

Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment (AA)

PLEASE NOTE: Undertaking the HRA process is the responsibility of Havant Borough Council as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	12/8/19
HRA completion date:	
Application reference:	APP/18/00450
Application address:	Land at Forty Acres Farm, Havant Road, Havant
Application description:	Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings.
Lead Planning Officer:	Lewis Oliver
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (as amended).	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> Chichester & Langstone Harbours Special Protection Area (SPA) Chichester & Langstone Harbours Ramsar site Solent Maritime Special Area of Conservation (SAC) Solent and Dorset Coast Potential Special Protection Area (pSPA)
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to the following impacts:</p> <ul style="list-style-type: none"> Increase in recreational pressure Increase in nitrogen deposition leading to a reduction in water quality. <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-</p>

[infrastructure/push-position-statement/](#)) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire.

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Recreational Pressure

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites.

The proposed development represents a net increase in residential dwellings. Paragraph 6.4 of the Solent Recreation Mitigation Strategy sets out that the “developer contribution will be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Solent Special Protection Areas” (see para 6.3).

As a result, there would be a likely significant effect to the Chichester & Langstone Harbours SPA due to recreation.

Water Quality

The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA.

Natural England advises that there is a likely significant effect on the Chichester and Langstone Harbour SPA, Chichester and Langstone Harbours Ramsar site, the Solent Maritime SAC and the Solent and Dorset Coast pSPA (the Solent's European Sites) due to the increase in waste water from the new housing as a result of the Havant Borough Local Plan 2036. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the Solent's European Sites.

Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes eutrophication, which affects vegetation growth and food resources for qualifying species

such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

Natural England recommends that any new proposals which include overnight accommodation have inevitable waste water implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.

Natural England recommends that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.

As a result, there would be a likely significant effect to the following European Sites due to water quality:

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site
- Solent Maritime SAC
- Solent and Dorset Coast pSPA

Loss / degradation of supporting habitats

The site has been monitored as part of the Solent Waders and Brent Goose Strategy and is identified as Fields H04B and H04C for the purposes of the study. Using the latest data from winter bird surveys across the Solent (which incorporates spatial considerations such as movements rather than just numbers), H04B has been listed as 'low use' and H04C as a 'secondary support site'.

Wintering bird surveys were undertaken at the site by Havant Borough Council between the years 2012-2015. The survey time was three hours around high tide for three days every month from November to March and consisted of 11 visits to Forty Acre Farm.

No brent geese were recorded utilising the survey area during this period. Two lapwing were observed in the western extent of Forty Acre Farm. These were observed in January so this does not confirm breeding at the site.

A total of 35 species were recorded within the survey area during the WYG wintering bird surveys undertaken between October 2015 and March 2016. Brent geese were noted feeding on the southern extent of the site, west of the industrial area. Red listed curlew were noted along the south eastern extent of the site in the clover ley field, as well as two noted west of the industrial area in the clover ley. Red listed herring gulls were noted flying low over the site. Amber listed oystercatcher were noted on two occasions feeding along the southern boundary of the site, west of the industrial area, as well as seen feeding east of the industrial area in the clover ley field. Amber listed black-headed gull were noted feeding along the southern boundary west of the industrial area.

The proposed development will result in a loss of foraging habitat in the form of H04B (approximately 12.6ha) and the loss of a small part of H04C (approximately 2.4ha). This loss of supporting habitat could result in LSE, and therefore these would require Appropriate Assessment within Stage 2 of an HRA.

As a result, there would be a likely significant effect to the following European Sites due to Loss / degradation of supporting habitats:

- **Chichester and Langstone Harbours SPA**
- **Chichester and Langstone Harbours Ramsar site**
- **Solent Maritime SAC**
- **Butser Hill SAC**
- **Solent and Dorset Coast pSPA**

Construction noise / activity / pollution

Fugitive dust

During construction activity, there is the potential for releases of fugitive dust to result in deleterious impacts on plant growth in habitats up to 50m from the source. This distance is based on guidance from the Institute of Air Quality Management (IAQM, 2014). Given the distance from the designated sites, it is considered to be no potential for construction to result in LSEs, and as such, air pollution during construction will not be carried forward to Appropriate Assessment.

Construction noise /activity

There is potential for construction noise and activity to cause disturbance of SPA qualifying bird species present on site, either using existing habitats or those created as mitigation.

As a result, there would be a likely significant effect to the following European Sites due to construction noise and activity:

- **Chichester and Langstone Harbours SPA**
- **Chichester and Langstone Harbours Ramsar site**
- **Solent Maritime SAC**
- **Butser Hill SAC**
- **Solent and Dorset Coast pSPA**

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to recreational pressure, water quality, Loss / degradation of supporting habitats and Construction noise /activity.

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a

result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Havant Borough Council formally adopted the Solent Recreation Mitigation Strategy in February 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of units	Scale of mitigation per unit	Amount proposed in this scheme	Cost
1 bedroom	£346.00	20	£6,920.00
2 bedroom	£500.00	103	£51,500.00
3 bedroom	£653.00	163	£106,439.00
4 bedroom	£768.00	34	£26,112.00
5 bedroom	£902.00	0	£0.00

Monitoring fee ¹ for this scheme:	£9,548.55
Administration fee ² for this scheme:	£20.00
TOTAL AVOIDANCE AND MITIGATION PACKAGE:	£200,539.55

¹Monitoring fee is 5% of total mitigation cost

²Administration fee is £20 per application

Policy E16 of the Pre-Submission Havant Borough Draft Local Plan 2036 and sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

"Planning permission will be granted for residential development resulting in a net increase in population that mitigates a likely significant effect on the Solent SPAs"

A legal agreement will be necessary to secure the mitigation package. The applicant has confirmed through a European Site Avoidance and Mitigation Checklist that they commit to providing a mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Water Quality

The project being assessed would result in an increase in population in the catchment of several European Sites as set out in stage 2. As advised by Natural England, a permanent significant effect on the Solent SPAs due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, further assessment is needed as to the net nutrient emissions from the site, including any avoidance or mitigation measures proposed.

Havant Borough Council's Cabinet approved the Position Statement on Nutrient Neutral Development on 26 June 2019. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the European Sites identified in stage 2.

The Position Statement sets out that for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will not emit a nutrient load into any European Sites. The calculations for this development site are appended to this assessment.

Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures.

A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Loss / degradation of supporting habitats

The project being assessed would result in the loss / degradation of existing supporting habitats.

Policy E17 of the Pre-Submission Havant Borough Draft Local Plan 2036 sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact, this policy states that:

Development proposals on, or adjacent to, sites which are used by Solent waders and/or Brent Geese will be assessed in line with the appropriate regulations. These proposals will, therefore, require a project level Habitats Regulations Assessment and, if necessary, an Appropriate Assessment. The Council will consider the Solent Waders and Brent Goose (SWBG) Strategy and the latest survey data when making such an assessment.

it states for Secondary Support Areas and low use sites that:

Secondary Support Areas

Development proposals on Secondary Support Areas will only be permitted where either:

*g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or
h. Where it can be demonstrated that criteria g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy.*

Low Use

Development proposals on Low Use Sites will only be permitted where:

- i. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and Natural England; or*
- j. A financial contribution is provided consistent with the SWBG Strategy.*

In order to maintain and improve the quality of foraging habitat within the mitigation area it is proposed that a suitable improved grassland is established to provide an optimal food source for brent geese. This will comprise a mix of predominately perennial rye grass and clover and will be

sown as part of the preparation of the site. This has been chosen to provide suitable habitat every year.

In order to further improve the suitability of the site for brent geese, the existing tree line within the site will be removed to improve visibility (brent geese prefer larger field compartments). QUESTION for RJ NE – In consultation want to keep these trees, therefore was going to remove this element?

To improve the habitat suitability for other wading birds (either qualifying species for the SPA or part of the qualifying assemblage) it is proposed that wader scrapes are created within the open space area south of the development site. These will be of irregular shape and depth (up to 0.5m) to create a range of conditions and support different species. The primary objective is to hold water during the winter, but it is anticipated that deeper areas will also hold water for part of the summer and provide an enhancement for breeding birds.

The scrapes will be located to the south of the development site, adjacent to the proposed Sustainable Urban Drainage Systems (SuDS) for the Site. This location provides a number of advantages, primarily the possibility of allowing treated surface water from the SuDS basin to top up the water level in the scrapes. Secondly, it is recommended that the scrapes are irregular in shape to maximise the length of edge habitat (more valuable than the central area). They will also collect coastal flood water in this area of the site.

Management of the main mitigation area will predominately comprise grass cutting. The key objective is to provide forage for brent geese and other waders during the winter, therefore the following timings are recommended:

- Summer cut – July/August leaving arisings to allow nutrients to re-enter soil
 - Autumn cut – Late September removing arisings to leave a short sward for foraging geese
- Any additional sowing if required should take place in August – September (Spring if including clovers).

Other management activities to be completed will include:

- Hedgerows – to be cut in early October (to avoid nesting birds) on three year rotation (each year to be one side or the top)
- Fences and footpaths – management anticipated to be minimal however fence integrity should be monitored annually and repaired as necessary.
- Interpretation boards – no management anticipated however boards should be replaced if necessary
- Scrapes – management to prevent dense vegetation from establishing in margins to comprise of strimming to ground level every two years in late September – early October.

Monitoring will be required to make sure that the management activities are proceeding and to identify any necessary changes to management to continue achieving the management objective (maintain the mitigation area as a 'Primary Support Area' for brent geese). Furthermore, three years of winter bird monitoring will take place followed by annual site visits to monitor management actions.

A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Construction impacts

During the construction phase, noise has the potential to impact on the designated sites. A worst-case scenario of 67.5dB has been modelled at the boundary of the SPA and Ramsar. This falls to 45.2dB during occupation, and would be comparable to occasional impulse events such as car doors slamming. Both levels fall below the 69dB level which is typically considered to cause disturbance to wintering bird species.

However, control measures will be included in the Construction Environment Management Plan (CEMP) e.g. minimising idling by machinery, locating construction compounds and maintaining machinery to further reduce these noise levels. These measures will include:

- An on-site speed limit of 10mph will be enforced for all traffic. Drivers of vehicles will be advised of the speed limits through the erection of signs;
- Mechanical plant used on site will be fitted with effective exhaust silencers. White noise' type reversing warnings should be used on mobile plant in preference to 'bleepers', in order to minimise intrusion;
- All plant will be maintained in good working order and will be shut down when not in use;
- Generators and compressors will be of the "noise reduced" variety and fitted with properly lined and sealed acoustic covers;
- In all cases, engine and/or machinery covers will be closed whenever the machines or engines are in use; and
- All pneumatic percussive tools will be fitted with mufflers or silencers as recommended by the equipment manufactures. All mechanical static plant will be enclosed by acoustic sheds or screens.

Subject to the imposition of the condition set out above, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

This assessment represents Havant Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Solent Recreation Mitigation Strategy with regards recreational disturbance. The adverse effects are also consistent with the effects detailed in the Position Statement on Nutrient Neutral Development with regards water quality. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects and mitigation proposals detailed in the Solent Waders and Brent Goose (SWBG) Strategy. There are likely significant effects in the absence of avoidance and mitigation measures from construction impacts and noise, disturbance and construction related pollutants. Avoidance and mitigation packages have been proposed.

The authority's assessment is that the application complies with these strategies and the potential to provide mitigation to remove the significant effects that otherwise would have been likely. It can

therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England Officer:

Summary of Natural England's comments:

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	26 th April 2019
HRA completion date:	21 May 2019
Application reference:	APP/19/00041
Application address:	24 Sultan Road, Emsworth, PO10 7PP
Application description:	First floor extension and conversion of house into 2No.1bed flats.
Lead Planning Officer:	Bee Crawford & David Hayward
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> ▪ Chichester & Langstone Harbours Special Protection Area (SPA) ▪ Chichester & Langstone Harbours Ramsar site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Dorset Coast Potential Special Protection Area (pSPA)
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to the following impacts:</p> <ul style="list-style-type: none"> ▪ Increase in recreational pressure ▪ Increase in nitrogen deposition leading to a reduction in water quality. <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Recreational Pressure

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites.

Water Quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent.

In terms of calculating the net increase in population for the purposes of assessing the impact on water quality, it is appropriate to use the conversion in Policy E9 of the Pre-Submission Havant Borough Local Plan 2036. This is:

Number of Bedrooms per Dwelling	Number of Persons per Dwelling
1 bedroom	1
2 bedrooms	2
3 bedrooms	2.5
4 bedrooms or more	3

Table 5: Applying the Open Space Standard

The existing two bedroom dwelling would have 2 people occupying the property. If sub-divided into 2 x 1 bedroom dwellings, there would be 2 people occupying the development. As such, there is no population increase.

As a result there is no likely significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA due to change in water quality.

This represents a different conclusion to the screening regarding disturbance as a result of recreation. However it is considered that for recreation, the change in households as opposed to population is most crucial. Recreational habits are likely to often take place on a household basis

as opposed to person by person. For example, all members of the household walking a dog along the coast. However with water quality, this is a measure simply of population. As there would not be an increase in population, there is thus no decrease in water quality.

Would the proposal lead to a likely significant effect on European site integrity? YES

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Havant Borough Council formally adopted the Solent Recreation Mitigation Strategy in February 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of units	Scale of mitigation per unit	Amount proposed in this scheme	Cost
1 bedroom	£337.00	1	£337.00

Monitoring fee ¹ for this scheme:	£16.85
Administration fee ² for this scheme:	£20.00
TOTAL AVOIDANCE AND MITIGATION PACKAGE:	£373.85

¹Monitoring fee is 5% of total mitigation cost

²Administration fee is £20 per application

Policy E16 of the Havant Borough Draft Local Plan 2016 sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

"Planning permission will be granted for residential development resulting in a net increase in population that mitigates a likely significant effect on the Solent SPAs"

A legal agreement will be necessary to secure the mitigation package. Without the security of the mitigation being provide through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed

development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites, this represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England Officer: Rebecca Berry

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment (AA)

PLEASE NOTE: Undertaking the HRA process is the responsibility of Havant Borough Council as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	21 August 2019
HRA completion date:	
Application reference:	APP/19/00341
Application address:	24-26 Park Parade, Havant
Application description:	Conversion of loft into one bedroom self-contained flat, installation of three front roof lights and four rear dormer windows.
Lead Planning Officer:	Bee Crawford
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (as amended).	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> Chichester & Langstone Harbours Special Protection Area (SPA) Chichester & Langstone Harbours Ramsar site Solent Maritime Special Area of Conservation (SAC) Solent and Dorset Coast Potential Special Protection Area (pSPA)
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to the following impacts:</p> <ul style="list-style-type: none"> Increase in recreational pressure Increase in nitrogen deposition leading to a reduction in water quality. <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Recreational Pressure

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites.

The proposed development represents a net increase in residential dwellings. Paragraph 6.4 of the Solent Recreation Mitigation Strategy sets out that the “developer contribution will be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Solent Special Protection Areas” (see para 6.3).

As a result, there would be a likely significant effect to the Chichester & Langstone Harbours SPA due to recreation.

Water Quality

The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA.

Natural England advises that there is a likely significant effect on the Chichester and Langstone Harbour SPA, Chichester and Langstone Harbours Ramsar site, the Solent Maritime SAC and the Solent and Dorset Coast pSPA (the Solent's European Sites) due to the increase in waste water from the new housing as a result of the Havant Borough Local Plan 2036. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the Solent's European Sites.

Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes eutrophication, which affects vegetation growth and food resources for qualifying species such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment

Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

Natural England recommends that any new proposals which include overnight accommodation have inevitable waste water implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.

Natural England recommends that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.

As a result, there would be a likely significant effect to the following European Sites due to water quality:

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site
- Solent Maritime SAC
- Solent and Dorset Coast pSPA

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to recreational pressure and water quality.

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Havant Borough Council formally adopted the Solent Recreation Mitigation Strategy in February 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of units	Scale of mitigation per unit	Amount proposed in this scheme	Cost
1 bedroom	£346.00	1	£346.00

Monitoring fee ¹ for this scheme:	£17.30
Administration fee ² for this scheme:	£20.00
TOTAL AVOIDANCE AND MITIGATION PACKAGE:	£383.30

¹Monitoring fee is 5% of total mitigation cost

²Administration fee is £20 per application

Policy E16 of the Pre-Submission Havant Borough Draft Local Plan 2036 and sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

"Planning permission will be granted for residential development resulting in a net increase in population that mitigates a likely significant effect on the Solent SPAs"

A legal agreement will be necessary to secure the mitigation package. The applicant has confirmed through a European Site Avoidance and Mitigation Checklist that they commit to providing a mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Water Quality

The project being assessed would result in an increase in population in the catchment of several European Sites as set out in stage 2. As advised by Natural England, a permanent significant effect on the Solent SPAs due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures to address the likely significant effect on water quality.

Havant Borough Council's Cabinet approved the Position Statement on Nutrient Neutral Development on 26 June 2019. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the European Sites identified in stage 2.

The Position Statement sets out that mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

A legal agreement will be necessary to secure the mitigation package. The applicant has confirmed through a European Site Avoidance and Mitigation Checklist that they commit to providing a mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

This assessment represents Havant Borough council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Solent Recreation Mitigation Strategy with regards recreational disturbance. The adverse effects are also consistent with the effects detailed in the Position Statement on Nutrient Neutral Development with regards water quality.

The authority's assessment is that the application complies with these strategies and the potential to provide mitigation to remove the significant effects that otherwise would have been likely. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England Officer:

Nutrient Neutrality

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Solent Recreation Mitigation Strategy

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

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

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