

Date: 14 April 2021
Our ref: 349513
Your ref: APP/21/00045



Lesley Wells
Havant Borough Council

BY EMAIL ONLY

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Dear Lesley,

Planning consultation: HRA & Appropriate Assessment - Demolition of existing house and erection of 10No. unit apartment development.

Location: 186 Sea Front, Hayling Island PO11 9HT

Thank you for your consultation on the above dated 08 April 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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the Solent and Dorset Coast Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC) and the Sinah Common Site of Special Scientific Interest (SSSI). 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 detail on the operational impacts of the development on the SSSI
- Further detail on the surface water drainage strategy including details of SuDS measures to reduce pollutant release into the SSSI
- A detailed Construction Environmental Management Plan (CEMP) that identifies the steps and procedures that will be implemented to avoid or mitigate impacts on species and habitats.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Further advice on designated sites/landscapes and advice on other issues is set out below.

Surface water drainage

The application site is in close proximity to the River Itchen Site of Special Scientific Interest and River Itchen Special Area of Conservation.

Natural England have concerns that surface water drainage arising from the proposed development may damage features of interest for which the SSSI and SAC have been designated.

Natural England advises that the application should be supported by a drainage assessment/strategy which should consider the current condition of the site and nearby watercourses, assess the potential impacts upon the protected sites from water pollution and nutrient enrichment, and suggest mitigation measures where impacts are identified. A possible solution may be the incorporation of 'naturalised' sustainable urban drainage systems (SuDS) that aim to reduce the volume of run-off from the development site, slow the flow of run-off to greenfield rates, and include pollutant controls, prior to discharge into any watercourse.

It should be noted that best practice guidance in Ciria Manual C753, outlines under Section 26.7.1 step 3, that the requirement for extra treatment should be considered in relation to discharge in to environmentally protected sites. It states that 'an additional treatment component, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

Further details and/or clarification should be provided on the specific measures incorporated to remove oils and other pollutants such as heavy metals prior to discharge into the watercourse. It may be deemed that additional measures should be incorporated in line with the precautionary principle when undertaking the Habitat Regulations Assessment. Further features that may be incorporated could include the provision of rainwater harvesting (to reduce run-off volume), oil interceptors and further opportunity for particulate settlement.

It is advised any proposed Sustainable Urban Drainage Systems designed to protect the SSSI are supported with long-term maintenance and monitoring plans with details on which organisation will have control of such systems and how their management will be funded.

Construction Impacts

The proposals also have potential to impact the SSSI, SAC and SPA during the construction phase of the proposals. Natural England advises the submitted Construction Environmental Management Plan (CEMP) should be updated, and approved in writing by the district ecologist, so that it 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

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). 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.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

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.

Following Sweetman II, it is advised a CEMP is provided prior to any permission being granted, to inform an Appropriate Assessment.

Sinah Common SSSI

The site comprises a complex of maritime habitats that extend for over 2km eastwards from the south-western extremity of Hayling Island, Hampshire. Gunner Point, at the western end, contains the most extensive sand dunes and vegetated shingle beach in Hampshire. Habitats of interest include pioneer shingle vegetation, maritime shingle grassland (with dry acid grassland, and lichen-rich acid grassland) mobile dunes, semi-fixed dunes, dune heath and an associated area of saltmarsh.

The submitted Preliminary Ecological Appraisal indicates there are foreseen impacts on designated sites from increased leisure activity and disturbance. Natural England recommend that an assessment is undertaken to identify any potential adverse impacts to the SSSI, and if needed suitable mitigation strategies set out.

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.

Solent Recreation Mitigation Strategy

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 pressure. Havant Borough Council 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). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been

discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Biodiversity Net Gain

Government policy is progressing to reverse the trend of biodiversity decline, which has continued to occur despite planning policy aimed towards no residual loss in biodiversity.

This includes the revised NPPF which sees a strengthening of provision for net gain through development. Defra have also consulted on updating planning requirements to make it mandatory. This is following the publishing of Defra's 25 Year Environmental Plan, in which net gain through development is the first key objective.

Natural England therefore recommends the proposals to set out how biodiversity net gain will be achieved, over and above residual losses which should be accounted for and addressed. With careful planning using ecological expertise, this should be achievable for this development given its scale and opportunity for blue/green estate.

We recommend the applicants make use of the Defra Biodiversity Metric 2, which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals. The metric has been updated to include a wider range of habitat types and incorporate wider benefits of GI. The final version of the metric (Biodiversity Metric 3.0) is due to be published in April 2021.

Key principles underpinning the biodiversity net gain approach include:

- **Mitigation hierarchy** – all development proposals should continue to follow the mitigation hierarchy as set in national policy (para 175a of the NPPF 2019), whereby if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Compensation for loss of priority habitat should be based on the enhancement and/or creation of UK priority habitats, listed as required under Section 41 of the NERC Act 2006.

Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts. It is also important to note that net gains can be delivered even if there are no losses through development.

- **Impacts on statutory designated sites** – including SSSIs and European sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) will continue to be addressed through their existing legislative protections, i.e. the Wildlife and Countryside Act 1981 as amended, and the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

- **Irreplaceable habitats and protected species** - biodiversity net gain is not applied to irreplaceable habitats such as ancient woodland, ancient trees and veteran trees, nor is it applied to protected species, which should be addressed separately through their existing legislative protections as outlined above.

We recommend that industry good practice principles for biodiversity net gain published by CIEEM, IEMA and CIRIA are used.

One method to ensure net gain is achieved is to compile a Biodiversity Mitigation and Enhancement Plan (BMEP) or similar document that aims to protect and improve the local ecology. This can help to strengthen ecological networks and wildlife corridors. Such a Plan can bring together specific avoidance, mitigation and any compensatory measures to address impacts on species and habitats, detail how biodiversity net gain will be achieved, plus detail additional enhancement measures for wildlife (such as bat and bird boxes, habitat refuges etc.).

Such a plan should be agreed with the biodiversity officer and appropriately secured with any planning permission.

Natural England can also provide further advice to the applicant on mitigation options under our [Discretionary Advice Service](#).

Regards,

Joe Forster
Sustainable Development Advisor