

Date: 18 July 2013
Our ref: 91991
Your ref: APP/13/00665



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Dear Sir/Madam,

Planning consultation: Change of Use of part of the 2nd Floor of the Malt House from office space to physiotherapy practice and gym studio.

Location: The Malt House, Bridgefoot Path, Emsworth PO10 7EQ.

Thank you for your consultation on the above dated and received by Natural England on 12 July 2013.

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.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natura 2000 site

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Chichester and Langstone Harbours Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

SSSI

This application is in close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which this site has been notified.. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

¹ This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010 (as amended)* and Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended).

Protected landscapes – no comments

This application falls within the Chichester Harbour AONB. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the Chichester Harbour AONB.

Given the location of the development, your Authority should seek the view of the AONB Conservancy prior to determining this planning application, as they may have more detailed comments to make on the location, nature or design of this development.

Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice² on BAP and protected species and their consideration in the planning system.

[Natural England Standing Advice](#) is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local landscape

Natural England does not hold information on local landscape character, however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

² Paragraph 98 and 99 of ODPM Circular 06/2005

Yours faithfully,

Emma Cartwright
Customer Service Consultation Team