

FAO Selina Donophy

Your ref: APP/21/00585 | Proposed ground floor extension on North West elevation, with decking area above and railings, to form a junior training room. | Langstone Sailing Club, Langstone Road, Havant, PO9 1RD

Our ref: 356594

Thank you for consulting us on the above application. 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.

No objection subject to mitigation

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area

<https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A Construction Environmental Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

Habitat Regulations Assessment

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 \(Amendment\) \(EU Exit\) Regulations 2019](#) 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 \(Amendment\) \(EU Exit\) Regulations 2019](#). Please note Natural England are a statutory consultee for Appropriate Assessments and should be re-consulted once your authority has completed its HRA.

Construction impacts

The application is adjacent to Chichester and Langstone Harbour Special Protection Area and has potential to impact during the construction phase of the proposals. 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. We note that the application is supported by Construction Environmental Management Plan (CEMP) this should be submitted to and approved in writing by the district ecologist. The CEMP should identify 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 the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Protected species

Natural England has not assessed this application and associated document for impacts on protected species. Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

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

Kind regards

Rachael Clemson

Sustainable Development Lead Adviser

Thames Solent Area Team