
From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 09 December 2021 15:54
To: East 1
Subject: 3272259 Consultation Response
Attachments: Natural England consultation.pdf

Our ref: 375294
Your ref: 3272259

Dear Mr Bartle

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our response dated 23 November 2020.

The advice provided in our previous response applies equally to this **proposal** although we made no objection to the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours sincerely

Sally Wintle

Adviser
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considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

From: SM-NE-Worcs LUP Hub (NE) <WorcsLUPHubNE@naturalengland.org.uk>

Sent: 24 November 2021 07:46

To: SM-Defra-PlanConsAreaTeamThamesSolent (DEFRA) <PlanConsAreaTeamThamesSolent@defra.gov.uk>

Subject: 2021-12-20 375294 Planning Inspectorate - HRA Appeal - Sub-division of existing house to form 5 apartments etc - 162 Stakes Hill Road, Waterloooville (Havant) APP/X1735/W/21/3272259

PB – PINS HRA appeal consultation – forwarding for LA assessment and response. 25/11/21

375294	APP/X1735/W/21/3272259 HRA Appeal - APP/20/00696 Sub-division of existing house to form 1x2bed & 2x1bed apartments & erection of a two storey side extension to form 2x2bed apartments with provision of car etc. 162 Stakes Hill Road, Waterloooville PO7 7BS	Land Use - Other	Planning Area 1005 Thames Solent	1005 Thames Solent
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Please see email below and attached documents.

Kind regards,

Sally Wintle

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From: East 1 <east1@planninginspectorate.gov.uk>

Sent: 22 November 2021 10:39

To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Subject: Appeal 3272259 - 162 Stakes Hill Road, Waterloooville - LPA ref: APP/20/00696

Dear Natural England

I am writing to you regarding a planning appeal that we are considering for the above site. The appointed Inspector has asked me to write to you with the attached letter for your consideration and response. Please can you respond to me as soon as possible, and no later than 20th December.

Kind regards

Stephen Bartle – Case Officer

The Planning Inspectorate

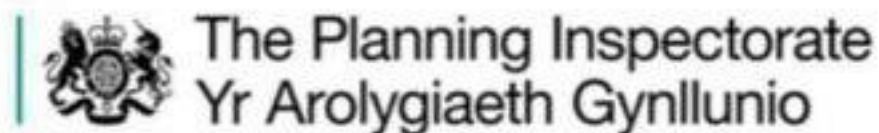
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

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The Inspector appointed to the above appeal has asked me to write to you requesting your comments as follows, and he asks that any response is sent as soon as possible and no later than 20th December 2021.

The appeal site is with 5.6 km of the Chichester and Langstone Harbours Special Protection Area (SPA). The proposed development in this appeal is *"Sub-division of existing house to form 1x2bed & 2x1bed apartments & erection of a two storey side extension to form 2x2bed apartments with provision of car & cycle parking & bin storage"*.

Having had regard to the characteristics of the proposed development, the Inspector considers that an appropriate assessment is necessary. Regulation 63(3) of the Habitats Regulations 2017 requires that the competent authority must for the purposes of an appropriate assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

The local planning authority, Havant Borough Council, has adopted the Solent Recreation Mitigation Strategy (SRMS) and published a Position Statement and Mitigation Plan for Nutrient Neutrality Development. In this appeal, the appellant has undertaken to make the requisite contributions towards mitigation for the likely recreational and nutrient effects in accordance with these strategies through unilateral undertakings. If planning permission were to be granted it would be subject to conditions restricting maximum water use to 110 litres per person per day.

The Council has undertaken appropriate assessments and concluded that the financial contributions provide sufficient mitigation for the proposal such that, with mitigation, the proposal would not have an adverse effect on the integrity of the SPA. Natural England was consulted on the application the subject of this appeal and responded on 23 November 2020, advising that you concurred with the original assessment conclusions providing that all mitigation measures were appropriately secured in any planning permission given.

Given the passage of time since Natural England's response, as the appropriate nature conservation body the Inspector requests Natural England to confirm that:

- you endorse the Council's Position Statement and Mitigation Plan for Nutrient Neutrality Development; and
- it remains your view that the financial contributions towards the mitigation measures set out in the SRMS and the Position Statement and Mitigation Plan together with conditions restricting water usage would provide the necessary certainty that this particular proposal would not adversely affect the integrity of the SPA.

If your answer to any of the above questions is 'no' then please specify your reasons and provide details of any additional measures you consider are necessary. The Inspector must also be satisfied that any planning condition meets the tests for such conditions set out in the National Planning Policy Framework. I attach a copy of the Inspector's appropriate assessment for your information.

The Solent designated habitats sites

1. The mudflats, shingle and saltmarshes of the Solent sites provide essential feeding and roosting grounds for an assemblage of internationally important numbers of water birds which together comprise the qualifying features of the sites. The conservation objectives for each of the sites are to ensure that the integrity of the site is maintained and restored in order to protect the habitats and the birds that depend on them.
2. Research undertaken during 2009-2013 predicted that new housing around the Solent would lead to more people visiting the coast for leisure, the majority from within a 5.6 km straight line distance of the designated sites¹. This increased recreation has the potential to cause disturbance to the birds and threaten their survival.
3. Furthermore, Natural England (NE) has highlighted that there are high levels of nitrogen input into the water environment of the Solent sites. This is causing eutrophication which impacts on their important bird species. The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites.
4. The proposal would result in a net increase of 4 dwellings, the occupiers of which would be likely to give rise to additional recreational activity and wastewater. As the appeal property is within 5.6 km of the Solent sites, the proposed development would give rise to a likely significant effect on the integrity of the designated sites from additional recreational activity.
5. Moreover, as none of the designated sites are fully favourable and many are not recovering, any further deterioration of water quality at those sites is likely to cause a significant effect on their integrity. It has therefore been confirmed that development draining to the two Wastewater Treatment Works (WTW) serving the Borough at Budds Farm and Thornham would be likely to lead to a significant effect on the Solent sites. The appellant submitted a nutrient budget with the application which demonstrates that the proposal would lead to additional nitrogen. The proposed development would therefore also have a likely significant effect on the integrity of the Solent sites from additional nutrients.
6. It is therefore necessary for me, as the competent authority, to undertake an appropriate assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). In doing so I can consider whether or not mitigation could reduce any adverse effects on the designated sites.
7. The Solent Recreation Mitigation Strategy (2017) (SRMS) provides a strategic solution to ensure that the in-combination effects of increased recreational pressure on the Solent sites arising from new residential development are met through mitigation measures. The Strategic Access Management and Monitoring mitigation measures in the SRMS include a

¹ Liley D and Tyldesley D (2013) Solent Disturbance and Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy.

team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance.

8. As the SRMS has been endorsed by NE, I am satisfied that these measures would provide adequate mitigation for any recreational impacts associated with the proposed development. The measures are funded by contributions from all new residential dwellings within 5.6 km of the designated sites, usually secured through a legal agreement.
9. The appellant has submitted a UU in respect of the requisite contribution to the mitigation measures and confirmation of subsequent payment of the contribution. I am satisfied that this planning obligation meets the tests of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) and of paragraph 57 of the Framework. Accordingly, I am satisfied that the recreational effects of the proposed development would be adequately mitigated.
10. As regards nutrients, the Council published a Position Statement and Mitigation Plan for Nutrient Neutrality Development in August 2020. This sets out that developments on non-agricultural land will not be able to provide mitigation on site and so development will need to contribute towards the Council's scheme at Warblington Farm. This scheme involves the change of use of the land at the Farm in a phased manner from a dairy farm to a nature reserve, thus reducing its nutrient output.
11. The scheme is wholly funded by developers with legal agreements ensuring that effective mitigation is delivered for the lifetime of the development. NE has reviewed the Position Statement and Mitigation Plan and concurs that the scheme will deliver effective mitigation for developments draining to the two WTWs serving the Borough. I am satisfied therefore that the Warblington Farm scheme is appropriate for mitigating the impact of the proposed development on the Solent sites in respect of nutrient discharge.
12. The UU submitted by the appellant during the course of the appeal undertakes to make the requisite contribution towards mitigation. The appellant has also submitted confirmation of the payment of this contribution. I am satisfied that this planning obligation meets the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and of paragraph 57 of the Framework.
13. I note that the Council has confirmed that the Warblington Farm scheme has sufficient capacity for the proposed development. I am therefore satisfied that the mitigation would be delivered in a timely fashion relative to the likely occupation of the proposed apartments. Accordingly, in conjunction with conditions restricting water usage were planning permission be granted I am satisfied that the nutrient effects of the proposed development on the Solent sites would be adequately mitigated.
14. I therefore conclude that the proposed development would not adversely affect the integrity of the Solent designated habitats sites. This is also the conclusion of both the Council's original AA and subsequent AA following the submission of the UU with an obligation for the payment towards measures to mitigate the water quality impacts of the proposed development. NE concurs with the conclusions of the original AA.

15. Accordingly, in this respect, the proposed development would comply with the Habitats Regulations and Policies CS11 and CS21 of the Core Strategy, Policy DM24 of the Havant Borough Local Plan (Allocations) (2014) and Policies E16 and EX1 of the Submission Havant Borough Local Plan 2036. Amongst other things these policies aim to protect the Borough's designated habitats sites and require contributions to green infrastructure through planning obligations, including the SRMS and the Council's strategic mitigation package for nutrients.