsh vegetation including a number of notable species. This rare and valuable habitat supports an Annex 1 habitat, as defined under international legislation and the Conservation of Habitats and Species Regulations 2017.

It is Natural England's view that any planning permission would inevitably lead to a loss of priority habitat species and biodiversity interest and should therefore be refused.

Natural England strongly recommends that further consideration is given to alternative scheme options that avoid an impact to ensure the proposal is in line with National Planning Policy Framework (NPPF) and local plan policies.

Further advice is set out below.

Internationally designated sites

The application site is in a very sensitive location due to the following international designated sites: the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site. These nature conservation sites are also

designated nationally, as the Chichester Harbour Site of Special Scientific Interest (SSSI).

Natural England is concerned about the loss of supporting habitat (saltmarsh communities) from the footprint of the scheme and impacts on the wider designated sites during construction. The ditch contains valuable saltmarsh vegetation which support the wider saltmarsh communities within the Solent Maritime SAC.

It is stated in the ecological report that the vegetation within the ditch comprises saltmarsh types that largely fall within the 'Atlantic Salt Meadows' Definition. 'Atlantic Salt Meadows' is an Annex I habitat as defined under international legislation and the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and is one of the primary reasons for the designation of Solent Maritime SAC. The Solent Maritime SAC contains the second largest aggregation of Atlantic Salt Meadows in south and south western England, representing 33% of the marsh in this region, and almost 3% of England's total saltmarsh resource. Several of the saltmarsh plants present within the footpath corridor are of local or restricted distribution nationally.

Natural England is very concerned about the loss of this valuable habitat feature, which supports the priority habitats within the wider SAC. These habitats are under significant pressure from coastal squeeze and sea level rise, as well as pressures from diffuse water pollution and the excessive growth of green algae.

A key requirement of the National Planning Policy Framework (NPPF) is to ensure schemes result in net biodiversity gain as set out in paragraphs 7, 109 and 118. The requirements of Section 40 of the Natural Environment and Rural Communities Act (2006) states 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'. 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 is concerned that the proposals will result in a loss of biodiversity interest. Paragraph 118 of the NPPF sets out that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity in line with the avoid, mitigate and compensate hierarchy.

It is Natural England's view that further consideration should be given to an alternative scheme design that avoids the impacts on saltmarsh communities and the loss of biodiversity. Natural England recommends that the applicant considers the use of fencing as a means of improving health and safety characteristics of the path, thereby keeping the ditch intact. Other options to be considered include moving the footpath to the other side of the road or perhaps looking at accommodating a safe footpath on the road itself, if sufficient and appropriate traffic management measures can be introduced.

In addition, the applicant has not considered any mitigation or compensation to address the permanent loss of saltmarsh habitat. For example, could the informal car park areas along this section of the road be removed to create new compensatory salt marsh habitat.

SSSI

Our concerns regarding the potential impacts upon the Chichester Harbour SSSI coincide with our concerns regarding the potential impacts upon the Solent Maritime Special Area of Conservation, the Chichester and Langstone Harbours Special Protection Area and Ramsar site, and are detailed above.

Protected Landscapes

The proposed development is within 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 115 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 116 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.

England Coast Path

The England Coast Path will propose following the current footpath on the bank adjacent to the road, but is not proposing any works to upgrade the current path. The ECP team considered various options and routes at this location. In considering the environmental sensitivities to any infrastructure (and associated works) or alternative routes they concluded that overall the proposed route in its current condition struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Approved Scheme.

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

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

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