

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:	4 th May 2023
HRA completion date:	29 th June 2023
Application reference:	APP/22/00850
Application address:	Land West of Hayling Billy Trail and, Long Island, Langstone Harbour, Havant
Application description:	Proposal for restoration via shingle recharge at 2 No nesting sites off Hayling Island (Oyster Bed Lagoon within West Hayling LNR and Long Island) involving raising level of sites up to 3.6m ODN (average recharge height of 0.7m) to create 1,820 m ² and 2,200 m ² restored tide resilient shingle nesting habitat at the two sites respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.
Lead Planning Officer:	David Eaves
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:	▪ Chichester & Langstone Harbours Special Protection Area (SPA) ▪ Chichester & Langstone Harbours Ramsar site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar ▪ Portsmouth Harbour SPA ▪ Portsmouth Harbour Ramsar ▪ Solent and Isle of Wight Lagoons SAC (Hereafter known as the Solent European Sites)
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	Yes. The RSPB as applicants have submitted a 'Shadow HRA' in support of the application. This sets out the aims of the project which is for proposed tern and shorebird habitat restoration works. It is considered that the works are necessary for and connected to the management of the European sites.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	In this case the impacts on the site relate to the proposed works to re-charge shingle banks. Whilst there will be other examples of coastal works

including sea defence works, that could affect the site, these are assessed on their merits in terms of their impacts.

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.

Shingle recharge at 2 No nesting sites off Hayling Island (Oyster Bed Lagoon within West Hayling LNR and Long Island) involving raising level of sites up to 3.6m ODN (average recharge height of 0.7m) to create 1,820 m² and 2,200 m² restored tide resilient shingle nesting habitat at the two sites respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.

There is considered to be potential for the proposed works to result in impacts to the Solent Maritime SAC and Chichester & Langstone Harbours SPA and Ramsar site. In summary:

- The proposed shingle recharge element is located within the SAC/SPA/Ramsar boundary and could result in damage/loss to the of SAC/SPA/Ramsar.
- Construction works have the potential to cause disturbance to SPA/Ramsar qualifying species as a result of noise and visual disturbance.
- Construction works have the potential to result in the introduction of pollutants and dust to sensitive marine habitats within the SAC/SPA/Ramsar sites.

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to potential direct impacts on the SAC/SPA/Ramsar habitat/species.

(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 application is accompanied by a detailed report *Tern and Shorebird Habitat Restoration at Langstone Harbour Shadow HRA EXO Environmental*.

This identifies the following avoidance / or mitigation methods:

With respect to the SAC, the principal considerations are limiting habitat disturbance by vehicles carrying shingle, potentially negatively affecting mudflat and saltmarsh. It is proposed that the use of bog mats and timber matting will limit disturbance to the vegetation, with rapid recovery of vegetation and mudflat. Shingle may also spill onto adjoining habitats, and this will be minimised via careful initial placement, use of larger cobbles on the sides and the use of brushwood fencing. With these integral working methods, the potential impacts to designated features are assessed as negligible.

With respect to the SPA, the timing of works will avoid sensitive periods for birds such that disturbance will be minimised. Other possible impacts such as changes in the recharged areas

will be of negligible significance. Ultimately, the works are intended to benefit Little terns in particular, and as such the scheme will have a positive effect on the SPA.

The designated features of the Ramsar site overlap in practice with those of the SAC and SPA, and the impacts on designated features are assessed as negligible.

The conclusion of the screening at the Test of Likely Significant Effect stage is that the scheme will not impact the site integrity of the Solent Ramsar site and SPA nor the Solent Maritime SAC. The working methods are integral to the scheme and are not considered as mitigation in this context, and an Appropriate Assessment is not required.

Notwithstanding these comments an Appropriate Assessment has been carried out.

During the course of the application further details have been provided to address consultee comments including Natural England comments in relation to the timing of the works. Appropriate planning conditions will be imposed in relation to:

- the timing of works to avoid bird breeding/nesting seasons,
- the shingle recharge operations Construction Environmental Management Plan/Construction Method Statement (to include vehicle movements/routes, use of Bog Mats to avoid compression of Annex I saltmarsh and mudflat features, Barge access during spring high tides only),
- equipment / material storage and;
- archaeology

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 (as amended), 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.

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

The authority has concluded that the potential adverse effects arising from the proposal can be appropriately addressed by the imposition of conditions to secure the mitigation and enhancements proposed in the *Tern and Shorebird Habitat Restoration at Langstone Harbour Shadow HRA EXO Environmental* together with a Construction Environmental Management Plan/Construction Method Statement and other relevant planning conditions.

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:

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. 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, including avoidance of sensitive time periods for birds, use of bog mats, and barge access during spring high tides only, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.