

FAO Joseph Toole

Your ref: APP/21/00768 | Conversion of large single storey rear garage to chalet style two storey annexe. | 129 Havant Road, Hayling Island, PO11 0LE
Our ref: 361504

Please find our further comments regarding the above application, this advice supersedes the previous response sent on the 13th August.

Deterioration of the water environment and Solent recreational disturbance

This application is for an annexe which will only be used as ancillary accommodation for the existing dwelling. Provided you are confident this can be secured, we agree that nitrogen neutrality and Solent recreation mitigation are not applicable in this instance as the proposals do not represent a net increase in residential dwellings.

Solent SPAs functionally linked land

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.

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 are; H53C which is to the west of the site and is classed as Primary Support Area; and H53D which is adjacent to the site which is classed as a Candidate site.

As a result, 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 that 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 the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

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

The CEMP should ensure there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken 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).

This detail should be included in an Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Please contact me if you have any queries relating to this advice.

Kind regards

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

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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



Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.