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Our ref: 183594
Your ref: APP/16/00319



Mrs H Lealan
Planning Services
Public Service PLaza
Civic Centre Road
Havant
Hampshire, PO9 2AX

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

T 0300 060 3900

planning.development@havant.gov.uk

BY EMAIL ONLY

Dear Mrs Lealan

Planning consultation: Outline Application for proposed residential development.

Location: Land adjacent to, Victoria Road, Hayling Island.

Thank you for your consultation on the above dated 14 April 2016 which was received by Natural England on the same day.

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 Conservation of Habitats and Species Regulations 2010 (as amended) The Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Chichester and Langstone Harbours Special Protection Area (SPA) and Solent Maritime Special Area of Conservation which are European sites. The site is also listed as Chichester and Langstone Harbours Ramsar site¹ and also notified at a national level as Langstone Harbour Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The [Conservation objectives](#) for each European site

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Chichester and Langstone Harbours SPA/Ramsar Site: Objection/Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations 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. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

Natural England is concerned about the impacts resulting from the permanent loss of functionally-linked land (FLL) of the aforementioned SPA and increased recreational pressure to other nearby FLL. From the information that we have available, the development site lies less within an uncertain high tide roost site ("H102") for brent geese, as classified by the Solent Waders and Brent Goose (SW&BGS). It also lies nearby to "H53A" which has records of brent geese using the site for foraging/roosting.

Functionally linked land or supporting habitat, as it is known, should be assessed under the Habitats Regulations for likely significant effects with regards to the site's deterioration of extent, quality or function. Although the site is listed as "uncertain", it does not mean the qualifying features of the SPA are not utilising it, it merely means that insufficient surveys have been carried out to determine its importance as functionally linked land.

We are aware of records that 50 brent geese have been surveyed using the nearby site, H53A. As the development proposal will involve the loss in extent of "H102", and also potential increases in the level of disturbance events at other nearby sites (such as H53A), an assessment is required to understand the impact of this development on the SPA.

We therefore advise that to inform an HRA:

1. A data request for brent geese and wader records using H102 and other nearby FLL sites should be carried out. Hampshire Biological Information Centre (HBIC) can provide you with this data.

We would expect any evidence (both historical and newly commissioned), such as winter bird surveys, to follow a robust and thorough methodology, in order to demonstrate whether there will be a likely significant effect. Some existing data may be available from the Hampshire and Isle of Wight Wildlife Trust and Hampshire Biodiversity Information Centre. This existing data may negate the need for additional winter bird surveys.

2. An assessment of the H102 site: current and future levels of disturbance, land management and land use.
3. Once the above has been carried out, if necessary, avoidance and mitigation measures should be considered to avoid a likely significant effect on the SPA. Natural England is willing to advise the applicant further on this aspect.

Solent Maritime SAC: No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered

by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

Langstone Harbour SSSI: Objection due to lack of information

Our concerns regarding the potential impacts upon the Langstone Harbour SSSI coincide with our concerns regarding the potential impacts upon the Chichester and Langstone Harbours SPA, and are detailed above.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Francesca Barker on 0300 060 0873. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Francesca Barker – Lead Adviser
Dorset, Hampshire and Isle of Wight Area Team