



Ministry of Housing,
Communities &
Local Government

Rachael McMurray
Principal Heritage Officer
Havant Borough Council

By email only:
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Please ask for: Jamie Kam
Email: Jamie.kam@communities.gov.uk
Your ref: APP/25/00162
Our ref: PCU/HAB/X1735/3378954
Date: 1 September 2026

Dear Rachael McMurray

Application by Coastal Partnership - on behalf of Havant Borough Council – for a flood and coastal erosion risk management scheme at land and coast, adjacent to Langstone Road, Havant
(Application Number: APP/25/00162)

Reference to the Secretary of State under Regulation 64(5) of the Conservation of Habitats and Species Regulations 2017 (as amended).

1. I refer to your emails of 29 July 2026 and 11 August 2026 notifying the Secretary of State under regulation 64(5) of the Habitats Regulations 2017 (as amended) that your Council proposes to grant planning permission for the above application, notwithstanding a negative assessment of the implications for Solent Maritime Special Area of Conservation (“SAC”) and Chichester and Langstone Harbours Special Protection Area (“SPA”)/ Ramsar Site.

2. The Secretary of State must give her approval where a competent authority (“CA”) proposes to agree to a plan or project, notwithstanding a negative assessment.

The proposal

3. The proposal is a flood defence and coastal protection scheme along approximately 1km of the Borough's coastal frontage. It comprises the construction, raising and upgrading of coastal flood defences across five frontages. The works also include a combination of earth embankments, flood walls, sheet piled structures, railing and flood gates, together with associated drainage, access management, widening of public paths and spaces.

4. The proposal is intended to address the existing and future risk of tidal flooding and coastal overtopping affecting Langstone village, the A3023 strategic road connection to Hayling Island, residential properties, community facilities and protected heritage assets. The proposal is designed to provide a present-day standard of protection equivalent to a 1 in 200-year tidal flood event.

5. As the proposed development is not directly connected with or necessary for the management of the site, and is likely to significantly affect a European site, the CA must, in accordance with regulation 63, make an Appropriate Assessment ("AA") of the implications of the proposal for the site, in view of the site's conservation objectives. Havant Borough Council, as the CA, prepared an AA which concluded that the proposed works have potential to result in impacts to Solent Maritime SAC, Chichester & Langstone Harbours SPA/ Ramsar site and the species they support via the range of impact pathways. Natural England ("NE") agrees with the AA's conclusions and advises that, should the proposal be permitted, mitigation measures to designated sites for the construction phase should be implemented and secured via planning conditions.

6. In light of the conclusions of the AA, the decision-maker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the protected sites. Whilst mitigation measures are proposed, to avoid or limit adverse impacts of construction, the CA has concluded that it cannot ascertain that, even with on-site mitigation, the project, in combination with others, will not adversely affect the integrity of the sites.

7. The Secretary of State is satisfied that the AA has been carried out in accordance with the Habitats Regulations. She also considers that the CA has fulfilled the requirements of:

- Regulation 63 (2), requiring the provision of information to the competent authority;
- Regulation 63 (3 & 4) relating to consultation with nature conservation bodies and the public.

Secretary of State's consideration

8. The Secretary of State is required to ensure that the proposal meets the requirements of the Habitats Regulations 2017 (as amended) and to be satisfied that there is no alternative solution or site, that the project has Imperative Reasons of Overriding Public Interest ("IROPI") and that satisfactory compensation has been agreed and will be delivered.

Alternative Solutions

9. The Secretary of State notes that the CA has undertaken the required consideration as to whether there is an alternative or less damaging solution. She has found that the CA reasonably concluded there are no feasible alternative solutions that would meet the project objectives while having a lesser effect on the integrity of the European sites.

Imperative Reasons of Overriding Public Interest (“IROPI”)

10. If there is no alternative solution, the decision-maker should consider whether there are IROPI to justify the grant of permission, despite a potentially negative effect on site integrity. Different tests apply depending on whether the site hosts a priority natural habitat type or species. Planning permission may only be granted if there is a finding that IROPI exist (and the other requirements of the Habitats Regulations are satisfied), with this usually relating to human health, public safety or beneficial consequences of primary importance to the environment.

11. The Secretary of State has considered the case for the development to proceed on the grounds of IROPI. The proposal is considered to be imperative because it is required to implement the adopted ‘Hold the Line’ policy for the Langstone frontage, which is part of the North Solent Shoreline Management Plan and the Portsmouth to Emsworth Coastal Strategy. The CA considers that the scheme is in the public interest at local and regional scales. This scheme would reduce flood and erosion risk to homes, business, critical highway infrastructure, utilities and public access routes along the Langstone frontage, helping to maintain community resilience and the continued functioning of essential local infrastructure, in particular the A3023 which is the only route on and off Hayling Island. The scheme also gives effect to the wider strategic shoreline management framework for the North Solent.

12. In consideration of whether the public benefits override the harm to European Site integrity, the CA considers that the public benefits of the scheme are substantial and of strategic importance. Although the affected SAC habitats and SPA/Ramsar bird supporting habitats are of international importance, the residual loss (i.e. 172m² of intertidal habitat) is small in scale and has been minimised through design, and will be compensated through the approved Environment Agency’s Habitat Compensation and Restoration Programme (“HCRP”).

13. Overall, the Secretary of State is satisfied, having regard to the national interest and public safety, that the reasons advanced by the CA constitute IROPI.

Compensatory measures

14. Where, in the absence of alternatives, the importance of the development is judged, in accordance with regulation 68, to outweigh the harm to a European site, the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of the UK’s National Site Network is protected.

15. The Secretary of State notes that compensatory measures have been considered by the CA. The CA considers compensation for the residual adverse effect will be delivered through the HCRP. NE confirms that the HCRP is the agreed compensatory mechanism for strategic coastal squeeze losses and has raised no objection the scheme subject to securing the identified mitigation and compensation. NE has therefore confirmed that a further scheme-level derogation is not require. The Secretary of State considers that the applicant has provided satisfactory compensation measures to ensure the overall coherence of the UK's National Site Network is protected.

Conclusion and Decision

16. The Secretary of State has undertaken a comprehensive assessment and considered evidence submitted by the CA, including Natural England's views, to ensure that the project complies with the tests in the Habitats Regulations, including having regard to the national interest. She considers that a rigorous case has been made to demonstrate that there is no feasible alternative solution and that there are IROPI grounds for the development. She is also satisfied that compensation measures are in place and will be delivered by the planning conditions to ensure that the coherence of the UK's National Site Network is protected. The Secretary of State concludes that the tests in the Habitat Regulations 2017 (as amended) have been fully met and that the application is therefore, returned to Havant Borough Council for determination.

Yours sincerely

Mike Hale

Mike Hale
Head of Environmental Casework
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This decision was made by officials on behalf of the Secretary of State, and signed on her behalf