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12 February 2021

Dear Madam,

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS') SCREENING OPINION REQUEST IN RESPECT OF THE DEVELOPMENT OF LAND EAST OF CASTLE AVENUE**

**PROPOSED DEVELOPMENT:** Construction of 196 residential dwellings and a Screening Opinion request.

Having considered the proposals as detailed in your letter, Havant Borough Council is of the opinion that the application does not fall within Schedule 1 Development of the Environmental Impact Assessment Regulations 2017 but within Schedule 2 Development, Part 10, Infrastructure Projects (b) – Urban development projects. However, Havant Borough Council has also given consideration to the characteristics of the development, its location and potential impact as set out in Schedule 3 of the Environmental Impact Assessment Regulations 2017 and Planning Practice Guidance. Planning Practice Guidance indicates the types of case in which, an EIA is more likely to be required. It states:

*'Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination*

EIA is more likely to be required where:

'(i) the area of the scheme is more than 5 ha; or (ii) it would provide a total of more than 10,000m<sup>2</sup> of new commercial floorspace; or (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).'

'Account is also to be taken of the physical scale of such developments, potential increase in traffic, emissions and noise.'

(Reference: National Planning Practice Guidance, Environmental Impact Assessments, Annex A: Indicative Screening Threshold)

Havant Borough Council considers the Schedule 3 selection criteria for Schedule 2 development are the main matters to be addressed:

1 (a) – (f) regarding characteristics of development

Havant Borough Council recognises that the development would significantly increase the built form and extend the urban area. However, given the scale of the proposals and the existing residential development in the vicinity, the Local Planning Authority does not consider that the visual impact in itself, in terms of populations likely to be affected, would be of the magnitude necessary to suggest a significant environmental effect is likely.

In terms of the risks of pollution and contamination, there would be the potential for waste water from the development to introduce an additional source of nutrient loading to the Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar catchment, and as such the scheme is required to achieve nutrient neutrality. The council have approved a position statement on nutrient neutral

development which states that, any residential development would lead to an increase in nitrogen and thus would be likely to cause a significant effect. It also states that an avoidance and mitigation package will be necessary for almost all proposals. It is not considered that the the risk of contamination arising from development of this nature and scale would be of the magnitude necessary to suggest that a significant environmental effect is likely for this reason. These matters would be addressed through the planning application process, including in a Habitats Regulations Assessment.

Having regard to the nature of the proposals, Havant Borough Council does not consider that a significant environmental effect is likely, in terms of impacts from noise; pollutants to air; production of waste; risk of major accidents or risks to human health.

### 2 (a)-(c) (i) – (viii) regarding location of development

The site is not in a sensitive area, however it is near sensitive surrounding landscape , which are:

- Chichester & Langstone Harbour Special Protection Area (SPA)
- Chichester & Langstone Harbour Ramsar site
- Solent Maritime Special Area of Conservation (SAC)
- Chichester Harbour Site of Special Scientific Interest (SSSI)
- Warblington Meadow SSSI
- Chichester Harbour Area of Outstanding Natural Beauty
- Solent Wader & Brent Goose Strategy site H19

The application site is identified in the Solent Waders and Brent Goose Strategy as a Low Use site. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network and proportionate mitigation, off-setting and/or enhancement measures will be required.

Furthermore matters regarding Deterioration of the water environment and the Solent Recreation Mitigation Partnership (SRMP), would need to be considered in any planning application submission.

The impact of the proposed development on protected species and sensitive areas can be effectively reduced through the planning application process through appropriate avoidance and mitigation measures being secured.

### 3(a) –(e) regarding characteristics of potential impact

While the site is not in a sensitive area, the site is close to sensitive areas. Mitigation measures are proposed to reduce potential impacts from the development. Having regard to the proposal in cumulation with existing development, the main issue appears to be the potential impact on surface water/drainage. However, the development would not be in an area at high risk of flooding and it is not considered that the additional impact of a proposal of this scale, in cumulative terms, is of the magnitude necessary to suggest that a significant environmental effect is likely, and it is considered that these matters could be handled as part of the planning application process. In addition, the LPA are not persuaded that cumulative impacts would harm populations of protected species to the extent that a significant environmental effect is likely. Furthermore, it is not considered that a significant environmental effect is likely in terms of the intensity or complexity of any impact. The duration of any impacts would be for the lifetime of the development.

Taking into account the schemes scale, nature and location, associated proposed assessments to accompany a planning application and likely mitigation measures it is not anticipated it will result in significant environmental effects. Therefore, the Local Planning Authority considers that the forthcoming application for this site **is not EIA development**.

This letter should be taken as the Local Planning Authority's screening opinion under the Regulations.

For your information please find attached the consultation response from Natural England.

Yours Sincerely

Simon Jenkins  
Director of Regeneration and Place  
avant Borough Council and East Hampshire District Council