

Date: 17 October 2012
Our ref: 63833
Your ref: APP/11/00955



Mrs R Hebden
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 Hebden,

Planning consultation: Construction of 6 detached houses, detached marine office, detached boat storage building with hardstanding for 6 boats, pontoon for 12 berths, 8 lockers for equipment storage, improvements to slipway and coastal footpath and the creation of one area of coastal meadow and one area of conservation grassland.

Location: Yacht Haven Development Site, Copse Lane, Hayling Island

Thank you for your consultation on the above dated 06 September 2012, and for the additional information provided on 05 October 2012.

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 partly adjacent and partly within the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Solent Maritime Special Area of Conservation (SAC), and Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site.

Natural England currently has an objection lodged against this application, and we have recommended that the Authority undertake an Appropriate Assessment to determine the impact on the above designated sites. However, as further information has been provided which addresses some of our concerns, it is Natural England's view that the proposals could be permitted, but only if the conditions below are all secured as part of the permission, and are discharged prior to any works commencing on site.

Natura 2000 site – No Objection Subject to Conditions

Natural England advises your authority that the proposal, if undertaken in strict accordance with the additional details submitted, 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, subject to the Mitigation and Enhancement Measures set out in the Revised Ecological Assessment Report being secured as part of any permission granted. Furthermore, we would wish to see conditions and advice to the effect of the following attached to any permission granted:¹

- A Mitigation Strategy be submitted and agreed prior to any works commencing on site. This strategy should set out the amount of designated habitat restored through removal of structures

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

from within the intertidal area, and include a method statement detailing how the works will be undertaken in order to avoid any impacts upon the designated sites.

- Legal Agreement or Formal undertaking is entered into by the applicant to purchase all 26 available mooring licenses for Yachthaven, but only to make use of the 12 detailed in the application.
- Prior to works commencing on site a Habitat Creation strategy and Management Plan for the 'wildlife enhancement' area, setting out the habitats to be created and how they will support the wider designated area. This should also set out how the area will be constructed and managed so as to avoid impact on the adjacent designated site.
- A stock netting fence to be erected and maintained along the landward side of the coastal path adjacent to Fields and Saltmarsh South of Copse Lane SINC. In order to deter people, and prevent dogs, from entering the site and disturbing feeding or roosting birds.
- No dredging or bottom levelling should be permitted within the designated site.
- Given the bird sensitivities in the area, the proposed works will need to be timed and undertaken in a suitable way to minimise disturbance to over wintering 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.

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 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.

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

The site lies adjacent to and partly within Chichester Harbour Area of Outstanding Natural Beauty (AONB). 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. Natural England notes that Chichester Harbour Conservancy, have raised an objection to this proposal. With regard to landscape their response states that: '*scheme would fail to conserve and enhance the natural beauty and setting of the AONB as required by Core Strategy and National Policy and Section 85 of the Countryside and Rights of Way Act 2000*'. We would advise that these views are taken into consideration when determining this application.

Protected species

Natural England welcomes the submission of the ecological survey and we recommend that you consult your in-house ecologist with regards to the results of the survey and the appropriateness of the mitigation proposed. This is in line with Natural England's standing advice which can be found at [Natural England Standing Advice for Protected Species](#)

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 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

A handwritten signature in black ink, appearing to read 'Simon Thompson', written in a cursive style.

Simon Thompson

Lead Adviser

Land Use Operations

Tel: 0300 060 4625 Email: simon.thompson@naturalengland.org.uk