

Date: 21 July 2022
Our ref: 397918
Your ref: APP/22/00479



David Eaves
Havant Borough Council

BY EMAIL ONLY

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Dear David

Planning consultation: Single storey extension to exist-ing Marina Services Building (Renewal of Planning Permission 18/00783).

Location: Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH

Thank you for your consultation on the above dated 22 June 2022 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

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Solent Maritime Special Protection Area and Chichester & Langstone Harbours Special Protection Area <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A Construction Environmental Management Plan

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Noise and Visual Disturbance

The proposals may have the potential to cause likely significant effect on the Chichester & Langstone Harbours Special Protection Area. A Habitats Regulations Assessment should examine the potential for impacts to be caused through noise and visual disturbance.

Where potential impacts are identified, Natural England would recommend that impacts are avoided by securing the following planning condition:

Noise disturbance:

'Percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided 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).

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.

Construction impacts

Without best practice working methods and mitigation there is risk during the construction phase of the development that pollution from machinery, equipment or materials may enter into the water. Natural England recommends that a Construction Environment Management Plan (CEMP) is produced prior to start of the works and submitted and approved in writing by your authority.

The CEMP should include the following:

- A list of defined potential impacts to the designated sites
- Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water
- Details on the storage and disposal of waste on site
- Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- Details of biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.

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

It is advised that, if necessary, any measures proposed to mitigate construction impacts on European designated sites are outlined for incorporation into your authority's Appropriate Assessment.

In addition, Natural England would advise on the following issues.

Protected Landscapes

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 176 and 177 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.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Should the proposal change, please consult us again.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team