

Our ref: 395193

Your ref: APP/22/00096

Dear Sir/Madam,

Hope you are doing well.

Thank you for your recent consultation relating to outline application for construction of a detached chalet bungalow on the site of a garage/shed to the side of the semi-detached house forming 2 North Street, Bedhampton with parking space for 2 cars located at 2 North Street, Bedhampton, Havant, PO9 3HD.

Please find our response below.

Planning consultation: APP/22/00096 - HRA & Appropriate Assessment - Outline application for construction of a detached chalet bungalow on the site of a garage/shed to the side of the semi-detached house forming 2 North Street, Bedhampton with parking space for 2 cars.

Location: 2 North Street, Bedhampton, Havant, PO9 3HD.

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.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Further advice on mitigation measures is provided below.

Further Advice

Deterioration of the Water Environment

Nutrient Budget Calculation

On 16 March 2022 we wrote to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. An updated nutrient budget calculator for the Solent was released on 20 April 2022. We recommend that your authority moves to using the updated generic Nutrient Neutrality Methodology and the updated catchment calculators in preference to existing methodologies whether produced by Natural England or your own authority. Your authority will be best placed to consider how it transitions to the new tools and guidance. Natural England recognises that for some existing catchments where nutrient neutrality is being implemented and mitigation is being actively progressed, authorities may need to consider the associated practicalities of moving to the new guidance whilst recognising their role as Competent Authority.

Please note, at present some elements of the guidance (national methodology, nutrient budget calculators) issued by Natural England should be considered as provisional due to the outstanding appeal to the Court of Appeal in Wyatt v Fareham BC [2021] EWHC 1434 (Admin), which although not concerned with the national methodology issued on 16th March 2022, could impact on certain elements contained within the methodology because that case considers similar (but not identical) earlier guidance for the Solent region. Natural England intends to review the national methodology following judgment in the appeal in Wyatt which may require amendments to be made.

We note that the nutrient budget for this application has been calculated in line with the Solent Nutrients Guidance, V5, June 2020. Your authority, as Competent Authority, should consider how the updated Nutrient Neutrality Methodology relates to the nutrient budget provided with this application, and any proposed mitigation.

Mitigation Measures

It is noted that in line with Havant Borough Councils' Position Statement and Mitigation Plan for Nutrient Neutral Development, a mitigation package will be secured to address the positive nitrogen budget for this development. It is Natural England's view that if the applicant complies with Position Statement and Havant Borough Council (as the competent authority) is satisfied this approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Recreational Disturbance – Solent SPAs

This application is within 5.6km of Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent. Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of

the development on the integrity of the European site(s), and has no concerns with this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

Further general advice on consideration of protected species and other natural environment issues is provided in Annex A attached to this email.

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](#).

If you have any queries relating to the advice in this email please contact me on max.glasser@natural.England.org.uk.

Yours sincerely,

Max Glasser

Pronouns: He / Him

Adviser

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