

Date: 09 July 2014
Our ref: 124526
Your ref: APP/14/00547



Heather Lealan
Havant Borough Council

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

T 0300 060 3900

BY EMAIL ONLY

Dear Heather

Planning consultation: Outline planning permission for 125 residential units and a water retention area all matters reserved except access and levels.

Location: Land west of Horndean Road and south of Southleigh Road, Emsworth

Thank you for your consultation on the above dated 11 June 2014 which we received 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.

Town and Country Planning Act 1990

Town and country Planning (General Development Procedure Order) 1995, Article 10

The Conservation of Habitats and Species Regulations 2010, regulation 61

Wildlife and Countryside Act 1981, Section 28 (G) and (I)

This application is within close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). This site is also part of the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA) and Chichester and Langstone Harbours Ramsar Site which is a wetland of international importance under the Ramsar Convention.

Natura 2000 site – No Objection Subject to Conditions

Natural England advises your authority that the proposal is not likely to have a significant effect on the interest features for which the above SSSI/SAC/SPA/Ramsar sites are designated, either alone or in combination with other plans or projects subject to advice to the effect of the following attached to any permission granted:¹

- A contribution to strategic mitigation as agreed by the Solent Recreation Mitigation Partnership (formerly SDMP) is secured.

Natural England is satisfied that, subject to the imposition of the above conditions/advice and the development being undertaken in strict accordance with the submitted proposals and the conditions set out above, these development proposals will avoid impacts upon the interest features of the Chichester Harbour SSSI.

If your Authority is minded to grant consent for this application without the conditions recommended

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 (as amended)* and Section 28(I) of *the Wildlife and Countryside Act 1981 (as amended)*.

above, we refer you to Section 28(6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

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 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 at with details at consultations@naturalengland.org.uk.

Area of Outstanding Natural Beauty (AONB)

Please be advised that this response does not infer support or objection from a landscape perspective. The proposed development site lies close to Chichester Harbour Area of Outstanding Natural Beauty. Any development taking place within a nationally designated landscape or within its setting, is expected to be of the highest quality, which should conserve and enhance local landscape character or distinctiveness. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 places a duty on local authorities to "have regard to" the purpose of conserving and enhancing the natural beauty of protected landscapes when making planning decisions that are likely to affect such landscapes. The Government has confirmed that AONBs have equal planning status to National Parks with regard to landscape and scenic beauty.

Full regard should be paid to the Chichester Harbour AONB Management Plan 2009-2014, for detailed guidance on ways in which landscape character and local distinctiveness can be conserved and enhanced. The Management Plan can be found at the following link:
<http://www.conservancy.co.uk/page/Management-Plan/307/>

Natural England advises that Chichester Harbour Conservancy is consulted, as the Joint Advisory Committee for the AONB, to ensure that the proposed development is in accordance with the purpose of the AONB designation and the aims of the AONB Management Plan.

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 Simon Thompson on 0300 060 4625 or simon.thompson@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Simon Thompson
Lead Adviser – New Forest, Hampshire Coast and Isle of Wight
Dorset, Hampshire and Isle of Wight Team