

Date: 15 May 2012
Our ref: 51888
Your ref: APP/12/00385



Mrs H Lealan
Development Control
Havant Borough Council
Civic Offices
Havant
PO9 2AX

2nd Floor, Cromwell
House
15 Andover Road
Winchester
SO23 7BT

By email only, no hard copy to follow

Dear Mrs Lealan,

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

Proposal: Demolition of existing 5 bed detached dwelling and garage. Construction of replacement 4 bed detached, timber frame dwelling clad with cedar shingles; replacement 2 storey garage, boat loft; and new slipway and sea defences (Revised Application)

Location: Langness, Woodgaston, Hayling Island PO11 0RL

Thank you for your email dated 24 April 2012 requesting Natural England's comments on the above proposal.

Assessment under the Conservation of Habitats and Species Regulations 2010

In Natural England's opinion this proposal in its current form is unlikely to have a significant effect on the interest features of the above SPA/Ramsar/SAC sites, and therefore does not require appropriate assessment in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 provided conditions to the effect of the following are attached to any planning permission granted:

- 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 occur within the waterfowl over-wintering period, 1 October to 31 March inclusive. Heavy machinery constitutes, for example, use of pneumatic drills, diggers, dumper trucks and lorries.

Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)

It is Natural England's advice that the above SSSI is unlikely to be adversely affected by the above proposal provided conditions to the effect of the above are attached to any planning permission granted.

I draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps,

consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice, then you must ensure that:

- notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice.
- the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

Please forward a copy of the decision notice to our office at the above address.

Chichester Harbour AONB

The proposed development site lies very 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.

If you have any queries relating to this response please do not hesitate to contact me.

Yours sincerely



Simon Thompson
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Land Use Operations Team
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