



Report to Inform Habitat Regulations Assessment (Stage 1: Screening)

Land at 11-15 South Street Havant, Hants, PO9 1BU

JNP Developments Ltd

Status	Issue	Name	Date
Final	2	Fay Brotherhood BSc (Hons) MSc, Ecological Consultant	09/12/2022

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by JNP developments Ltd to undertake a Habitats Regulations Stage 1 Screening Assessment at **Land at 11-15 South Street Havant, Hants, PO9 1BU** (hereafter referred to as “the site”. This was carried out in December 2022 and was required to inform a planning application for a 17 no. residential unit scheme in Havant town centre (11 no. new build mix of townhouses and flats and 6 no. conversion of existing commercial premises to flats) (hereafter referred to as “the proposed development”) to Havant Borough Council. No other ecological surveys have been carried out to the knowledge of the author.

Owing to the sites proximity to a chain of connected coastal and maritime European Sites commencing within 1km of the site (Solent & Isle of Wights Lagoons SAC, Chichester and Langstone Harbours SPA, Solent Maritime SAC and Chichester and Langstone Harbours Ramsar Havant District Council may be required to undertake a Habitat Regulations Assessment (HRA) to assess the likelihood of significant adverse impacts of the proposed development on these designations in the form of an Appropriate Assessment. The report aims to ascertain whether the likely impacts are of a significance requiring of Appropriate Assessment.

1.2 Site Context

The site is centred at approximately National Grid Reference SU71810614. The site consists of an area of commercial buildings within an urbanised are of Havant with no direct connectivity from the site out of the urban area and into the wider countryside.

1.3 HRA Informative

European Sites

European sites include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), also collectively referred to as Natura 2000 sites (throughout Europe) or the National Site Network (sites within the UK, following Brexit).

The Conservation of Habitats and Species Regulations 2017 (as amended), commonly known as ‘The Habitats Regulations’, sets out the provisions for the protection and management of species, habitats and sites of European importance.

HRA

An HRA is required for any proposed plan or project which may have a significant effect on one or more European sites. The purpose of HRA is to determine whether or not there are any likely significant effects (LSEs) on the integrity of any European site and, where LSE are identified, to provide mitigation measures to avoid, reduce or off-set the effects. HRA only legally applies to European sites. However, the National Planning Policy Framework (NPPF) recommends that the same level of protection is given to proposed or listed Ramsar sites.

All European and Ramsar sites overlap to some degree with nationally designated Sites of Special Scientific Interest (SSSIs). The HRA process does not apply to the broader conservation interests of the SSSI designations. However, the latter are addressed separately in the supporting ecological assessments produced in relation the proposals.

HRA can be divided into the following stages:

1. HRA Stage 1: Screening for likely significant effects – identifying whether a project is likely to have a significant effect on a European site.
2. HRA Stage 2: Appropriate Assessment (AA) – collection of information, and determination of the effect the Proposed Development is likely to have on the integrity and designated features of the European sites ‘screened in’ during Stage 1.
3. HRA Stage 3: Mitigation and alternative solutions – where adverse effects are identified in Stage 2, the project should either be altered, or alternative solutions and mitigation specified to fully cancel out the adverse effects.

Local Planning Policy

Havant District Council has a duty as the ‘competent authority’ under the Habitats Regulations to maintain and restore European sites and protect them. The Havant Draft Local Plan 2036 and the Havant Biodiversity Strategy 2019 states the following;

Development which has the potential to have an impact on an international nature conservation designation will be subject to a Habitats Regulations Assessment and, if necessary, an Appropriate Assessment, to determine the potential for likely significant effects.

For international nature conservation designations, planning permission will be refused where: There is likely to be a significant effect on the SPA, SAC or Ramsar designation and the proposal is not directly connected with or necessary to the management of that site; and the development proposal is not in compliance with the relevant regulations and national policy regarding the assessment of implication for SPAs, SACs or Ramsar sites.

Any development which is likely to have a significant effect on these designations will require a project level Habitat Regulations Assessment (HRA) and in all likelihood an Environmental Impact Assessment (EIA) by law. A project level Habitats Regulations Assessment (HRA) will be prepared by the Council as the competent authority as part of the determination of the planning application and the applicant will need to provide the necessary information to inform that assessment. The HRA will assess the effects

of the proposal both alone and in combination with other plans and projects. If the development proposal is shown to have an adverse effect on an internationally designated conservation site then planning permission cannot be lawfully granted.

5.180 As well as the designated harbours, the wader and wildfowl species for which the SPAs are designated also use sites on land to feed and roost. The impact of development on such sites, both in terms of buildings and recreational disturbance from human activity is considered through Policies E16 and E17. Due to the fact that the SPAs are designated for wildfowl and waders, development outside of the physical extent of the designated site has the potential to impact on the SPAs and the species they support. As such, particular consideration must be given to their preservation. 3 In particular, recreation caused by increasing population can threaten the ability of SPA species to effectively feed over the winter. This can be caused by a general increase in recreation at the coast from population across the Solent area. However in some specific areas, where SPA species use sites on land at high tide, new development can have a particular impact.

E16 | Solent Special Protection Areas

An acknowledged issue for any new development within 5.6 km of the Solent coast is the impact which disturbance, much of which is caused by recreation, can have on the protected species which use the Solent SPAs. Avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided.

The Council has worked with all of the other local authorities along the Solent coast, Natural England and other organisations, as part of the Solent Recreation and Mitigation Partnership, to prepare the Definitive Mitigation Strategy. A mitigation framework has been in place at the Solent, including in Havant, since 2014. The mitigation scheme is implemented through Bird Aware Solent 47 and has been successful. During that time, no housebuilding has been prevented from taking place and the mitigation process now works smoothly. The provision of a strategic mitigation framework ultimately allows development to take place whilst fulfilling its statutory requirement to prevent a significant effect on the SPAs.

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

2.0 Baseline Information

2.1 Designated Sites

Table 1 describes qualifying features and site conservation objectives as cited by the JNCC.

Table 1: European Sites subject to possible impacts from the development

European Site	Distance from Development Site	European Site Descriptions
Chichester & Langstone Harbours SPA	~1.1km south east of the site	Chichester and Langstone Harbours SPA Description: Chichester and Langstone Harbours Special Protection Area (SPA) is located on the south coast of England in Hampshire and West Sussex. The large, sheltered estuarine basins comprise of extensive sandflats and mudflats exposed at low tide. The two harbours are joined by a stretch of water that separates Hayling Island from the mainland. Tidal channels drain the basin and penetrate far The mudflats are rich in invertebrates and also support extensive beds of algae, especially, eelgrasses (<i>Zostera</i> spp.) and <i>Enteromorpha</i> species. Qualifying Features: This site supports breeding little tern (<i>Sterna albifrons</i>) and sandwich tern (<i>Sterna sandvicensis</i>); on passage little egret (<i>Egretta garzetta</i>); overwintering bar-tailed godwit (<i>Limosa lapponica</i>) and little egret (<i>Egretta garzetta</i>). The site also supports the migratory species of ringed plover (<i>Charadrius hiaticula</i>), black-tailed godwit (<i>Limosa limosa islandica</i>), dark-bellied brent goose (<i>Branta bernicla bernicla</i>), dunlin (<i>Calidris alpina alpina</i>), grey plover (<i>Pluvialis squatarola</i>), redshank (<i>Tringa tetanus</i>) and ringed plover (<i>Charadrius hiaticula</i>). The area also regularly supports an assemblage of at least 20,000 waterfowl.