

Berewood, Phase 8, Havant

Shadow
Habitats Regulations Assessment
(including an Appropriate Assessment)

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Quality Management

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1. Introduction and Background

1.1. Aspect Ecology is advising Bloor Homes Southern in respect of ecological matters relating to Phase 8 of the wider West Waterlooville Development (Berewood), Havant. Hereafter, Phase 8 is referred to as 'the site' (see Site Location Plan at Appendix 6898/1).

1.2. The following report sets out a Shadow Habitats Regulation Assessment (including an Appropriate Assessment) of the proposed development, identifying whether the specific proposals for the site are likely to result in an adverse effect on the integrity of any internationally designated wildlife sites.

1.3. Site Characteristics, Proposals and Planning Context

1.3.1. The site is located within the settlement area of Waterlooville and forms Phase 8 of the West of Waterlooville Major Development area, which was granted outline planning permission on 18 April 2012 by Havant Borough Council (Havant Borough Council reference: APP/10/00828) and on 30 March 2012 by Winchester City Council (Winchester City Council reference 10/02862/OUT). A site location plan is provided in Appendix 1.

1.3.2. The outline planning permission for the Major Development Area comprises the development of approximately 2,550 dwellings plus supporting retail, commercial and employment land, land for two primary schools and a nursery, and associated amenity space along with substantial green infrastructure, Sustainable Drainage Systems (SuDS), land for allotments, a main pumping station, cemetery, and restoration of the River Wallington.

1.3.3. Phase 8 of the Major Development Area, to which this report relates, comprises the development of 185 residential units with associated infrastructure and landscaping in the south-east of the Major Development Area, adjacent to London Road. The site is bound to the south and east by London Road, to the north by the residential development of Waterlooville, and to the west and north-west by development associated with the wider Major Development Area.

1.3.4. The site itself is dominated by semi-improved grassland with small areas of disturbed ground, ephemeral/short perennial vegetation, scrub, and tall ruderal vegetation. A species-rich native hedgerow forms the eastern site boundary.

1.3.5. Eighteen European designated wildlife sites and five Ramsar sites are located within 25 km of the site, although it should be noted that some locations support multiple overlapping designations, such as Chichester and Langstone Harbour which is designated as both as Special Protection Area (SPA) and a Ramsar site.

1.3.6. Under the Habitats Regulations it is therefore necessary to screen whether the proposed development has the potential to result in a likely significant effect on the interest features of any of these and, if so, examine these via Appropriate Assessment (AA).

1.4. Purpose of this report

1.4.1. The following report sets out information to inform an assessment under the Habitats Regulations of the proposed development at the site, identifying whether

the specific proposals for the site are likely to result in an adverse effect on integrity of any international designations to inform the competent authority in undertaking its Habitats Regulations Assessment/AA.

2. Legislation and Assessment Methodology

2.1. Legislation

2.1.1. All areas in England classified as Special Areas of Conservation (SACs) or Special Protection Areas (SPAs), collectively known as European sites, receive statutory protection under the Conservation of Habitats and Species Regulations 2017, as amended (the Regulations). These Regulations transpose into UK legislation the 'Habitats Directive' 1992 (92/43/EEC) and the 'Birds Directive' 2009 (2009/147/EC). National planning policy in the form of the National Planning Policy Framework (NPPF) explicitly sets out that listed Ramsar sites should be considered in the same way, as if they had been classified or designated as SACs or SPAs.

2.1.2. The Regulations impart a duty on Local Planning Authorities ('competent authorities') to carefully consider whether any proposals may have a significant effect on a European designation, either alone or in combination with other plans or projects. In most circumstances, permission may only be granted for a plan or project to proceed if it has been ascertained that it will not have an adverse effect on the integrity of any such designation.

2.1.3. The process for assessment is set out at regulation 63(1):

"A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives".

2.1.4. Following this assessment, regulation 70(3) outlines when planning permission can be granted:

"... outline planning permission must not be granted unless the competent authority is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters."

2.2. Assessment Methodology

2.2.1. Guidance on the process and procedures for assessment are contained in a number of documents, principally:

- Habitats Regulations Assessments: Protecting a European site (Gov.uk)¹ – government standing advice on HRA;
- National Planning Policy Framework (NPPF) and the accompanying ODPM/DEFRA Circular (ODPM 06/2005, DEFRA 01/2005);
- Managing Natura 2000 sites 'The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission. Nov 2018;
- Assessment of plans and projects significantly affecting Natura 2000 sites. European Commission November 2001.

2.2.2. As set out within government standing advice and as laid out within the flow chart (Figure 1) within ODPM circular 06/2005, the procedure for assessment is an ordered process following a number of key stages as discussed below.

Stage 1 :Screening

2.2.3. Box 1 of the flow chart is not of relevance to development proposals and hence the first stage is to identify whether the proposals will result in any 'likely significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects (Box 2 of the flow chart).

2.2.4. In line with the Court of Justice of the European Union (CJEU) ruling (People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17, dated 12 April 2018), mitigation measures intended to avoid or reduce the harmful effects of a plan or project on a European site should not be taken into account at this screening stage, and instead these must be considered as part of an Appropriate Assessment (Stage 2).

2.2.5. Where it is considered that a plan or project will result in no such 'likely significant effects', no further assessment is necessary and permission should not be refused under the assessment.

2.2.6. If any 'likely significant effects' are identified or where it remains unclear whether effects will be significant, the assessment procedure should follow on to Stage 2 (box 3 of the flow chart).

2.2.7. In reaching this decision, the plan or project should be considered 'likely' to have an effect if the competent authority is unable on the basis of objective information to exclude the possibility that it could have significant effects on any European designation, either alone or in combination with other plans or projects. The test of significance is therefore set at a relatively low bar, with significant effects considered as any negative effects, i.e. effects that are neither negligible nor inconsequential, but which are capable of having an adverse effect².

¹ Habitats Regulations Assessments: Protecting a European site. February 2021 <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (Last updated 6 December 2023)

² Case C-258/11: Judgment of the Court (Third Chamber) of 11 April 2013 and Opinion of the Advocate General dated 22nd November 2012. Peter Sweetman and Others v An Bord Pleanála. Reference for a preliminary ruling: Supreme Court - Ireland

- 2.2.8. If the proposal can be screened out for effects from it alone, it should then be screened for any potential for it to combine with any other proposal planned or underway. If, in combination the proposal could have a significant effect on a European designation, it is necessary to progress to Stage 2.

Stage 2: Appropriate Assessment

- 2.2.9. Should it be determined that a plan or project could result in 'likely significant effects' on a European site, as set out on the flow chart, the Competent Authority should proceed to the next stage within flow chart boxes 3 and 4 onwards. This requires an 'Appropriate Assessment' of the likely effects of the plan or project to be undertaken by the Competent Authority.
- 2.2.10. Under Appropriate Assessment, it is necessary to determine whether the proposals, either alone or in combination with other projects or plans, will result in any adverse effects on the integrity of the European designation as defined by the conservation objectives and status of the relevant SAC/SPA. The precautionary principle should be applied, and the focus should be on objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the European site. Where this is not the case, adverse effects must be assumed. It is the policy of the government that Ramsar sites should be treated in the same way as European designations.
- 2.2.11. In carrying out the Appropriate Assessment, under Regulation 63(3) it is necessary for the Competent Authority to consult with the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies. In England this body is Natural England.
- 2.2.12. If it is considered that the proposal will not adversely affect the integrity of the designation, either alone or in combination with other projects, permission can be granted. If this cannot be ascertained, or there is uncertainty, the assessment procedure should follow on to Stage 3.

Stage 3: Derogations: allow exceptions

- 2.2.13. Should a proposal fail the integrity test, in certain circumstances, a project may still be able to proceed under a derogation.
- 2.2.14. Under Stage 3, it is necessary to assess if there are alternative solutions and whether there are imperative reasons of overriding public interest. If these tests are passed, authorisation may be granted subject to compensation measures being secured.
- 2.2.15. Further details on the above process can be found in Government Guidance on Habitats Regulations Assessments³.

2.3. Case Law

- 2.3.1. The approach to undertaking Habitats Regulations Assessments has been informed and distilled through a number of court rulings. Accordingly, this assessment takes into account all such case law, and in particular highlights the following as being pertinent:

³ Habitats regulations assessments: protecting a European site. Government Guidance. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

The need for no reasonable scientific doubt

- 2.3.2. It has been established that the Competent Authority may grant permission for a project following an appropriate assessment *“only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects”*⁴. In addition, case law advises that the decision maker should be *‘certain beyond reasonable scientific doubt’*⁵ that no adverse effects will arise on the integrity of the designation.
- 2.3.3. The application of this test is further clarified by case law which advises that in reaching a conclusion, what is required is *‘reasonable certainty’* rather than *‘absolute certainty’*⁶ and that the risk should be *‘real’ (identifiable) rather than ‘hypothetical’ or ‘fanciful’*⁷.

The need for no lacunae

- 2.3.4. It has been established that the assessment *“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”*⁸ and that the assessment must *“unequivocally demonstrate why the protected habitat types and species are not adversely affected”*⁹.

The need to take into account conservation objectives

- 2.3.5. It has been established that that *“where such a plan or project is likely to undermine the conservation objectives of the site concerned, it must necessarily be considered likely to have a significant effect on the site”*¹⁰

Any mitigation measures must be sufficiently certain

- 2.3.6. It has been established that where mitigation measures are proposed (under an Appropriate Assessment), *“it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out.”*¹¹

The need to assess cumulative effects

- 2.3.7. It has been established that not only does the project or plan in question need to be considered, but cumulative effects from other relevant projects have to be assessed. It has been established that *“MN2000 makes clear that the phrase “in combination with other plans or projects” in Article 3 (3) refers to cumulative effects caused by the projects or plans that are currently under consideration together with the effects of any existing or proposed projects or plans. When impacts are assessed in*

⁴ C-127/02 Landelijke Vereniging tot Behoud van de Waddenzee & Another v Staatssecretaris van Landbouw (“Waddenzee”) [2005] 2 CMLR 31 at [59]

⁵ T.C. Briels & others v Minister van Infrastructuur en Milieu C-521/12 [2014]

⁶ WWF UK Ltd And RSPB V SoS for Scotland

⁷ Boggis V Natural England & Waveney District Council [2009] Ewca Civ 1061 and R (Morge) v Hampshire County Council (2011)

⁸ C-258/11 Sweetman v An Bord Plenala [2014] PTSR 1092 at [44]

⁹ C-461/17 Holohan v An Bord Plenala [2019] Env LR 16 per AG Kokott at [30]

¹⁰ Judgment of the Court (Grand Chamber) of 7 September 2004, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij, Case C-127/02

¹¹ C-164/17 Grace & Sweetman v An Bord Plenala at [51]

*combination in this way it can be established whether or not there may be, overall, an impact which may have significant effects on a Natura 2000 site or which may adversely affect the integrity of a site”.*¹²

The Assessment should be commensurate with the stage of planning

2.3.8. Appropriate Assessments can be required at every stage of the planning process, from the allocation stage to the detailed or Reserved Matters stage. At each planning stage different levels of detail are available, and it has been established that ‘*each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more*’¹³.

2.3.9. These principles are well established. An example, is the case of Commission v UK C-6/04 (2005) and the opinion of Advocate General Kokott¹⁴, which related to a complaint from the Commission that the United Kingdom had failed to transpose adequately various provisions of the Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (‘the Habitats Directive’). It discusses the detail required within an Appropriate Assessment at paragraph 49:

“The United Kingdom Government is admittedly right in raising the objection that an assessment of the implications of the preceding plans cannot take account of all the effects of a measure. Many details are regularly not settled until the time of the final permission. It would hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure”.

2.3.10. In line with the judgement of R (Barker) v Secretary of State & Bromley LBC (2006-7) (European Court and House of Lords) [2007]¹⁵ 1 A.C. 470 and Wingfield, R v Canterbury City Council [2019] EWHC 1974 (Admin)¹⁶, AA can be required at the Reserved Matters and discharge of conditions stages.

2.4. Other Relevant Guidance and Opinions of Weight

2.4.1. In addition to the interpretation of legislation that has emerged through the above case law, relevant guidance is also available from a number of other sources, as outlined below:

¹² European Commission DG Environment (November 2001) ‘Assessing Projects Under the Habitats Directive: Guidance for Competent Authorities, September 2011’

¹³ Feeney v Secretary of State for Transport & Ors [2013] EWHC 1238 (Admin)

¹⁴ Opinion of Advocate General Kokott June 2005. Case C-6/04 <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-6/04>

¹⁵ <https://publications.parliament.uk/pa/ld200607/ldjudgmt/jd061206/barker-1.htm>

¹⁶ <http://www.bailii.org/ew/cases/EWHC/Admin/2019/1974.html>

The Precautionary Principle

- 2.4.2. The precautionary principle is a core principle of EU environmental law. The European Commission¹⁷ sets out that *“the classic definition of ‘a precautionary approach’ comes from the 1992 Rio Declaration on Environment and Development, which states that: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation” (UNEP 1992).”*
- 2.4.3. Following on from the above definition, guidance sets out that *“Non-discrimination means that comparable situations should not be treated differently, and that different situations should not be treated in the same way, unless there are objective grounds for doing so” and “Consistency means that measures should be of comparable scope and nature to those already taken in equivalent areas in which all scientific data are available”¹⁸.*
- 2.4.4. In addition, this guidance also sets out that *“Proportionality means tailoring measures to the chosen level of protection. Risk can rarely be reduced to zero”. And “It is also necessary to clarify a misunderstanding as regards the distinction between reliance on the precautionary principle and the search for zero risk, which in reality is rarely to be found”¹⁹.*
- 2.4.5. Finally, this guidance also further clarifies that *“measures based on the precautionary principle must not be disproportionate to the desired level of protection and must not aim at zero risk, something which rarely exists.”²⁰*

Re-use of an existing HRA

- 2.4.6. If a project has already been assessed by the competent authority or a different competent authority, then there may be no need to repeat the assessment. In this regard guidance²¹ is provided as to when it is appropriate to adopt this approach, namely when:
- there is no new information or evidence that may lead to a different conclusion;
 - the assessments already done are relevant, thorough and correct;
 - the conclusions are rigorous and robust;
 - there is no new case law that changes the way an HRA should be carried out or interpreted.

¹⁷ European Commission Science for Environment Policy (September 2017) ‘Future Brief: The Precautionary Principle: decision-making under uncertainty

¹⁸ Commission of the European Communities (2.2.200) ‘Communication from the Commission on the precautionary principle’

¹⁹ Ibid footnote 13

²⁰ Ibid footnote 13

²¹ Ibid footnote 1

3. Information to Inform a Habitats Regulations Assessment

Stage 1 – Screening

European designations that could be affected by the proposals	The following European designations are located within 25km of the site (see Appendix 6817/3): • Chichester and Langstone Harbours SPA and Ramsar (3.6km to south); • Solent Maritime Special Area of Conservation (SAC) (3.8km to south-east); • Solent and Isle of Wight Lagoons SAC (4.8km to south); • Portsmouth Harbour SPA and Ramsar (4.8km to south-west); • Butser Hill SAC (9.8km to north); • Kingley Vale SAC (12.6km to east); • Solent and Southampton Water SPA and Ramsar (13.6km to west-south-west); • Rook Cliff SAC (16.6km to north-east); • East Hampshire Hangers SAC (17.3km to north); • South Wight Maritime SAC (18.0km to south); • Singleton and Cocking Tunnels SAC (20.2km to north-east); • River Itchen SAC (20.3km to north-west); • Briddlesford Copses SAC (20.9km to south-south-east); • Pagham Harbour SPA and Ramsar (21km to south-east); • Wealden Heaths Phase II SPA (22.8km to north); • New Forest SAC, SPA and Ramsar (24.5km to west-south-west); and • Woolmer Forest SAC (25.0km to north). Following a review of the Habitats Regulations Assessment (HRA)²², undertaken for Havant Borough Council’s emerging Local Plan, a number of these designations can be scoped out largely based on distance from the site. On this basis, the European designations to be considered in terms of potential effects are limited to: • Chichester and Langstone Harbours SPA and Ramsar; • Solent Maritime SAC; • Solent and Isle of Wight Lagoons SAC; • Portsmouth Harbour SPA and Ramsar; and • Butser Hill SAC. Further detail is provided in Section 3.1.1, below.
Identification of potential impact pathways	Based on a review of the Havant Borough Council HRA, the development proposals, and the qualifying features of the internationally designated sites, the following potential impact pathways have been identified in relation the above designations: • Recreational pressure; • Air Quality; and • Water pollution. Further detail is provided in Section 3.1.1, below.

Potential Effects in Relation to the Proposed Development

²² Havant Borough Council (August 2022) ‘Building a Better Future. Habitats Regulations Assessment Screening for the Local Plan. <https://www.havant.gov.uk/media/8899/download?inline>

3.1.1. Havant Borough Council's HRA identified a number of potential impact pathways on the relevant internationally designated sites. These are presented below, together with a broad assessment of their potential relevance to the proposed development:

- **Loss of Habitat:** as the site does not support any European site designation, habitat loss effects would be restricted to the potential loss of land/habitats considered to be functionally linked to the qualifying features of a European site. This is particularly relevant to populations of bats, birds and other mobile species. However, the site is located more than 20km from the closest SAC designated for bats (Singleton and Cocking Tunnels SAC), well outside the 12km Wider Conservation Area established under the South Downs National Park Authority Draft Sussex Bat SAC Protocol²³.
- Ecological Appraisal surveys²⁴ of the site identified no significant populations of breeding or overwintering birds listed as qualifying features of the European sites, including Brent geese. Therefore, this potential impact pathway is scoped out as no Likely Significant Effects are expected.
- **Recreational Disturbance:** resulting from increased visitor numbers to the European sites from new residential development. The site lies within 5.6km of the Solent SPAs and therefore, in accordance with the guidance laid out in the Solent Recreation Mitigation Strategy²⁵ and Havant Borough Council's HRA, this potential impact pathway is scoped in, as there is the potential for Likely Significant Effects to occur.
- **Air Quality Effects:** resulting primarily from traffic. The screening of European sites for Atmospheric Pollution effects has been carried out broadly in line with Natural England's guidelines²⁶. Havant Borough Council's HRA considers that developments that may increase traffic on the strategic road network such as the A3(M) and A27 may have effects on European sites.
- Whilst the Phase 8 development in isolation will not increase traffic flows above the 1,000 AADT screening threshold advocated by Highways England in their Design Manual for Roads and Bridges (DMRB)²⁷, in combination with the effects of the wider West of Waterlooville Major Development Area, this threshold is likely to be exceeded. Therefore, this potential impact pathway is scoped in as there is the potential for Likely Significant Effects.
- **Urbanisation:** such as the effects of cat predation and fly tipping. As the site does not support any European site designations and the closest European site is located 3.6km away, this potential impact pathway has been scoped out as there is no potential for Likely Significant Effects to occur.

²³ Sussex Bat Special Area of Conservation. Planning and Landscape Scale Enhancement Protocol (Draft). SDNPA/NE

²⁴ LC Ecological Services (2022). Ecological Appraisal Park View (Phase 8) Berewood, Waterlooville, Hampshire, PO7 7PS.

²⁵ Partnership for Urban South Hampshire (2017) Solent Recreation Mitigation Strategy. https://birdaware.org/solent/wp-content/uploads/sites/2/2021/10/Solent_Recreation_Mitigation_Strategy.pdf

²⁶ Natural England (2018). Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations.

²⁷ www.standardsforhighways.co.uk/dmrb

- **Water Quality:** effects on the aquatic environment resulting from wastewater or surface water pollution. Havant Borough Council's HRA assesses that residential development has the potential to lead to cumulative effects on internationally designated sites associated with the Solent, through nutrient enrichment. Therefore, this potential impact pathway is scoped in, as there is the potential for Likely Significant Effects.
- **Water Demand:** adverse effects on European sites through an increase in water abstraction. The development proposals do not include the extraction or abstraction of water, and Havant Borough Council's HRA indicates that sufficient potable water is available for all proposed development anticipated within the lifetime of the emerging local plan. Therefore, this potential impact pathway is scoped out, as there is no potential for Likely Significant Effects.
- **Coastal Squeeze:** intertidal habitat loss which arises due to the high-water mark being fixed by a defence and the low water mark migrating landwards in response to sea level rise. The site is located over 3.5km from the closest coastal area and will have no effect on coastal defences. Therefore, this potential impact pathway is scoped out, as there is no potential for Likely Significant Effects.

3.1.2. On this basis, further detail is set out below in relation to relevant European designations and whether a likely significant effect may occur as a result of the proposed development.

Chichester and Langstone Harbours SPA / Ramsar

European site interest features	Chichester and Langstone Harbours SPA is designated: a) under Article 4.1 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following Annex 1 species: During the breeding season • Little tern <i>Sterna albifrons</i>; and • Sandwich tern <i>Sterna sandvicensis</i>. On passage • Little egret <i>Egretta garzetta</i>. Over winter • Bar-tailed godwit <i>Limosa lapponica</i>; and • Little egret. b) under Article 4.2 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following migratory species: On passage • Ringed plover <i>Charadrius hiaticula</i>. Over winter • Black-tailed godwit <i>Limosa limosa islandica</i>; • Dark-bellied Brent goose <i>Branta bernicla</i>; • Dunlin <i>Calidris alpina</i>; • Grey plover <i>Pluvialis squatarola</i>; • Redshank <i>Tringa totanus</i>; and • Ringed plover. c) The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly
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	supporting at least 20,000 waterfowl, including Wigeon <i>Anas penelope</i>, Bar-tailed, Dark-bellied Brent Goose, Ringed Plover, Grey Plover, Dunlin, Black-tailed Godwit, Redshank, Little Grebe <i>Tachybaptus ruficollis</i>, Little Egret, Shelduck <i>Tadorna tadorna</i>, Curlew <i>Numenius arquata</i>, Teal <i>Anas crecca</i>, Pintail <i>Anas acuta</i>, Shoveler <i>Anas clypeata</i>, Red-breasted Merganser <i>Mergus serrator</i>, Oystercatcher <i>Haematopus ostralegus</i>, Lapwing <i>Vanellus vanellus</i>, Knot <i>Calidris canutus</i>, Sanderling <i>Calidris alba</i>, Cormorant <i>Phalacrocorax carbo</i> and Whimbrel <i>Numenius phaeopus</i>. • Mean peak 93,230 waterfowl (1991/92 – 1995/96) Chichester and Langstone Harbours Ramsar is designated on the basis of qualification under the following Ramsar Criteria: • Criterion 1 – The site comprises two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. It includes many wetland habitats including intertidal mudflats, saltmarsh, sand, shingle spits and sand dunes. • Criterion 5 – The site supports an internationally important waterfowl assemblage with a mean peak of 76,480 waterfowl for the 5-year period 1998/99 – 2002/03. • Criterion 6 – The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover, Black-tailed Godwit, Redshank, Dark-bellied Brent Goose, Common Shelduck, Grey Plover and Dunlin, whilst Little Tern has been identified subsequent to designation for possible future consideration under this criterion.
Conservation objectives of the European site	The conservation objectives for the SPA are to: <i>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</i> • <i>The extent and distribution of the habitats of the qualifying features;</i> • <i>The structure and function of the habitats of the qualifying features;</i> • <i>The supporting processes on which the habitats of the qualifying features rely;</i> • <i>The population of each of the qualifying features; and</i> • <i>The distribution of the qualifying features within the site.”</i>
Condition of European site	The most recent condition assessments for the Sites of Special Scientific Interest (SSSIs) which underpin the European designation state that for: • Chichester Harbour SSSI – all recorded bird species were recorded as either being favourable, or unfavourable-recovering, apart from dunlin, sanderling <i>Calidris alba</i>, and shelduck. With regard to habitats, the littoral sediment, lowland fen, lowland mixed deciduous woodland, and coastal vegetated shingle were recorded as unfavourable-recovering, and lowland neutral grassland as unfavourable – no change; and • Langstone Harbour SSSI – all recorded bird species were in favourable condition, and with respect to habitats: neutral grassland units were all favourable, littoral sediment units were either favourable or unfavourable – recovering besides one which was recorded as unfavourable, no change. No information was recorded regarding the condition of saline coastal lagoon or saltmarsh habitat units.
Threats	A Site Improvement Plan has been produced by Natural England in relation to the Solent, covering the Solent Maritime SAC, Solent and Southampton Water SPA, Portsmouth Harbour SPA and Chichester and Langstone Harbours SPA. This

	identifies prioritised issues (pressures or threats) affecting these designations: • Public access and disturbance • Coastal squeeze • Fisheries – commercial marine and estuarine • Water pollution • Changes in species distributions • Climate change • Changes to site conditions • Invasive species • Habitat loss • Biological resource use • Change in land management • Inappropriate pest control • Air pollution: impact of nitrogen deposition • Hydrological change • Direct impact from third party • Extraction of non-living resources
Screen of likely significant effects	
Recreational Pressure	The site is located within the 5.6km radius within which increased recreational pressure could have effects on these sites, as identified with Havant Borough Council's HRA and the Solent Recreation Mitigation Strategy. Whilst the stand-alone effects of the Phase 8 development are likely to be minimal, the in-combination effects have the potential to be significant.
Air Quality	Due to the proximity of the A27 to parts of the Chichester and Langstone Harbours SPA/Ramsar, Havant Borough Council's HRA considers that there is the potential for individual site and in-combination effects on the designated sites from air quality issues. Whilst the Air Pollution Information System (APIS) website²⁸ provides data that indicate that the qualifying species of the SPA are not sensitive to airborne nitrogen deposition and the maximum critical load for nitrogen for each is not exceeded, it does state that the supporting habitats for these species are sensitive to nitrogen deposition and there is the potential for indirect effects on the qualifying bird species as a consequence. APIS does not provide direct assessment of the potential for airborne nitrogen deposition to affect the qualifying features of the Ramsar site. However, as the habitats underpinning the qualifying features of the SPA are the same as the Ramsar, it is logical to conclude that these may be affected by nitrogen deposition. Whilst the proposed 185 dwellings of Phase 8 alone are unlikely to have a significant effect, the in-combination effects with other developments within the emerging Local Plan could have potentially significant effects.
Water pollution	Havant Borough Council's HRA identified that residential development in the borough could have negative effects through increased nitrates entering the Solent via the Budds Farm wastewater treatment works. Whilst the site's individual contribution is likely to be minimal, the in-combination effects are considered likely to be significant, and all residential developments must demonstrate nutrient neutrality.
Other	Threats from coastal squeeze, habitat loss, and hydrological change have been ruled out in the broad assessment of potential effects undertaken in section 3.1.1 above. The development proposals will have no realistic potential to cause effects with regard to change in species distributions, climate change, site conditions,

²⁸ Apis.ac.uk/app

	invasive species, biological resource use, land management, pest control, direct impacts by third party, or extraction of non-living resources.
Conclusion – could the proposed development result in a likely significant effect?	
Yes. The proposals could result in potential Likely Significant Effects to the Chichester and Langstone Harbours SPA and Ramsar sites with respect to recreational pressure, air quality and water quality effects.	

Solent Maritime SAC

European site interest features	The Solent Maritime SAC is designated for the presence of the following Annex I habitats: • Estuaries. • Spartina swards (<i>Spartinion maritimae</i>). • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>). The following Annex I habitats are present as a qualifying feature, but not as a primary reason for site selection: • Sandbanks which are slightly covered by sea water all the time • Mudflats and sandflats not covered by seawater at low tide • Coastal lagoons • Annual vegetation of drift lines • Perennial vegetation of stony banks • Salicornia and other annuals colonising mud and sand • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”). The following Annex II species are present as a qualifying feature, but not as a primary reason for site selection: • Desmoulin’s whorl snail <i>Vertigo moulinsiana</i>.
Conservation objectives of the European site	The conservation objectives for the SAC are to: <i>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i> • <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</i> • <i>The structure and function (including typical species) of qualifying natural habitats;</i> • <i>The structure and function of the habitats of qualifying species;</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</i> • <i>The populations of qualifying species; and</i> • <i>The distribution of qualifying species within the site.”</i>
Condition of European site	The most recent condition assessments for the SSSIs which underpin the European designation state that for: • Bouldnor and Hamstead Cliffs SSSI: all units were recorded as favourable, except one littoral sediment unit recorded as unfavourable-recovering.

	• Chichester Harbour SSSI: the majority of habitat units were listed as unfavourable-recovering, with the neutral grassland units being listed as unfavourable-no change. • Eling and Bury Marshes SSSI: the littoral sediment units were recorded as unfavourable-no change, and the terrestrial habitat units as favourable. • Hurst Castle and Lymington River Estuary SSSI: all units either favourable or unfavourable-recovering. • Hythe to Calshot Marshes SSSI: the majority of units were recorded as unfavourable-recovering with one unfavourable-no change. • King's Quay Shore SSSI: all habitat units were recorded as either favourable or unfavourable-recovering, except one woodland unit recorded as partially destroyed. • Langstone Harbour SSSI: the condition of the majority of the habitat units was recorded as being either favourable, or unfavourable-recovering. • Lee-on-the-Solent to Itchen Estuary SSSI: the majority of habitat units were recorded as being in favourable condition, with some littoral sediment units being recorded as unfavourable due to water quality issues. • Lincegrove and Hackett's Marshes SSSI: all units recorded as unfavourable-no change, due to water quality issues. • Lower Test Marshes SSSI: all units recorded as either favourable or unfavourable-recovering. • Medina Estuary SSSI: the littoral sediment units were recorded as unfavourable due to freshwater pollution, with all other habitat units being listed as favourable. • Newtown Harbour SSSI: the majority of the units were recorded as being in favourable condition, but with some littoral sediment units being listed as unfavourable condition due to water quality impacts. • North Solent SSSI: the majority of the units were recorded as being in favourable condition, with a small number listed as being unfavourable-recovering, and a very limited number as being either unfavourable-no change, or unfavourable-declining. • Thorness Bay SSSI: the majority of units were recorded as being unfavourable-declining, particularly littoral sediment and neutral grassland units. • Upper Hamble Estuary and Woods SSSI: the majority of units are recorded as being favourable, with some littoral sediment units recorded as unfavourable-declining. • Yar Estuary SSSI: the majority of littoral sediment units were recorded as unfavourable, with the majority of the other habitat types being either favourable or unfavourable-recovering.
Threats	A Site Improvement Plan has been produced by Natural England in relation to the Solent, covering the Solent Maritime SAC, Solent and Southampton Water SPA, Portsmouth Harbour SPA and Chichester and Langstone Harbours SPA. This identifies prioritised issues (pressures or threats) affecting these designations: • Public access and disturbance • Coastal squeeze • Fisheries – commercial marine and estuarine • Water pollution • Changes in species distributions • Climate change • Changes to site conditions • Invasive species • Habitat loss • Biological resource use • Change in land management

	• Inappropriate pest control • Air pollution: impact of nitrogen deposition • Hydrological change • Direct impact from third party • Extraction of non-living resources
Screen of likely significant effects	
Recreational Pressure	Whilst the Solent Maritime SAC lies 3.8km from the site at its closest point, it covers approximately 11,243 hectares and comprises several geographically separated areas. The qualifying features of the SAC are not considered particularly vulnerable to recreation pressures, and Havant Borough Council's HRA did not identify the designated site as being at risk of recreational pressure from proposed development within the Local Plan.
Air Quality	Due to the proximity of the A27 to parts of the Solent Maritime SAC, Havant Borough Council's HRA considers that there is the potential for individual site and in-combination effects on the designated site from air quality issues. Whilst the proposed 185 dwellings of Phase 8 are unlikely to have a significant effect alone, the in-combination effects could potentially be significant.
Water Quality	Havant Borough Council's HRA identified that residential development in the borough could have negative effects through increased nitrates entering the Solent via the Budds Farm wastewater treatment works. Whilst the site's individual contribution is likely to be minimal, the in-combination effects have the potential to be significant, and all residential developments must demonstrate nutrient neutrality.
Other	Threats from coastal squeeze, habitat loss, and hydrological change have been ruled out in the broad assessment of potential effects undertaken in section 3.1.1 above. The development proposals will have no realistic potential to cause effects with regard to change in species distributions, climate change, site conditions, invasive species, biological resource use, land management, pest control, direct impacts by third party, or extraction of non-living resources.
Conclusion – could the proposed development result in a likely significant effect?	
Yes.	
The site could potentially cause Likely Significant Effects with respect to water quality and air quality issues in the absence of mitigation, and therefore an Appropriate Assessment is required.	

Solent and Isle of Wight Lagoons SAC

European site interest features	Solent and Isle of Wight Lagoons SAC is designated for the presence of the following Annex I habitat: • Coastal lagoons
Conservation objectives of the European site	The conservation objectives for the SAC are to: <i>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i> • <i>The extent and distribution of qualifying natural habitats;</i> • <i>The structure and function (including typical species) of qualifying natural habitats; and</i> • <i>The supporting processes on which qualifying natural habitats rely.”</i>
Condition of European site	The most recent condition assessments for the SSSIs which underpin the European designation state that for: • Brading Marshes to St Helens Ledges SSSI: the majority of units were recorded as favourable or unfavourable-recovering, with a number of

	littoral sediment and supralittoral sediment units being recorded as unfavourable. • Gilkicker Lagoon SSSI: favourable. • Hurst Castle and Lymington River Estuary SSSI: all units either favourable or unfavourable-recovering. • Langstone Harbour SSSI: the condition of the majority of the habitat units was recorded as being either favourable, or unfavourable-recovering.
Threats	No specific threats to the site were listed within the available documentation. However, Havant Borough Council's HRA lists water quality as a potential source of impact on this designated site with regard to the content of their emerging Local Plan.
Screen of likely significant effects	
Recreational Pressure	The closest part of this multi-location designated site is located 4.8km south of the site within the Farlington Marshes nature reserve, with the closest car park providing public access to the SAC an approximate 6.9km drive from the site. In light of the large number of alternative sites available for recreation within that range, it is considered highly unlikely that the proposed development, either alone or in-combination, would increase recreational pressures sufficient to damage the habitats for which the SAC is designated. Recreational pressure has not been identified as a significant threat within the Havant Borough Council HRA.
Air Quality	The closest part of the Solent and Isle of Wight Lagoons SAC is located more than 200m from the nearest major road. Therefore, no Likely Significant Effects arising from air quality are expected.
Water Quality	Havant Borough Council's HRA considers that there is some interchange of waters between Langstone Harbour and the saline lagoon system at Farlington Marshes and that the introduction of nitrogen-laden water at spring tide could lead to eutrophication. An increase in residential dwellings could therefore have a significant effect.
Conclusion – could the proposed development result in a likely significant effect?	
Yes. The site is hydrologically connected to the SAC via Langstone Harbour and the associated wastewater treatment works and sewage overflow outlets. An increase in the number of residential dwellings could result in significant effects either alone or in-combination with other developments.	

Portsmouth Harbour SPA / Ramsar

European site interest features	Portsmouth Harbour SPA is designated: a) under Article 4.2 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following migratory species over winter: • Black-tailed godwit; • <i>Dark-bellied Brent goose</i> • <i>Dunlin</i>; and • Red-breasted merganser <i>Mergus serrator</i>. Portsmouth Harbour Ramsar is designated on the basis of qualification under the following Ramsar Criteria: • Criterion 3 – The intertidal mudflat areas possess extensive beds of eelgrass <i>Zostera angustifolia</i> and <i>Zostera noltei</i> which support the grazing dark-bellied brent geese populations. The mud-snail <i>Hydrobia ulvae</i> is found at extremely high densities, which helps to support the wading bird
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	interest of the site. Common cord-grass <i>Spartina anglica</i> dominates large areas of the saltmarsh and there are also extensive areas of green algae <i>Enteromorpha</i> spp. and sea lettuce <i>Ulva lactuca</i>. More locally the saltmarsh is dominated by sea purslane <i>Halimione portulacoides</i> which gradates to more varied communities at the higher shore levels. The site also includes a number of saline lagoons hosting nationally important species. • Criterion 6 – The site regularly supports more than 1% of the British overwintering dark-bellied brent goose population, with a five year peak mean of 2105 individuals between 1998/9 and 2002/3, representing 2.1% of the population.
Conservation objectives of the European site	The conservation objectives for the SPA are to: <i>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</i> • <i>The extent and distribution of the habitats of the qualifying features;</i> • <i>The structure and function of the habitats of the qualifying features;</i> • <i>The supporting processes on which the habitats of the qualifying features rely;</i> • <i>The population of each of the qualifying features; and</i> • <i>The distribution of the qualifying features within the site.”</i>
Condition of European site	The most recent condition assessments for the SSSI which underpins the European designations states the condition of the majority of features is unfavourable-recovering, or unfavourable-no change.
Threats	A Site Improvement Plan has been produced by Natural England in relation to the Solent, covering the Solent Maritime SAC, Solent and Southampton Water SPA, Portsmouth Harbour SPA and Chichester and Langstone Harbours SPA. This identifies prioritised issues (pressures or threats) affecting these designations: • Public access and disturbance • Coastal squeeze • Fisheries – commercial marine and estuarine • Water pollution • Changes in species distributions • Climate change • Changes to site conditions • Invasive species • Habitat loss • Biological resource use • Change in land management • Inappropriate pest control • Air pollution: impact of nitrogen deposition • Hydrological change • Direct impact from third party • Extraction of non-living resources
Screen of likely significant effects	
Recreational Pressure	The site is located within the 5.6km radius within which increased recreational pressure could have effects on these sites, as identified with Havant Borough Council’s HRA and the Solent Recreation Mitigation Strategy. Whilst the stand-alone effects of the Phase 8 development are likely to be minimal, the in-combination effects have the potential to be significant.
Air Quality	Due to the proximity of the A27, M27 and M275 to parts of the Portsmouth Harbour SPA/Ramsar, Havant Borough Council’s HRA considers that there is the

	potential for individual site and in-combination effects on the designated sites from air quality issues. Whilst the proposed 185 dwellings of Phase 8 are unlikely to have a significant effect alone, the in-combination effects with other developments within the emerging Local Plan could have potentially significant effects.
Water pollution	Havant Borough Council's HRA identified that there was minimal exchange between Langstone Harbour and Portsmouth Harbour, and that the proposed developments within the emerging local plan would therefore be unlikely have a significant effect on the Portsmouth Harbour designations.
Other	Threats from coastal squeeze, habitat loss, and hydrological change have been ruled out in the broad assessment of potential effects undertaken in section 3.1.1 above. The development proposals will have no realistic potential to cause effects with regard to change in species distributions, climate change, site conditions, invasive species, biological resource use, land management, pest control, direct impacts by third party, or extraction of non-living resources.
Conclusion – could the proposed development result in a likely significant effect?	
Yes.	
The proposals could result in Likely Significant Effects to the Portsmouth SPA and Ramsar sites through recreational effects and/or air quality effects.	

Butser Hill SAC

European site interest features	The Butser Hill SAC is designated for the presence of the following Annex I habitats: • <i>Taxus baccata</i> woods of the British Isles; yew dominated woodland. • Semi-natural dry grasslands and scrubland facies on calcareous substrates: (<i>Festuco-Brometalia</i>); dry grasslands and scrublands on chalk or limestone.
Conservation objectives of the European site	The conservation objectives for the SAC are to: <i>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i> • <i>The extent and distribution of qualifying natural habitats;</i> • <i>The structure and function (including typical species) of qualifying natural habitats; and</i> • <i>The supporting processes on which qualifying natural habitats rely.”</i>
Condition of European site	The most recent condition assessment for the SSSI which underpins the European designation state that the habitat units are all in favourable condition apart from one, Whitelands Wood, which is managed for timber and classified as unfavourable-recovering.
Threats	A Site Improvement Plan has been produced by Natural England in relation to Butser Hill SAC. This identifies prioritised issues (pressures or threats) affecting this designation: • Inappropriate scrub control • Under grazing • Air pollution: risk of atmospheric nitrogen deposition.
Screen of likely significant effects	
Recreational Pressure	Recreational pressure has not been identified as a potential threat to the conservation objectives of Butser Hill SAC.
Air Quality	Due to the proximity of the A3M to parts of Butser Hill SAC, Havant Borough

	Council's HRA considers that there is the potential for individual site and in-combination effects on the designated site arising from air quality issues. The Butser Hill SAC Site Improvement Plan, produced in 2014, identified that nitrogen deposition exceeded critical loads for the <i>Taxus baccata</i> woodlands and was approaching the upper critical load for the chalk grassland habitat. Whilst the proposed 185 dwellings of Phase 8 are unlikely to have a significant effect alone, the in-combination effects could potentially be significant.
Water Quality	There are no hydrological links between the site and Butser Hill SAC, and water quality has not been determined to be a threat to the designated site's conservation objectives.
Other	The development proposals have no reasonable risk of causing inappropriate scrub management or under grazing effects.
Conclusion – could the proposed development result in a likely significant effect?	
Yes. The development proposals could potentially cause Likely Significant Effects with respect to air quality issues in the absence of mitigation, and therefore an Appropriate Assessment is required.	

Stage 2 - Appropriate Assessment

Chichester and Langstone Harbours SPA and Ramsar

Do the proposals, in-combination with other relevant plans and projects have the potential to affect the integrity of the European designation, given the sites' conservation objectives?
Screening identified that the proposed development could have potentially significant effects on the designated sites as a consequence of increased recreational pressure, air quality, and/or water quality either in isolation or in combination with other developments. <u>Recreational Pressure</u> The Solent area is heavily populated and the high levels of growth proposed within the region have prompted concern over potential for disturbance to bird populations associated with the European designations in this area, including the Chichester and Langstone Harbours SPA and Ramsar sites. As such, numerous studies have been undertaken as part of the Solent Disturbance Mitigation Project (SDMP) to assess visitor patterns and the impacts of increased recreation on wintering bird interest. The findings of this work are set out in a number of reports, including: • Stillman, R. A., Cox, J., Liley, D., Ravenscroft, N., Sharp, J. and Wells, M. (2009) <i>Solent disturbance and mitigation project: Phase I report</i>. Report to the Solent Forum; • Stillman, R.A., West, A.D., Clarke, R.T. and Liley, D. (2012) <i>Solent Disturbance and Mitigation Project Phase II: Predicting the impact of human disturbance on overwintering birds in the Solent</i>. Report to the Solent Forum; • Fearnley, H., Clarke, R.T. and Liley, D. (2010) <i>The Solent Disturbance and Mitigation Project. Phase II: On-site visitor survey results from the Solent region</i>. Solent Forum/Footprint Ecology; • Fearnley, H., Clarke, R.T. and Liley, D. (2011) <i>The Solent Disturbance and Mitigation Project. Phase II: results of the Solent household survey</i>. Solent Forum/Footprint Ecology; • Liley D. and Tyldesley, D. (2013) <i>Solent Disturbance and Mitigation Project: Phase III. Towards an Avoidance and Mitigation Strategy</i>. Footprint Ecology/David Tyldesley and Associates. The work undertaken has indicated that there are current impacts from disturbance, including within Chichester and Langstone Harbours SPA/Ramsar. As such, additional recreational activity arising from the proposed development has the potential to contribute to disturbance, resulting in adverse effects on the qualifying species for which the SPA and Ramsar is designated.

Therefore, as there are currently significant recreational pressure effects on these designated sites, any increase in the number of dwellings or residents could exacerbate the situation and could be considered to represent a significant effect.

The evidence²⁹ shows that mitigation should be required from all dwellings built within 5.6km of the boundaries of the Solent SPAs. This is the zone from which 75% of coastal visitors live. On the advice of Natural England, the Solent Recreation Mitigation Strategy has been prepared by Bird Aware, Solent³⁰, setting out the mitigation requirements within this zone. The Solent Recreation Mitigation Strategy recommends mitigation in the form of a per-dwelling payment for each new dwelling, which would be used to fund a suite of mitigation measures.

The Solent Recreation Mitigation Strategy also identifies that the provision of alternative greenspace can mitigate recreational pressure impacts on the designated sites. However, to be considered, these must meet a defined set of criteria:

- be a wholly new site, or an enhancement of existing public open space if the site is currently underused and has substantial capacity to accommodate additional recreational activity or could be expanded, taking into account the availability of land and its potential for improvement;
- be in a location where it will divert visitors especially dog walkers away from sections of SPA coast which are sensitive to additional human disturbance and where a significant increase in visitors is predicted;
- be located where it will attract visitors who would otherwise have gone to those sections of coast;
- be large enough to include a variety of paths which enable at least one circular walk of at least 5 km (approx. a 60 min walk);
- be in a location where a SANG would be acceptable in terms of planning policy and traffic generation, and would not have an unacceptable impact on biodiversity, e.g. a nature conservation site protected under a local or national designation;
- be sufficiently large to be perceived as a cohesive semi-natural space, offering tranquillity, with little intrusion of artificial structures (except in the immediate vicinity of car parks) and with no unpleasant intrusions of other kinds, e.g. wastewater treatment odours;
- includes adequate car parking for visitors with that car parking being well located in relation to the road network;
- be clearly signed at access points and at key junctions on the surrounding road network, with an information panel at each access point which explains the layout of the SANG and the routes available to visitors.
- access points for visitors arriving on foot must be well located in relation to nearby residential areas;
- designed so that the SANG is perceived by users as a cohesive semi-natural space which is safe and easily navigable;
- paths must be clearly discernible, well signposted/waymarked, and have firm, level, well drained surfaces (albeit unsealed to avoid any 'urban feel') in order to be useable throughout the winter;
- movement within the SANG must be largely unrestricted, with plenty of space away from road traffic;
- dogs are welcome and the majority of the site is suitable for safe off-lead dog exercise;
- dog swimming area; and
- dog waste bins.

Whilst Phase 8 of the Berewood development does not support sufficient open space to meet these criteria, it forms part of the larger West Waterlooville Major Development Area, and the provision of public open space and green infrastructure for all the combined phases has been designed into the wider development at the landscape level. In total, 102 hectares of green space has been incorporated into the

²⁹ Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III. Towards an Avoidance and Mitigation Strategy. Paragraphs 7.28 – 7.30

³⁰ Bird Aware Solent. Solent Recreation Mitigation Strategy (December 2017). Partnership for Urban South Hampshire (PUSH)

wider development, approximately four times the amount required to meet green space requirements under local planning policy. It is therefore considered that the proposals are highly unlikely to have a significant effect on Chichester and Langstone Harbours SPA and Ramsar. Further detail can be found in Sections 2.12 to 2.18 of the Planning Statement.

Air Quality

The Chichester and Langstone Harbours SPA and Ramsar sites lie immediately adjacent to the A27. This is inside the 200m zone within which the Design Manual for Roads and Bridges considers major roads may result in air quality related effects on designated sites. Therefore, should the proposed development significantly increase traffic flows along the A27 in this area, either alone or in-combination with other developments, then there is the potential for effects on the designated sites.

Under the Design Manual for Roads and Bridges *LA105 Air Quality* version 0.1.0 document (June 2024), developments may be scoped out of air quality impact modelling if they do not increase annual average daily traffic (AADT) by 1,000 or more movements, or heavy-duty vehicle AADT by 200 or more movements. In isolation, the 185 dwellings of the proposed development are considered highly unlikely to increase AADT in any location by 1,000 or more movements, as each dwelling would need to generate more than 5.4 movements per day over the course of a year.

The proposed development forms part of the wider West Waterlooville Major Development Area, which will create approximately 2,550 dwellings plus associated retail, commercial, employment and educational land uses. Consequently, in combination with the other phases of the wider development and other proposed developments in the locality, the threshold of over 1,000 AADT will be exceeded.

However, the closest part of the Chichester and Langstone SPA and Ramsar sites lies approximately 6.0km away from the site by road and it would be unrealistic to assume that all vehicle movements generated as part of the wider West Waterlooville Development Area would be routed past the designated sites. In addition to the education, retail, commercial, and employment land uses being developed within the wider site, the immediate locality is well served with facilities and services to meet the necessities of daily life, and provision is to be made for the proposed residents to be able to access these without the use of private motor vehicles. Consequently, whilst some increase in vehicle movements eastwards along the A27 may occur, it would be unreasonable to consider that any potential increase in AADT past the designated sites would be detectable against current levels of traffic flow.

The APIS data indicate that the 1km grid average nitrogen deposition for the most significantly affected part of the designated sites is 11.2 kg/N/Ha/year. This is below the maximum critical load for all relevant habitats within 200m of the major roads. Therefore, the potential limited increase in traffic movements past the designated sites as a consequence of the Phase 8 development, either alone or in-combination with other proposed development, is considered unlikely to have a significant effect on the qualifying features of either the SPA or Ramsar, or their supporting habitats.

Water Quality

The site has hydrological connectivity to the Chichester and Langstone SPA and Ramsar sites via the Budds Farm wastewater treatment works, which may result in eutrophication of waters within Langstone Harbour. Without mitigation any increase in the number of dwellings would result in increased nitrate deposition into these waters and Havant Borough Council has specified that all new developments must demonstrate nutrient neutrality.

As such, it is proposed that mitigation measures are put in place to avoid any potential effect on integrity, as detailed below.

Proposed avoidance and / or mitigation measures

Recreational Pressure	The provision of 102 ha of green space within the wider development area, four times the mandated quantum, would provide ample Suitable Alternative Natural Green Space to mitigate any potential recreation pressure arising as a result of the proposed development.
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Air Quality	No significant impacts on the designated sites are anticipated as a result of air quality effects. Therefore, no mitigation is considered necessary.
Water Quality	The Proposed Development has established an agreement for nitrate mitigation with Warnford Park Estate. This mitigation will ensure nutrient neutrality.

Solent Maritime SAC

Do the proposals, in-combination with other relevant plans and projects have the potential to affect the integrity of the European designation, given the site's conservation objectives?

The screening process identified that the proposed development could potentially affect the designated site through air quality and water quality effects.

Air Quality

The site is located approximately 3.8km from the Solent Maritime SAC at its closest point, although the SAC covers approximately 11,243 hectares and comprises several geographically separated areas. In places, the Solent Maritime SAC lies immediately adjacent to the A27. This is inside the 200m zone within which the Design Manual for Roads and Bridges considers major roads may result in air quality related effects on designated sites. Therefore, should the proposed development significantly increase traffic flows along the A27, either alone or in-combination with other developments, then there is the potential for effects on this designated site.

Under the Design Manual for Roads and Bridges *LA105 Air Quality* version 0.1.0 document (June 2024), developments may be scoped out of air quality impact modelling if they do not increase AADT by 1,000 or more movements, or heavy-duty vehicle AADT by 200 or more movements. In isolation, the 185 dwellings of the proposed Phase 8 development are considered highly unlikely to increase AADT in any location by 1,000 or more movements, as each dwelling would need to generate more than 5.4 movements per day over the course of a year.

The proposed development forms part of the wider West Waterlooville Major Development Area, which will create approximately 2,550 dwellings plus associated retail, commercial, employment and educational land uses. Consequently, in combination with the other phases of the wider development and other proposed developments in the locality, the threshold of over 1,000 AADT will be exceeded.

However, the closest part of the Solent Maritime SAC lies approximately 6.0km away from the site by road and it would be unrealistic to assume that all vehicle movements generated as part of the wider West Waterlooville Development Area would be routed past the designated site. In addition to the education, retail, commercial, and employment land uses being developed within the wider site, the immediate locality is well served with facilities and services to meet the necessities of daily life, and provision is to be made for the proposed residents to be able to access these without the use of private motor vehicles. Consequently, whilst some increase in vehicle movements along the A27 may occur, it would be unreasonable to consider that any potential increase in AADT past the designated sites would be detectable against current levels of traffic flow.

The APIS data indicate that the 1km grid average nitrogen deposition for the most significantly affected part of the designated site is 11.1 kg/N/Ha/year. This is below the maximum critical load for all relevant habitats within 200m of the major roads. Therefore, the potential limited increase in traffic movements past the designated site as a consequence of the Phase 8 development, either alone or in-combination with other proposed development, is considered unlikely to have a significant effect on the qualifying features of the SAC.

Water Quality

The site has hydrological connectivity to the Solent Maritime SAC via the Budds Farm wastewater treatment works, which may result in eutrophication of waters within Langstone Harbour. Without

mitigation, any increase in the number of dwellings would result in increased nitrate deposition into these waters and Havant Borough Council has specified that all new developments must demonstrate nutrient neutrality.

Proposed avoidance and / or mitigation measures

Air Quality	No significant impacts on the designated sites are anticipated as a result of air quality effects. Therefore, no mitigation is considered necessary.
Water Quality	The Proposed Development has established an agreement for nitrate mitigation with Warnford Park Estate. This mitigation will ensure nutrient neutrality.

Solent and Isle of Wight Lagoons SAC

Do the proposals, in-combination with other relevant plans and projects have the potential to affect the integrity of the European designation, given the sites' conservation objectives?

The screening process identified that the proposed development could potentially affect the designated site through water quality effects.

Water Quality

The site has hydrological connectivity to the Solent and Isle of Wight SAC via the Budds Farm wastewater treatment works, which may result in eutrophication of waters within Langstone Harbour that are connected to the section of the SAC within Farlington Marshes. Without mitigation, any increase in the number of dwellings would result in increased nitrate deposition into these waters and Havant Borough Council has specified that all new developments must demonstrate nutrient neutrality.

Proposed avoidance and / or mitigation measures

Water Quality	The Proposed Development has established an agreement for nitrate mitigation with Warnford Park Estate. This mitigation will ensure nutrient neutrality.
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Portsmouth Harbour SPA and Ramsar

Do the proposals, in-combination with other relevant plans and projects have the potential to affect the integrity of the European designation, given the sites' conservation objectives?

Screening identified that the proposed development could have potentially significant effects on the designated site as a consequence of increased recreational pressure and air quality effects either in isolation or in combination with other developments.

Recreational Pressure

The Solent area is heavily populated and the high levels of growth proposed within the region have prompted concern over potential for disturbance to bird populations associated with the European designations in this area, including the Portsmouth Harbour SPA and Ramsar sites. As such, numerous studies have been undertaken as part of the Solent Disturbance Mitigation Project (SDMP) to assess visitor patterns and the impacts of increased recreation on wintering bird interest. The findings of this work are set out in the research referenced above in relation to Chichester and Langstone Harbours SPA and Ramsar.

The work undertaken has indicated that there are current impacts from disturbance, including within Portsmouth Harbour SPA and Ramsar. As such, additional recreational activity arising from the proposed development has the potential to contribute to disturbance, resulting in adverse effects on the interest

species for which the SPA and Ramsar is designated.

Therefore, as there are currently significant recreational pressure effects on these designated sites, any increase in the number of dwellings or residents could exacerbate the situation and could be considered to represent a significant effect.

The evidence³¹ shows that mitigation should be required from all dwellings built within 5.6km of the boundaries of the Solent SPAs. This is the zone from which 75% of coastal visitors live. On the advice of Natural England, the Solent Recreation Mitigation Strategy has been prepared by Bird Aware, Solent³², setting out the mitigation requirements within this zone. The Solent Recreation Mitigation Strategy recommends mitigation in the form of a per-dwelling payment for each new dwelling, which would be used to fund a suite of mitigation measures.

The Solent Recreation Mitigation Strategy also identifies that the provision of alternative greenspace can mitigate recreational pressure impacts on the designated sites. However, to be considered, these must meet a defined set of criteria, as set out above in relation to Chichester and Langstone Harbours SPA and Ramsar. It is evident from appraisal of the proposed site layout, that Phase 8 of the Berewood development does not support sufficient open space to meet these criteria. Therefore, considered as a stand-alone development, it cannot be considered to mitigate any recreational pressure effects via the provision of alternative open space.

However, whilst Phase 8 of the Berewood development does not support sufficient open space to meet these criteria, it forms part of the larger West Waterlooville Major Development Area, and the provision of public open space and green infrastructure for all the combined phases has been designed into the wider development at the landscape level. In total, 102 hectares of green space has been incorporated into the wider development, approximately four times the amount required to meet green space requirements under local planning policy. It is therefore considered that the proposals are highly unlikely to have a significant effect on Chichester and Langstone Harbours SPA and Ramsar. Further detail can be found in Sections 2.12 to 2.18 of the Planning Statement.

Air Quality

The Portsmouth Harbour SPA and Ramsar sites lie immediately adjacent to the A27, M27 and M275. This is inside the 200m zone within which the Design Manual for Roads and Bridges considers major roads may result in air quality related effects on designated sites. Therefore, should the proposed development significantly increase traffic flows along the A27, M27 and M275 in this area, either alone or in combination with other developments, then there is the potential for effects on the designated sites.

Under the Design Manual for Roads and Bridges *LA105 Air Quality* version 0.1.0 document (June 2024), developments may be scoped out of air quality impact modelling if they do not increase annual average daily traffic (AADT) by 1,000 or more movements, or heavy duty vehicle AADT by 200 or more movements. In isolation, the 185 dwellings of the proposed development are considered highly unlikely to increase AADT in any location by 1,000 or more movements, as each dwelling would need to generate more than 5.4 movements per day over the course of a year.

The proposed development forms part of the wider West Waterlooville Major Development Area, which will create approximately 2,550 dwellings plus associated retail, commercial, employment and educational land uses. Consequently, in combination with the other phases of the wider development and other proposed developments in the locality, the threshold of over 1,000 AADT will be exceeded.

However, the closest part of the Portsmouth Harbour SPA and Ramsar sites lies approximately 5.8km away from the site by road and it would be unrealistic to assume that all vehicle movements generated as part of the wider West Waterlooville Development Area would be routed past the designated sites. In

³¹ Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III. Towards an Avoidance and Mitigation Strategy. Paragraphs 7.28 – 7.30

³² Bird Aware Solent. Solent Recreation Mitigation Strategy (December 2017). Partnership for Urban South Hampshire (PUSH)

addition to the education, retail, commercial, and employment land uses being developed within the wider site, the immediate locality is well served with facilities and services to meet the necessities of daily life, and provision is to be made for the proposed residents to be able to access these without the use of private motor vehicles. Consequently, whilst some increase in vehicle movements along these routes may occur, it would be unreasonable to consider that any potential increase in AADT past the designated sites would be detectable against current levels of traffic flow.

The APIS data indicate that the 1km grid average nitrogen deposition for the most significantly affected part of the designated sites is 11.8 kg/N/Ha/year. This is below the maximum critical load for all relevant habitats within 200m of the major roads. Therefore, the potential limited increase in traffic movements past the designated sites as a consequence of the Phase 8 development, either alone or in-combination with other proposed development, is considered unlikely to have a significant effect on the qualifying features of either the SPA or Ramsar, or their supporting habitats.

Proposed avoidance and / or mitigation measures

Recreational Pressure	The provision of 102 ha of green space within the wider development area, four times the mandated quantum, would provide ample Suitable Alternative Natural Green Space to mitigate any potential recreation pressure arising as a result of the proposed development.
Air Quality	No significant impacts on the designated sites are anticipated as a result of air quality effects. Therefore, no mitigation is considered necessary.

Butser Hill SAC

Do the proposals, in-combination with other relevant plans and projects have the potential to affect the integrity of the European designation, given the sites' conservation objectives?

The screening process identified that the proposed development could potentially affect the designated site through air quality effects.

Air Quality

The site is located approximately 9.8km from the Butser Hill SAC at its closest point. At its closest, the Butser Hill SAC lies within approximately 20m of the A3. This is inside the 200m zone within which the Design Manual for Roads and Bridges considers major roads may result in air quality related effects on designated sites. Therefore, should the proposed development significantly increase traffic flows along the A3, either alone or in-combination with other developments, then there is the potential for effects on this designated site. The APIS data indicate that the critical loads for the *Taxus baccata* woodlands are up to 25.7kg/N/Ha/year, which exceeds the maximum critical load for the habitat.

Under the Design Manual for Roads and Bridges LA105 Air Quality version 0.1.0 document (June 2024), developments may be scoped out of air quality impact modelling if they do not increase AADT by 1,000 or more movements, or heavy duty vehicle AADT by 200 or more movements. In isolation, the 185 dwellings of the proposed Phase 8 development are considered highly unlikely to increase AADT in any location by 1,000 or more movements, as each dwelling would need to generate more than 5.4 movements per day over the course of a year.

The proposed development forms part of the wider West Waterlooville Major Development Area, which will create approximately 2,550 dwellings plus associated retail, commercial, employment and educational land uses. Consequently, in combination with the other phases of the wider development and other proposed developments in the locality, the threshold of over 1,000 AADT will be exceeded.

However, the closest part of the Butser Hill SAC lies approximately 11.8km away from the site by road

and it would be unrealistic to assume that all vehicle movements generated as part of the wider West Waterlooville Development Area would be routed past the designated site. In addition to the education, retail, commercial, and employment land uses being developed within the wider site, the immediate locality is well served with facilities and services to meet the necessities of daily life, and provision is to be made for the proposed residents to be able to access these without the use of private motor vehicles. Consequently, whilst some increase in vehicle movements along the A3 may occur, it would be unreasonable to consider that any potential increase in AADT past the designated sites would be detectable against current levels of traffic flow.

Therefore, the potential limited increase in traffic movements past the designated site as a consequence of the Phase 8 development, either alone or in-combination with other proposed development, is considered unlikely to have a significant effect on the qualifying features of the SAC.

Proposed avoidance and / or mitigation measures

Air Quality	No significant impacts on the designated sites are anticipated as a result of air quality effects. Therefore, no mitigation is considered necessary.
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Conclusion – with the implementation of mitigation, will the proposals in-combination with other plans or projects avoid an adverse effect on integrity of a European designation?

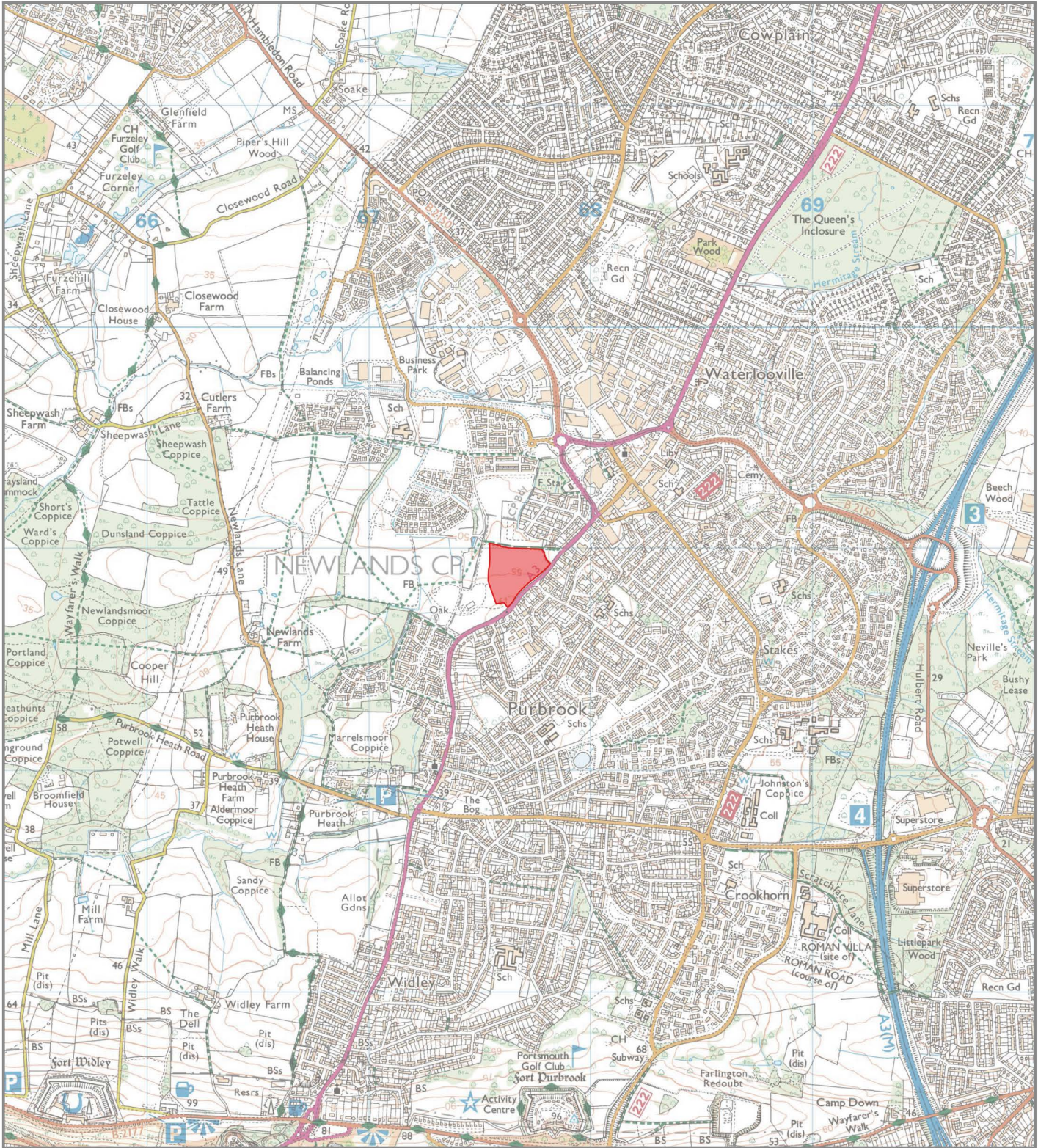
Yes.

With the implementation of appropriate mitigation to avoid impacts arising from recreational pressure, and the maintenance of nutrient neutrality for the development, the necessary certainty is demonstrated that the proposed development, alone and in-combination with other plans and projects, would not result in an adverse effect on integrity at any European designated site.

Therefore, it is considered that no further assessment is required and proceeding to Stage 3 (Assessment of alternative solutions) is not necessary.

4. Summary and Conclusions

- 4.1. This document provides information to inform a Habitats Regulations Assessment of the proposed development, given the presence of a European designations within the site surrounds.
- 4.2. A screening exercise has been undertaken to identify whether the proposed development could result in any likely significant effects on European designations, both alone and in-combination with other plans and projects (Stage 1).
- 4.3. The screening exercise concluded that in the absence of mitigation, potential for likely significant effects is predicted in relation to recreational pressure at Chichester and Langstone Harbours SPA and Ramsar sites, and Portsmouth Harbour SPA and Ramsar sites. Likely significant effects related to air quality impacts would be anticipated at Chichester and Langstone Harbours SPA and Ramsar sites, Solent Maritime SAC, Portsmouth Harbour SPA and Ramsar sites, and Butser Hill SAC. Likely significant effects related to water quality would be anticipated at Chichester and Langstone Harbours SPA and Ramsar sites, Solent Maritime SAC, and Solent and Isle of Wight Lagoons SAC. Therefore, an Appropriate Assessment is required.
- 4.4. The Appropriate Assessment has concluded that, in the view of the designations' conservation objectives, following the implementation of mitigation measures the proposed development would have no effect on the integrity of the surrounding European designations either alone or in-combination with other plans and projects.
- 4.5. The provision of 102 ha of well-connected, accessible, green space within the wider West of Waterlooville Major Development Area, of which the proposed development forms part, will ensure that any potential effects on designated sites due to recreational pressure will be mitigated. The provision of 102 ha of green space within the wider development area, four times the mandated quantum, would provide ample Suitable Alternative Natural Green Space to mitigate any potential recreation pressure arising as a result of the proposed development.
- 4.6. To ensure that there are no effects on designated sites due to water quality, the proposed development has established an agreement for nitrate mitigation with Warnford Park Estate. This mitigation will ensure nutrient neutrality.



Key:

 Site Location

aspect ecology
APEM Group

Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 279721 - info@aspect.ecology.com - www.aspect.ecology.com

Berewood, Phase 8, Havant

PROJECT

Site Location

TITLE

6898/ECO1

DRAWING NO.

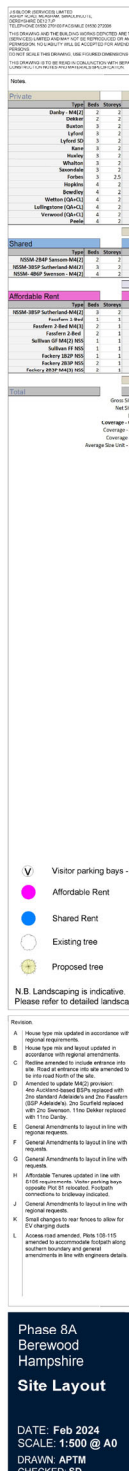
A/DO

REV

November 2024

DATE

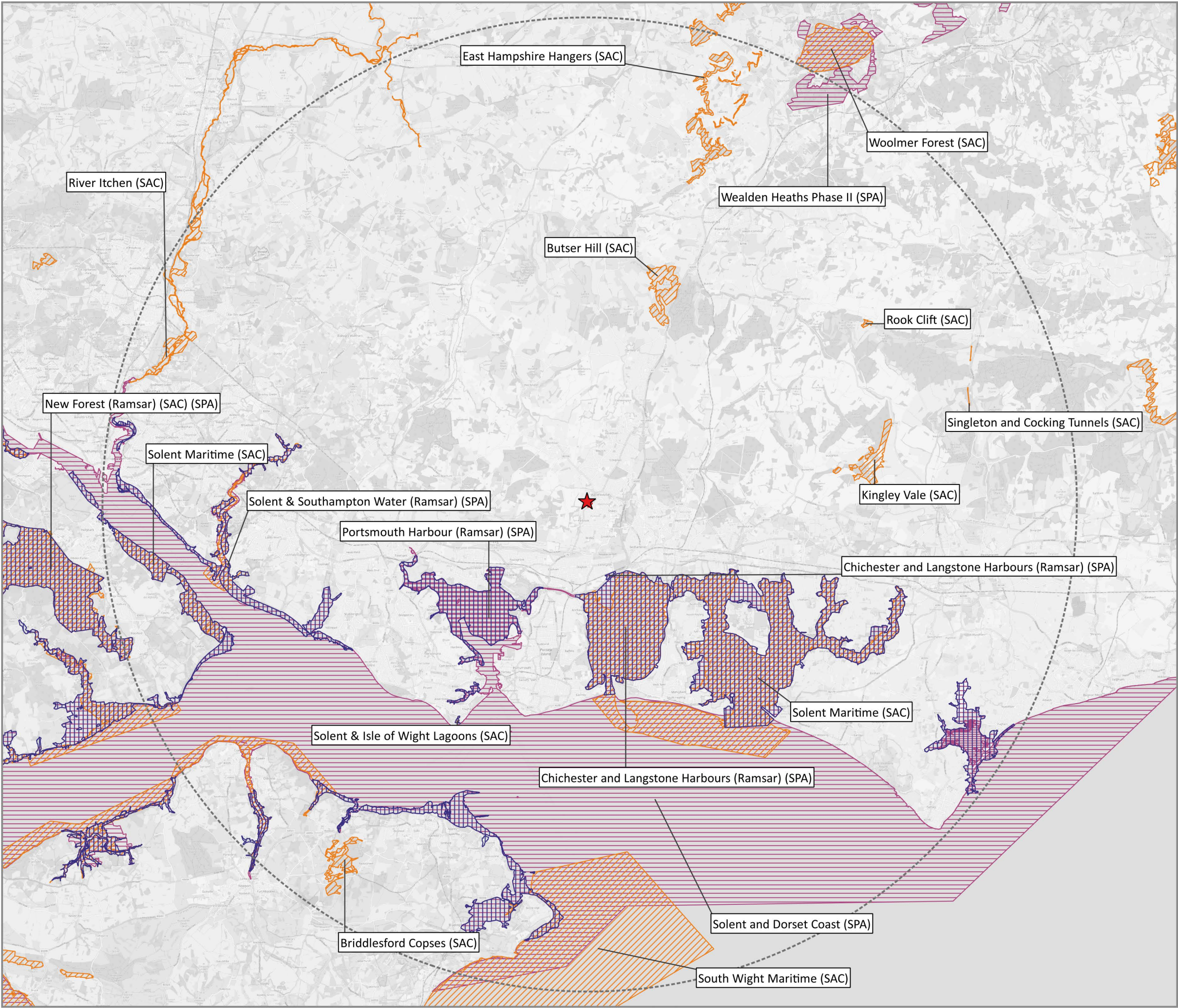




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Drawing No. S0xxx-SL-001L



- Key:
- ★ Site Location
 - Special Protection Area (SPA)
 - Ramsar
 - Special Areas of Conservation (SAC)
 - 25km Site Buffer



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Berewood, Phase 8, Havant

Ecological Designations

6898/ECO3

A/DO

November 2024

