

Date: 22 November 2013
Our ref: 102373
Your ref: APP/13/00981



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BY EMAIL ONLY

Dear Mrs Smith

Planning consultation: Change of use of the southern 45% of Howards Yard to use as mixed storage with associated lighting to be used with and accessed through Hayling Yacht Company
Location: Southern part of Howards yard, Mill Rythe Lane, Hayling Island

Thank you for your consultation on the above dated 29 October 2013 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.

**CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

The application is located adjacent to the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Chichester and Langstone Harbours Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), and the Chichester and Langstone Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Natura 2000 site – No objection

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Chichester and Langstone Harbours SPA/Ramsar and Solent Maritime SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

SSSI - No objection

This application is in close proximity to Chichester Harbour SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

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)*, (The Habitat Regulations) and Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended).

Protected Landscapes

Having assessed this application, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of Chichester Harbour Area of Outstanding Natural Beauty (AONB).

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. 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, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice² on priority and protected species and their consideration in the planning system.

[Natural England Standing Advice for Protected Species](#) is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

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 me on 0300 060 2493. 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.

² Paragraph 98 and 99 of ODPM Circular 06/2005

Yours sincerely

Bronwen Keiller
Adviser
Land Use Operations, Winchester