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Our ref: 72609
Your ref: APP/12/01222



Mrs A Wright
Planning Development
Havant Borough Council

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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

Objection due to Lack of Information

Natural England considers that there is insufficient information currently submitted to enable us to provide advice on the likely impact of the proposals on European Sites. We recommend the planning authority request further information from the applicant as follows:

- The site has the potential to support waders associated with the nearby Chichester and Langstone Harbours SPA. Therefore an assessment of the potential impact of the proposals on SPA birds should be undertaken.
- Clarification on the number of spring and summer visits undertaken for the breeding bird survey in order to quantify the likely importance of the site for Mediterranean Gulls

Whilst the site was surveyed on a number of occasions during the winter there is no indication that the methodology used for the survey was intended to capture the use of the site by wintering waterbirds. In order to conclude that the site is not used by wintering waterbirds it will be necessary to undertake surveys of the site which recognise the relevant factors, primarily the state of the tide.

In the Havant Borough Council Site Allocation Plan - Policy DM23 Uncertain Sites for Brent Geese and Waders - it states that *'Where sites are identified as having an uncertain value within and as defined by the Solent Waders and Brent Goose Strategy (2010), studies will be required to be undertaken in accordance with an appropriate survey methodology in order to determine their level of importance.'* It is Natural England's view that the Ecological Assessment submitted with the application fails to meet the requirements of this policy.

It is noted that a significant number of Mediterranean Gulls were identified on the site on two occasions. It is important to clarify whether this was opportunistic behaviour associated with the ploughing of the land, or whether this site is of particular importance to the breeding colony on the nearby SPA.

Under S281 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
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Land Use Operations Team
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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>