

Date: 19 February 2013
Our ref: 72609
Your ref: APP/12/01222



Mrs A Wright
Planning Development
Havant Borough Council

Customer Services
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By email only, no hard copy to follow

Dear Mrs Wright

**CHICHESTER HARBOUR SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
CHICHESTER AND LANGSTONE HARBOURS SPECIAL PROTECTION AREA (SPA)/RAMSAR**

Proposal: HYBRID APPLICATION: Incorporating a Full and Outline planning application for a total of 191 dwellings with access from Glenleigh Park, Hallett Road, Fifth Avenue and Blenheim Gardens.

Location: Proposed Development Site Manor Farm and Copseys Nursery, Hallett Road, Havant

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 close to habitats which form part of the Chichester 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 (Amendment) Regulations 2012

Removal of Objection – Subject to Conditions

Natural England previously objected to this application due to lack of information with regard to overwintering birds and Mediterranean Gulls (19 December 2012), subsequently we received further information which overcame our concerns with Mediterranean Gulls, which enabled us to remove this element of our objection (30 January 2013).

Natural England has subsequently had discussions with Havant Borough Council and representatives of the developer, this has led to the submission of a further report considering the issue of impacts upon the SPA as a result of increased recreational disturbance, and clarification of the areas of the site likely to be suitable for overwintering birds. Based on the above, Natural England is satisfied that our objection can be removed subject to conditions to the effect of the following being attached to any permission granted:

- No percussive piling or works with heavy machinery (plant producing in excess of 69db – measured at the sensitive receptor) to be undertaken during the bird overwintering period (October to March inclusive)
- Mitigation measures as set out in the 'Information for HRA' document are delivered prior to first occupation.

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 06/2005¹.

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 on 0300 060 4625. For any new consultations or issues, please contact 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.

Yours sincerely

Simon Thompson
Lead Adviser
Land Use Operations Team
0300 060 4625 simon.thompson@naturalengland.org.uk

¹ 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>