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Your ref: APP/14/00488



Heather Lealan
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BY EMAIL ONLY

Dear Heather

Planning consultation: Reserved matters application for 131No. open market and affordable dwellings including 10No. one bed dwellings, 25No. two bed dwellings, 52No. three bed dwellings, 40No. four bed dwellings and 4No five bed dwellings with associated residential curtilages, parking and turning areas, public open space and surface water attenuation features; and discharge of conditions 5, 6, 10, 15 and 21 of Planning Permission APP/14/00966 approved by appeal APP/X1735/A/13/2192777.

Location: Development Site North of, Goldring Close, Hayling Island

Thank you for your consultation on the above dated 18 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.

The application site is in close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and the Solent Maritime Special Area of Conservation (SAC).

Internationally and nationally designated sites

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their 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 the Chichester and Langstone Harbours Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as the Chichester and Langstone Harbours Ramsar site¹ and are also notified at a national level as the Chichester 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 explain how the site

¹ Listed or proposed 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.

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

Natura 2000 site - Advice

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:³

- The Construction Environmental Management Plan (CEMP) does not currently provide enough information to conclude that disturbance to the adjacent SPA supporting habitat will be avoided. Specifically the location of the storage compound, waste management area and wheel wash area are all close to the eastern boundary of the site, this is adjacent to the sensitive SPA supporting habitat and no information has been submitted to demonstrate that impacts will be avoided.
- The proposals contained in the Biodiversity Mitigation, Enhancement and Management Plan do not appear to be sufficiently robust to support the discharge of Condition 21, specifically the 1m buffer along the eastern boundary, the effectiveness of which has not been demonstrated. Furthermore, it appears that the hedgerow improvements will be put in place after development has commenced, we would highlight that any mitigation relating to European sites must be in place prior to the impacts occurring.
- A mitigation contribution as agreed by the Solent Recreation Management Partnership (formerly SDMP) should be secured as this development is within 5.6km of the Chichester and Langstone Harbours SPA.

SSSI

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

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.

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 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://guidanceanddata.defra.gov.uk/habitats-regulations-assessments/>

³ 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(1) of the *Wildlife and Countryside Act 1981* (as amended).

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.

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 the case officer Simon Thompson on 0300 060 4625. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

Simon Thompson
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Dorset, Hampshire and Isle of Wight Team