

Date: 23 November 2021
Our ref: 372436
Your ref: APP/21/01071



Julia Mansi
Havant Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Julia

Planning consultation: Outline planning application for up to 43 dwellings, with access from Lower Road and associated landscaping, open space and allotments, and all other matters reserved.

Location: Land south of, Lower Road, and west of Old Manor Farm, Havant

Thank you for your consultation on the above dated 21 October 2021 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

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FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Chichester & Langstone Harbours Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further details of how the financial contribution will directly mitigate the impact from the loss of the Solent Wader and Brent Goose Strategy Secondary Support Area site
- An assessment of indirect effects to SPA functionally linked land and mitigation where impacts are identified
- A Construction Environmental Management Plan
- A Habitat Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

Your authority should demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. consultations should include a HRA. The proposed development, and the application of any measures to mitigate the likely harmful effects from it, should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in view of the European Sites' conservation objectives. Further information on carrying out a HRA as a competent authority can be found online¹.

Once a HRA has been completed or adopted by the competent authority, Natural England will review the proposal.

Deterioration of the water environment

Based on the nutrient calculation we note that the development delivers a negative nitrogen budget due to removal of land from cereal production and retention of onsite openspace and thus no mitigation is required.

The local planning authority, as competent authority, should be satisfied that the assumptions used in the calculation in relation to site areas and existing agricultural land use classification are correct, and that evidence has been provided on this basis.

The competent authority will need to be assured that the future open space will be managed as such and there will be no additional inputs of nutrients or fertilisers onto this land for the duration of the development. Appropriate conditions or other legal measures may be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs in the long term. It is therefore recommended that the 5 kg/ha/yr rate applies to areas of designated open space on-site. These sites will also need long term management to ensure the provision of dog bins and that these are regularly emptied.

Provided the competent authority is satisfied with this approach, Natural England raises no further comments.

Solent recreation mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the [Conservation of Habitats and Species 2017 \(as amended\)](#).

Solent SPAs functionally linked land

The site is identified in the Solent Waders and Brent Goose Strategy as a Secondary Support Area (H05A). The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development.

The proposals have the potential to affect 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. The sites affected is H05A which is within the application boundary and is classed as a Secondary Support Area.

¹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#follow-hra-principles>

Natural England is concerned that, without appropriate mitigation, the proposed development could have significant direct and indirect impacts upon the qualifying features of the aforementioned designated site due to impacts on the Solent Waders and Brent Goose ecological network.

For Secondary Support Areas it is expected that in most cases the loss, or partial loss, of Secondary Support Areas will be offset by the provision of suitable replacement habitats which are supported by an agreed costed habitat management plan and funding secured in perpetuity. This is line with Havant Borough Council's emerging Local Plan policy E17 which states that "Development proposals on Secondary Support Areas will only be permitted where either: g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or Where it can be demonstrated that criterion g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy."

The supporting ecological assessment (Aluco Ecology September 2021) recommends a financial contribution towards protection and maintenance of the wider SWBGS network locally.

Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

Therefore it is also Natural England's advice that further detail is required to inform the Appropriate Assessment with regards to how the financial contribution will directly mitigate the impact from the loss of the Secondary Support Area site; i.e. how it will be used to maintain and enhance the wider network within the Borough in a timely manner. In the first instance, the local planning authority should be contacted to see if there is an appropriate strategic scheme in place. Where no such strategic schemes are currently available, the onus falls to the applicant to provide a suitable mitigation solution.

Suitable mitigation solution requirements

The aim of the Strategy is to ensure that the current geographical spread of sites across the network is maintained and enhanced. In order to safeguard the network from long-term degradation of number and importance (classification) of sites, mitigation will need to be appropriately designed to address the loss and ensure the continued ecological function of the network in a timely manner. Mitigation can come in the form of a new 'bird refuge' situated in an appropriate locality within the network. Alternatively, proposals can come forward that seek to enhance, manage and raise the importance of an existing site within the network.

Each mitigation scheme will be assessed on its own merits and on a case by case basis, based on the submitted evidence. A suitable mitigation scheme will need agreement by Natural England and the competent authority as necessary and further detail of offsetting areas is included in the Solent Waders and Brent Goose Strategy guidance note.

Mitigation schemes should consider:

- Provision and/or enhancement of suitably sized areas with habitats and features for waders and/or brent geese. Enhancement features can include the provision of scrapes for loafing and as freshwater sources;
- Consideration of recreational or other disturbance. Access management and screening measures may be necessary;

- The provision and ongoing management of the scheme specifically for the waders and / or geese, delivered and managed by a suitable third party (such as LPA or NGO partner (or similar stable management body such as Land Trust) in perpetuity);
- A protocol for long term monitoring and how any adaptive measures will be secured.

Such measures should be supported by an agreed and costed habitat management plan with appropriate level of funding secured in perpetuity.

Where a deliverable and funded mitigation scheme comes forward that addresses the above requirements, Natural England considers the impacts on the SWBG network as a result of the proposals can be suitably addressed.

An agreed and deliverable mitigation strategy could address the potential for direct and indirect significant effects arising from the development on the qualifying features of the Solent and Southampton Water SPA. Guidance on the off-setting and mitigation requirements can be found [here](#), this sets out the necessary measures to avoid impacts. Securing early commitment to this mitigation will ensure the potential significant effects have been addressed.

Indirect impacts

The ecology report does not discuss indirect impacts to the remaining part of the Secondary Support Area which is outside the red line application boundary, therefore further assessment of indirect impacts is required and mitigation where impacts are identified. Indirect effects may arise from increased recreational pressure and access to sensitive sites; overshadowing and lighting from new buildings; impacts to sight lines, or noise and visual disturbance from construction work on land adjacent to sensitive sites. These activities and the presence of built form may reduce the functional area of a site available to roosting and foraging SPA birds.

Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

This detail should be included in the Appropriate Assessment to ensure there is no adverse indirect impact from the construction work on the nearby designated sites and its functionally linked land.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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

If you have any queries relating to the advice in this letter please contact me on 02080 261472.

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](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team