

Houghton, Michelle

From: Lunnon, Chris <Christopher.Lunnon@naturalengland.org.uk>
Sent: 25 April 2022 09:55
To: Havant Planning and Development Mailbox New
Subject: APP/20/00547 - 133 Eastoke Avenue, Hayling Island, PO1 0QR

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Dear sir/madam,

Application Ref: APP/20/00547
Our Ref: 388076

Thank you for your recent consultation relating to Appropriate Assessment - Variation of Condition 4 of planning permission 15465/003 to allow for residential use from 1st March to 31st December at 133 Eastoke Avenue, Hayling Island, PO1 0QR.

Natural England Response - Further Information Required

Recreational disturbance

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will result in adverse effects on the integrity of Solent SPAs as there will be an increase in the usage of the dwellings. Natural England agrees with this assessment, however, the appropriate assessment states that the applicant has not confirmed they are committed to providing the mitigation package. Confirmation that the applicant has confirmed they will contribute to the Solent Recreation Mitigation Strategy is sought in order to rule out likely significant effects on Solent SPAs from recreational impacts.

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise.

Nitrogen neutrality

Your appropriate assessment concludes that your authority believes there will be likely significant effects on European sites due to nutrient impacts because of the extension of the occupancy period. Natural England agrees with this assessment, however, a nutrient budget has not been provided and nutrient mitigation has not been secured. Given the conclusions of your authority's appropriate assessment, a nutrient budget for the development is sought in order to ensure an appropriate level of mitigation is obtained to ensure likely significant effects on Solent SPAs via nutrient impacts can be ruled out.

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 have written to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. 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.

Kind regards,

Christopher Lunnon
Sustainable Development Advisor
Thames Solent Team

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