

Date: 20 June 2013  
Our ref: 88639  
Your ref: APP/13/00502



Mrs D Haywood  
Havant Borough Council

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Mrs Haywood,

**Planning consultation:** Construction of 1No. 4 bed detached house with associated parking, decking and landscaping.

**Location:** Land east of 24 Beacon Square, Emsworth, PO10 7HU.

Thank you for your consultation on the above dated 05 June 2013.

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 & Langstone Harbours Special Protection Area (SPA)/Ramsar/ Solent Maritime Special Area of Conservation (SAC).

**Natura 2000 site – No Objection Subject to Conditions**

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. Furthermore, we would wish to see conditions and advice to the effect of the following attached to any permission granted:<sup>1</sup>

- Given the bird sensitivities in the area, the proposed construction will need to be timed and undertaken in a suitable way to minimise disturbance to over wintering and nesting birds, therefore it will be necessary to:
  - Ensure best practice is in place for operating machinery to reduce unnecessary noise;
  - No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbA<sub>max</sub> – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive), unless the existing noise level measured from the sensitive receptor already exceeds 69dbA<sub>max</sub>; in which case, no such works shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the sensitive receptor.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site). In this instance the Chichester & Langstone Harbours SPA which is approximately 11m away and could be impacted by this proposal.

<sup>1</sup> 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 *The Conservation of Habitats and Species (Amendment) Regulations 2012* and Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended).

## 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 the Chichester Harbour SSSI.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the Chichester 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 28I (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.

In addition to the above, as the proposal includes a boat house it is therefore reasonable to assume the intention to use the foreshore to launch a boat. As part of this foreshore is in the above SSSI, which is also part of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), Natural England advises that the Chichester Harbour Conservancy should also be consulted.

## 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 Rebecca Bishop on 0300 060 0958. For any new consultations or issues, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Rebecca Bishop

**Rebecca Bishop**

**Adviser**

Land Use Operations Team - Winchester