

Date: 20 December 2011  
Our ref: 40365  
Your ref: 11/98049



Kristina King  
Principal Development Control Officer  
Hampshire County Council

2<sup>nd</sup> Floor  
Cromwell House  
15 Andover Road  
Winchester  
SO23 7BT

**By email only, no hard copy to follow**

Dear Ms King

**HURST CASTLE & LYMINGTON RIVER SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)  
SOLENT & SOUTHAMPTON WATER SPECIAL PROTECTION AREA (SPA)/RAMSAR  
SOLENT MARITIME SPECIAL AREA OF CONSERVATION (SAC)**

**Proposal: Construction of a wastewater pumping station, associated access and associated work on below ground sewer infrastructure**

**Location: Land to the south of 23 Swallow Drive, Milford-On-Sea, Hampshire SO41 0TG**

Thank you for your email dated 6 December 2011 consulting Natural England on the above application.

**Assessment under the Conservation of Habitats and Species Regulations 2010**

In Natural England's opinion this proposal in its current form is unlikely to have a significant effect on the interest features of the above SPA/Ramsar sites and therefore does not require appropriate assessment in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 provided conditions to the effect of the following are attached to any planning permission granted:

- All arisings from scrub and tree clearance should be removed from the SSSI within one week of production. No arisings should be burnt within the SSSI.
- The width of the topsoil and vegetation strip along the line of the sewer should be the narrowest feasible that allows the excavation to be undertaken whilst minimising the footprint of the area of vegetation removal within the SSSI.
- No equipment, materials or machinery are to be stored within the SSSI/SPA/Ramsar site. Stockpile areas for excavated material should be located outside of the SSSI.
- Given the bird sensitivities in the area, the proposed works will need to be undertaken in a suitable way to minimise disturbance to over wintering birds, therefore it will be necessary to ensure best practice is in place for operating machinery to reduce unnecessary noise.
- Operations should be carried in such a way as to give rise to as little damage as reasonably practical to the SSSI. This includes restricting vehicles movements within the SSSI to a minimum and vehicles should be operated as close as possible to the access point, to ensure minimal damage and encroachment onto the SSSI.
- The site should be restored to its former condition so far as is reasonably practicable, if any such damage to the SSSI/SAC/SPA/Ramsar does occur.
- In accordance with Environment Agency guidelines, all reasonable precautions should be undertaken to ensure no pollutants enter the water-course. With regards to the issue of contamination, Natural England advises that best practice guidelines for working near water are followed to avoid contamination of the Danes Stream during the works. Further advice

and the guidelines can be obtained from the Environment Agency. In addition we also recommend that you consult the Environment Agency with regard to these works and drainage matters.

- All those involved with the works should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is.

Please note that the above conditions are consistent with those that will be applied to the SSSI Assent for the works being undertaken under permitted development rights. The applicant should be made aware that our consultation as part of this planning application does not constitute an assent for any works not covered by this application. The applicant will need to apply to Natural England (Hilary Crane) in order to gain assent for the remainder of the works.

**Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)**

It is Natural England's advice that the above SSSI is unlikely to be adversely affected by the above proposal provided conditions to the effect of the above are attached to any planning permission granted.

I draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice, then you must ensure that:

- notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice.
- the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

**Please forward a copy of the decision notice to our office at the above address.**

If you require any further information regarding this response please do not hesitate to contact me.

Yours sincerely



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