

Date: 27 March 2014  
Our ref: 115243  
Your ref: APP/14/00232



Sally Smith  
Havant Borough Council

Customer Services  
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**By email only, no hard copy to follow**

Dear Sally,

**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: Construction of 47 dwellings, including 30% affordable, comprising 10No. 5 bed, 21No. 4 bed, 10No. 3 bed and 6No. 2 bed houses, with associated access from Bedhampton Hill, landscaping and ancillary works.**

**Location: Development site at Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant**

Thank you for your letter dated 11 March 2014 requesting Natural England's comments on the above proposal.

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

The application site is within approximately 600m of habitats which form part of the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the 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.

#### **Natura 2000 site – Objection due to lack of information**

Natural England **objects to the above proposal** on the grounds that there is insufficient information provided to determine the effect on the aforementioned designated sites and we recommend the planning authority request further information from the applicant as follows:

The Wintering Bird Survey undertaken by WYG (dated January 2014) appears to have some inconsistencies with regard to the available data for the site, these include:

- References to there being no positive counts for site H03 in the Solent Waders and Brent Goose Strategy 2010, however it is our understanding that this site was not surveyed, and no surveys should not be considered to represent no use.
- The winter 2012/13 data is described as ad-hoc within the appendix, and this is not elaborated on within the text, it would be helpful to have a source for this data and the methodology that was followed in the survey.
- Hampshire County Council, on behalf of Havant Borough Council, surveyed the site during the winter of 2012/13 and recorded a peak count of 101 lapwing on the site (within or immediately adjacent to the proposed development area), however this important data is not considered by the report.D

We recommend that the Wintering Bird Report is revised in order to consider the points raised above, and to provide sufficiently robust evidence to enable a conclusion to be reached as to the potential impact of the development on the nearby designated sites.

Should the above information be provided, we would advise that an appropriate financial contribution to the strategic mitigation scheme as recommended by the Solent Disturbance and Mitigation Project (SDMP) is secured in relation to this application.

Under S28I of the Wildlife and Countryside Act 1981 your authority must take Natural England's advice into account in deciding whether or not to grant permission. If your authority resolves not to follow this advice then it must notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, it has taken our advice into account. You must then allow a further period of 21 days before the development can commence to allow us to consider any further action. For further details of these requirements, and a summary of the legislations protecting SSSI's and the duties which apply to planning authority, please refer to Part II of Circular 06/2005<sup>1</sup>.

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<sup>1</sup> Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005/Defra Circular 01/2005  
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

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](mailto:simon.thompson@naturalengland.org.uk)

Yours sincerely

Simon Thompson  
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Land Use Operations Team