

Date: 19 September 2013
Our ref: 91767
Your ref: APP/13/00639



Mrs D Haywood
Havant Borough Council

Customer Services
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By email only, no hard copy to follow

Dear Mrs Haywood,

**LANGSTONE HARBOUR SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
CHICHESTER AND LANGSTONE HARBOURS SPECIAL PROTECTION AREA (SPA)/Ramsar
SOLENT MARITIME SPECIAL AREA OF CONSERVATION (SAC)**

Proposal: Outline planning permission for mixed-use development comprising up to 60 dwellings and 1,250sqm of light-industrial accommodation (Use Class B1).

Location: Land north of Station Road/East of Furniss Way, West Town, Hayling Island

Thank you for your letter dated 10 July 2013 requesting Natural England's comments on the above proposal. This response follows our previous objection, due to lack of information, dated 30 July 2013.

The Conservation of Habitats and Species Regulations 2010 (as amended)

The application site is within approximately 350m of habitats which form part of the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). This letter comprises our statutory consultation response under provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 28 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

Recreational Disturbance

Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned Footprint Ecology to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. Natural England is on the project Steering Group for this project and also has a statutory role in advising on the potential effects of development on the conservation of SPAs. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

In summary, this work concluded the following:

- There is a high number of current recreational visits to the three SPAs and modelled future increase in visits is also high.

- Lower bird densities were observed at sites that have greater recreational disturbance events.
- The model estimated a high percentage area of intertidal subject to recreational disturbance.
- There was a significant correlation between visitor numbers and housing numbers near the coast (in bands within 5km).
- In Southampton Water, the model suggested that current levels of disturbance had a depressing effect on the populations of four SPA species and that future housing scenarios would exacerbate this effect for two of these species.

Natural England's advice is that the SDMP work represents the best available scientific evidence, and therefore mitigation is required in order to avoid a likelihood of significant effect, in combination, arising from new housing development around the Solent.

Natural England previously objected to this proposal, in our response dated 30 July 2013. However, following a meeting with the applicant and the submission of the Brent Goose and Wader Mitigation Strategy, we are satisfied that impacts to SPA supporting habitats are being sufficiently mitigated. This along with the applicant's commitment to make an appropriate contribution to the emerging strategic mitigation scheme enables Natural England to remove its objection subject to the conditions and advice below.

Natura 2000 site – No Objection Subject to Conditions

Natural England advises your authority that the proposal, if undertaken in strict accordance with the additional details submitted, is not likely to have a significant effect on the interest features for which Langstone Harbour SSSI, Chichester and Langstone Harbours SPA/Ramsar, or Solent Maritime SAC are designated, either alone or in combination with other plans or projects, subject to conditions and advice to the effect of the following being attached to any permission granted:¹

- An appropriate contribution, to be set in line with the emerging strategic mitigation scheme for the Solent, is secured.
- Mitigation is provided as recommended by the submitted Brent Goose and Wader Mitigation Strategy
- No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbA_{max} – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

SSSI

Natural England is satisfied that, subject to the imposition of the above conditions 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 Langstone Harbour SSSI.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Langstone Harbour SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28(1) (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.

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 2010* (as amended) and Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended).

Other advice

Natural England does not hold locally specific information relating to local sites, local landscape character and local or national biodiversity priority habitats and species. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure that your authority affords these matter the appropriate weight in determining this application. A more comprehensive list can be found at [Wildlife and Countryside link](#).

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 Simon Thompson by telephone on 0300 060 4625 or by email to simon.thompson@naturalengland.org.uk. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

Simon Thompson
Lead Adviser
Land Use Operations Team