

APP/21/00601

FAO David Eaves

Your ref: APP/21/00601 | Re-consultation - Portsmouth Water HQ building and new employment premises; widened access onto Solent Road etc. including the felling of 7No. trees the subject of TPO No.1801 in order to improve the access and allow for the development. | Land north of Solent Road (adjacent to Bosmere Medical Centre) Havant
Our ref: 372695

Thank you for consulting us on the above application. We previously responded to this application on 26th August and the advice in this response still applies.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Please note that, recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance / mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, as mitigation measures are proposed to avoid a likely significant effect your authority's HRA will need to include an Appropriate Assessment under Regulation 63(1) of the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#). Please note Natural England are a statutory consultee for Appropriate Assessments and should be re-consulted once your authority has completed its HRA.

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

Currently working from home please use email instead of post to send documents.

Please send planning consultations to Natural England by email to:
consultations@naturalengland.org.uk.

Please note my non-working day is Friday

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