

Date: 28 July 2022
Our ref: 400182
Your ref: APP/22/00461



Tina Pickup
Havant Borough Council

BY EMAIL ONLY

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Dear Tina

Planning consultation: HRA & Appropriate Assessment - Prior approval is required for 1No. agricultural barn to store crops & vegetables & associated machinery

Location: Stoke Fruit Farm, 77 Havant Road, Hayling Island PO11 0PT

Thank you for your consultation on the above dated 08 July 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 SPA functionally linked land.

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 by the LPA:

- Construction Environmental Management Plan
- Sensitive lighting design to minimise light spill into the SWBGS site

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

The proposals are located on an area identified as SPA functional land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the [Solent Wader and Brent Goose Strategy](#) (SWBGS) for more information.

The site affected H52A is classed as a Primary Support Area and supports high numbers of Curlew. The proposed barn will lead to a direct loss of 9ha of this site, there are potential impacts from the partial loss of the site and for indirect impacts caused through noise and visual disturbance.

Natural England therefore considers that the proposed works could result in a likely significant effect or a “relevant effect” (in line with Regulation 77 of The Conservation of Habitats and Species Regulations 2017), (the Habitat Regulations)). In coming to this view Natural England must exclude the consideration of measures that are specifically designated to avoid or reduce harmful effects on a European Site.

It is advised that the impacts are properly assessed and any identified impacts are addressed in line with the [SWBGS Guidance on Mitigation and Offsetting Requirements](#). However we acknowledge that the proposed barn has been relocated closer to the existing agricultural buildings and hard standing which will reduce impacts.

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. Provided that the Council, as competent authority, is satisfied that the mitigation measures outlined in the appropriate assessment can be appropriately secured, then Natural England raises no further concerns.

Please see below for our advice on mitigation measures.

Noise Disturbance:

In order to mitigate adverse impacts through noise and make the development acceptable, we would recommend that the following mitigation is secured with any permission:

Wherever possible, 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).

Visual Disturbance:

The qualifying features are also sensitive to visual disturbance. The proposal will need to ensure that any potential visual disturbance is adequately mitigated through sensitive lighting design.

We have no comment to make on other prior approval matters included in the consultation.

We recommend that should your authority give its prior approval to the proposed permitted development, the following paragraph is included on the decision notice as advisory notes to the applicant;

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>

If you have any queries relating to the advice in this letter or if you wish to discuss the impacts on designated sites and scope for mitigation with Natural England, we can provide advice through our [Discretionary Advice Service](#).

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

Should the proposal change, please consult us again.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team