

Item 5 (3)

Site of, 19 St Peters Avenue, Hayling Island
Updated 24th February 2021

Updates to the Officers Report:

4. Policy Considerations

Havant Borough Local Plan (Allocations) July 2014

Add policy:

DM23 (Sites for Brent Geese and Waders)

5. Statutory and Non Statutory Consultations

Natural England

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Summary of Natural England Advice

We consider that without appropriate mitigation this proposal would have a significant effect on: Chichester and Langstone Harbour SPA & Ramsar, the Solent Maritime SAC and the Solent and Dorset Coast SPA.

No objection subject to securing appropriate mitigation

Recreational disturbance - Special Protection Areas within the Solent

This application is within 5.6km of Chichester and Langstone Harbour SPA & Ramsar and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.

Nitrogen Neutrality

The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 0.8

Kg/year (inclusive of 20% buffer). It is noted that a budget calculation is included with the online submission that seems to show a value of -0.4kg/yr, and it is assumed this has been included in error.

Natural England is aware that Havant Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by water efficiency measures as well as the use of Warblington Farm as a specific off-site mitigation measure. It is advised that efficiency savings through water use should be secured through a suitable legal arrangement.

As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

Other advice

This application is adjacent to area H59E a high use site as identified by the Solent and Waders Brent Goose Strategy. Consideration of impacts on wildlife using the site during the construction phase may be managed through a Construction and Environmental Management Plan that reflects the potential impacts of a small development.

Officer Comment: It is recommended that condition 9 be amended to address impacts on ecology (see below).

Nutrient Team HBC

I can confirm that there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00888.

7. Planning Considerations

7.38 No consultation response has been received from the Environment Agency.

9. Recommendation

Condition 9

It is recommended that Condition 9 is amended in the light of the consultation response from Natural England to read as follows (changes in bold):

*Prior to the commencement of the development hereby permitted a construction **and environmental** management plan detailing the construction phase management and operation shall be submitted to and approved in writing by the Local Planning Authority.*

The plan as a minimum shall include:

- *Details of construction parking;*
- *Storage of Construction Materials;*
- *Details of storage of excavated materials and their removal from site including details of method of removal, vehicle types and routing;*
- *Measures to limit impacts on neighbouring residents;*
- ***Measures to minimise the impacts on wildlife using the adjacent area H59E a high use site as identified by the Solent and Waders Brent Goose Strategy including timing of works and details of noise generating machinery.***

*The construction phase shall be carried out fully in accordance with the construction **and environmental** management plan as approved unless otherwise agreed in writing by the Local Planning Authority.*

Reason: *In the interest of the character and amenities of the area neighbouring residents bearing in mind the need for significant excavation on site and having due regard to policies **CS11**, **CS16** and **DM10** of the Havant Borough Local Plan (Core Strategy) 2011, **policy DM23 Havant Borough Local Plan (Allocations) 2014**, **the Wildlife and Countryside Act** and the National Planning Policy Framework.*