

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:	08/02/2023
HRA completion date:	
Application reference:	APP/22/01210
Application address:	25 Sandy Beach Estate, Hayling Island, PO11 9RG
Application description:	Demolition of existing two bedroom two storey detached house and detached garage, replacement with new three bedroom three storey detached house with integral single garage and associated external works.
Lead Planning Officer:	Tina Pickup
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)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to increase in recreational pressure.

	All new housing development that would drain to the Budds Farm or Thornham Wastewater Treatment Works due to increase in nitrogen deposition leading to a reduction in water quality. The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire.
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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.

Affect on SPA and SPA Functionally Linked Land - Site H81 from Noise and Visual Disturbance, and from Construction Activity

The application site is located within 55m of nearby Chichester and Langstone Harbours SPA designated Site H81 which supports vulnerable bird species such as Brent geese, Curlew and Grey Plover. This functional land forms part of a network of terrestrial sites located outside of the Solent SPA boundaries used by SPA species as alternative areas for roosting and foraging.

The noise and visual disturbance associated with the demolition and construction of the proposed replacement dwelling has potential for noise and activity to cause disturbance of qualifying bird species present at the site and thus impact the functionality of the designated site.

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

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Waters SPA and Ramsar
- Chichester and Langstone harbours SPA, Ramsar and Site of Special Scientific Interest (SSSI)

Recreational Pressure

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

However, this proposal is for a replacement dwelling and would not result in a net increase in dwellings on the site or increase in human population causing recreational disturbance. As a result, there would not be a likely significant effect from any recreational pressures.

Water Quality

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

Natural England advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from the new housing as a result of the Havant Borough Local Plan. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as new housing in the Solent catchment could have an adverse effect on the Solent's European Sites.

Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes

eutrophication, which affects vegetation growth and food resources for qualifying species such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites. The Partnership for South Hampshire (PfSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PfSH region to accommodate future housing growth without having a detrimental effect upon the water environment. There is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

Natural England recommends that any new proposals which include overnight accommodation have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations. Nonetheless, the existing use of the site can be taken into account and it is the 'net' nutrient emissions into European Sites that is critical.

However, the proposed development would not result in a net gain in dwellings on site making this a like for like single dwelling replacement. As a result, there would be no net gain in nutrient emissions and there would not be a likely significant effect from any water quality issues.

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

Yes, due to noise and visual disturbance, and construction impacts.

(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.

Noise and Visual Disturbance, and Construction Impacts.

To avoid any adverse impacts on the function of the adjacent SPA land a detailed Construction Environmental Management Method Statement and Plan (CEMP) has been submitted – see full details on case file. The key precautions detailed include:

1. No percussive piling works with heavy machinery (i.e. use of plant resulting in a noise level in excess of 69dbAmax measured at the sensitive receptor) will take place during the bird overwintering period between 1st October and 31st March, so as not to disturb the overwintering birds. This is likely to preclude any demolition works during this time.
2. Visual screening measures will include perimeter screening in the form of plain green PVC covering to full height of rear (eastern) chain link fence for the duration of works on site.
3. PIR controlled floodlight to face away from SPA and directed to low level and fitted with shade to reduce light spill
4. Methods for pollution and dust control to be engaged to limit and control dust (use of chutes, watering down, full height scaffolding with dust proof netting on north and east sides, and frequent removal of debris from site); all potential entry points to the drainage system to be sealed; bund installed along eastern perimeter to prevent run-off from site; no burning on site at any time.
5. Storage and disposal of waste to be managed including containing and covering of any loose materials, and removal as soon as practical
6. No encroachment of vehicles, personnel or equipment onto the adjacent nature reserve site whatsoever

With the above mitigation measures provided in the CEMP and associated Drawing Number 22203/206 Rev A, which will be conditioned, it is considered that the proposed development of a replacement dwelling would be adequately managed to limit any adverse impacts and disturbance of SPA bird species on the adjacent site H81. Demolition and noisy construction activities would be undertaken outside the overwintering period and the additional impacts would

be minimal and would not be likely to result in noise and visual disturbance sufficient to affect any birds within the adjacent site H81.

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 SPA 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 adverse effects arising from the proposal can be adequately mitigated for with compliance with the submitted CEMP, Drawing Number 22203/206 Rev A, and a condition limiting noisy construction over 69dbAmax taking place during the overwintering period. i.e. October to March inclusive.

Natural England Officer:

Summary of Natural England's comments: