

Date: 30 July 2013
Our ref: 91767
Your ref: APP/13/00639



Mrs D Haywood
Havant Borough Council

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By email only, no hard copy to follow

Dear Mrs Haywood,

**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: Outline planning permission for mixed-use development comprising up to 60 dwellings and 1,250sqm of light-industrial accommodation (Use Class B1).

Location: Land north of Station Road/East of Furniss Way, West Town, Hayling Island

Thank you for your letter dated 10 July 2013 requesting Natural England's comments on the above proposal.

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

The application site is within approximately 350m of habitats which form part of the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Solent Maritime Special Area of Conservation (SAC), 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.

We welcome the applicant's commitment to make an appropriate contribution to the mitigation scheme currently under development. However, the issue below relating to the use of the development site as SPA supporting habitat needs to be resolved prior to any such contribution being secured.

Natura 2000 site – Objection due to lack of information

Natural England **objects to the above proposal** on the following grounds:

- The development site is classified as uncertain by the Brent Goose and Waders Strategy, and whilst survey work has been undertaken, given the records of use that exist for the site – 70 Brent Geese 2007/8, and 200 Brent Geese on two occasions in 2011/12 - we consider that further survey effort is likely to be required. We therefore recommend that:
 - Further survey work is undertaken to ascertain the level of use of the site, we advise that a minimum of three years of survey data (total) is likely to be required; alternatively
 - An avoidance/compensation strategy is submitted setting out proposals for providing replacement habitat to avoid any loss of SPA supporting habitat.

Natural England would welcome the opportunity to discuss the above advice further with the applicant.

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 by telephone on 0300 060 4625 or by email to simon.thompson@naturalengland.org.uk

Yours sincerely

Simon Thompson
Lead Adviser
Land Use Operations Team

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>