

**MILL RYTHER HOLIDAY VILLAGE,
HAYLING ISLAND, HAMPSHIRE**

**SHADOW HABITAT REGULATIONS
ASSESSMENT: STAGE 1 SCREENING**

A Report to: Avison Young

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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

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CONTENTS

1. INTRODUCTION	4
1.1 PROJECT BACKGROUND	4
2. METHODOLOGY	5
2.1 INTRODUCTION	5
2.2 THE 'PRECAUTIONARY PRINCIPLE'	5
3. STAGE 1: RELEVANT NATURA 2000 SITES.....	7
3.1 IDENTIFICATION OF NATURA 2000 SITES.....	7
3.2 CHICHESTER AND LANGSTONE HARBOURS SPA	8
3.3 CHICHESTER AND LANGSTONE HARBOURS RAMSAR.....	11
3.4 SOLENT MARITIME SAC.....	12
3.5 SOLENT AND DORSET COAST SPA.....	13
3.6 SOLENT AND ISLE OF WIGHT LAGOONS SAC	14
3.7 PORTSMOUTH HARBOUR SPA.....	15
3.8 PORTSMOUTH HARBOUR RAMSAR.....	16
4. STAGE 1: PROPOSALS AND ASSESSMENT OF IMPACTS AND EFFECTS.....	17
4.1 CURRENT LAND USE.....	17
4.2 SCOPE OF THE PROPOSED DEVELOPMENT	17
4.3 POTENTIAL IMPACTS AND EFFECTS ARISING AS A RESULT OF THE PROPOSALS.....	17
5. STAGE 1: IN-COMBINATION ASSESSMENT	22
5.1 OTHER PROJECTS AND PLANS CONSIDERED IN-COMBINATION.....	22
6. STAGE 1: SCREENING ASSESSMENT.....	24
6.1 SUMMARY OF SCREENING ASSESSMENT.....	24
7. CONCLUSIONS AND RECOMMENDATIONS	25
7.1 CONCLUSIONS.....	25
7.2 RECOMMENDATIONS.....	25
8. DRAWINGS.....	26
REFERENCES AND BIBLIOGRAPHY	29

1. INTRODUCTION

1.1 PROJECT BACKGROUND

Middlemarch Environmental Ltd was commissioned by Avison Young to undertake a Habitat Regulations Assessment: Stage 1 Screening associated with a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed the following assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site:

- Preliminary Ecological Appraisal (Report RT-MME-123420-01);
- Preliminary Roost Assessment (Report RT-MME-123420-02); and,
- Endoscope Bat Survey (Report RT-MME-124714-Rev A).

Due to the proximity of the site to Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Isle of Wight Lagoons SAC, and Portsmouth Harbour Ramsar wetland and SPA, which form part of the Natura 2000 network of European statutory nature conservation sites, Middlemarch Environmental Ltd also completed a Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-06-Rev C) in 2017.

Permission for the development was granted by Havant Borough Council in May 2017 (Application Number: APP/16/01237). Middlemarch Environmental Ltd subsequently prepared a Construction Ecological Management Plan (CEcMP, Report RT-MME-125561-01) and a Landscape and Ecological Management Plan (LEMP, Report RT-MME-125561-02 Rev B) in order to discharge two conditions of the planning permission.

It is now understood that a new planning application is to be submitted to seek to vary the development commenced under APP/16/01237, to allow for further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission. A suite of updated ecological survey and assessment work is required to support the planning application.

This report comprises Stage 1 (Evidence Gathering and Screening) of a Habitat Regulations Assessment for the scheme. The need for projects with the potential to impact upon Natura 2000 sites to be assessed is stated in Article 6 of the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (hereafter 'the Habitats Directive'). Articles 6(3) and 6(4) of this Directive state that an Appropriate Assessment is required for any plan or project that is considered likely to have a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects. Natura 2000 sites are those sites designated under the Habitats Directive to ensure the protection of European important habitats, plants or animals, and include Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Ramsar sites are treated, for planning purposes, as Natura 2000 sites. The Habitats Directive is transposed into UK legislation through the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017). Regulations 61, 62 and 66 of the Habitat Regulations incorporate the requirements of Articles 6(3) and 6(4) of the Habitats Directive.

Under the Habitats Regulations, the competent authority (Havant Borough Council) may only agree to a project or plan (which is likely to have a significant effect on a Natura 2000 site) after having ascertained that it will not adversely affect the integrity of any Natura 2000 site alone or in-combination with other plans and projects. Where adverse impacts are anticipated, projects or plans may only be consented where there are no alternative solutions and the project or plan is considered to be of overriding public interest. In such instances appropriate compensatory measures are required to ensure that the overall coherence of the Natura 2000 site network is protected.

2. METHODOLOGY

2.1 INTRODUCTION

The current assessment is based on the best practice for Habitat Regulations Assessment as outlined in The Habitat Regulations Handbook (DTA Publications, 2013 and subsequent updates). This document expands upon previous guidance published by the Impacts Assessment Unit at Oxford Brookes University (2001) and the Department for Communities and Local Government (2006).

Best practice guidance identifies that the Habitat Regulations Assessment process is broadly divisible into four stages, with the need to complete each stage determined by the results of the previous stage. In summary, these stages are:

- **Stage 1: Evidence Gathering and Screening**

This stage is associated with collecting evidence regarding those parts of the Natura 2000 network that have the potential to be impacted by the strategic land-use plan, either alone or in combination with other projects or plans. Where no significant effects are perceived, sites may be screened out of the need for further assessment during Stage 2.

The April 2018 decision by the Court of Justice of the European Union (**CJEU**) in the case of *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17) means that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment 'screening stage' when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site. This is a reversal of a previously settled principle in English and Welsh law. As such, where a proposed development is proximate to a SAC or SPA and could give rise to significant effects, even if these effects can be mitigated for, an Appropriate Assessment (Stage 2) is required.

- **Stage 2: Appropriate Assessment of Significant Impacts**

Where it is considered a Natura 2000 site may experience significant effects from a project or strategic land-use plan, either alone or in combination, a detailed assessment of likelihood and severity of the perceived impact on the integrity of the Natura 2000 network is undertaken. This assessment is based on a detailed review of the project or plan in conjunction with the structure, function and conservation objectives of the Natura 2000 site. This stage may also include a preliminary assessment regarding the potential for the identified impacts to be mitigated.

- **Stage 3: Assessment of Alternative Solutions**

Where impacts on the integrity of the Natura 2000 network are perceived, this stage examines alternative ways of achieving the objectives of the project or strategic land-use plan in order to avoid these impacts.

- **Stage 4: Imperative Reasons of Overriding Public Interest and Compensation Measures**

Where the potential for adverse impacts remains, and where it is deemed that a project or land-use plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI), an investigation of appropriate compensatory measures is undertaken.

This report focuses on Stage 1 of the Habitat Regulations Assessment process.

2.2 THE 'PRECAUTIONARY PRINCIPLE'

Oxford Brooks (2001) Methodological Guidance on Art 6(3) and 6(4) Habitats Directive states that "*Implicit in the habitats directive is the application of the **precautionary principle**, which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty*". The European Commission's Final Communication from the Commission on the Precautionary Principle (European Commission, 2000a) states that the use of the precautionary principle presupposes:

- Identification of potentially negative effects resulting from a phenomenon, product or procedure;
- A scientific evaluation of the risks which because of the insufficiency of the data, their inconclusive or imprecise nature, makes it impossible to determine with sufficient certainty the risk in question (CEC, 2000).

According to best practice guidance, this means that the emphasis for assessment should be on objectively demonstrating, with supporting evidence, that there will be no significant effects on a Natura 2000 site. The publication 'Managing Natura 2000 Sites: The Provision of Article 6 of the 'Habitats' Directive 92/43/EEC' (European Commission, 2000b) provides explanatory guidance regarding this point, which is paraphrased below.

It is clear from the context and from the purpose of the directive that the 'integrity of the site' relates to the site's conservation objectives. For example, it is possible that a plan or project will adversely affect the integrity of a site only in a visual sense or only habitat types or species other than those listed in Annex I or Annex II. In such cases, the effects do not amount to an adverse effect for the purposes of Article 6(3), provided that the coherence of the network is not affected.

The expression 'integrity of the site' shows that focus is here on the specific site. Thus, it is not allowed to destroy a site or part of it on the basis that the conservation status of the habitat types and species it hosts will anyway remain favourable within the European territory of the Member State.

As regards the connotation or meaning of 'integrity', this can be considered as a quality or condition of being whole or complete. In a dynamic ecological context, it can also be considered as having the sense of resilience and ability to evolve in ways that are favourable to conservation. The 'integrity of the site' has been usefully defined as 'the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified' (IEEM, 2006).

The integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site's conservation objectives.

Conservation objectives for the Natura 2000 sites considered in this assessment have been downloaded from the Natural England website, and are presented in Chapter 3.

3. STAGE 1: RELEVANT NATURA 2000 SITES

3.1 IDENTIFICATION OF NATURA 2000 SITES

A search for European statutory nature conservation sites within a 10 km radius of the application site was completed, using Natural England's Multi-Agency Geographic Information for the Countryside (MAGIC) website. Seven European statutory sites were identified.

The relative distances of these sites from the application site boundary and the justification for scoping them in or out of further assessment are provided in Table 3.1.

NATURA 2000 SITE	DISTANCE FROM APPLICATION SITE	JUSTIFICATION FOR SCOPING IN/OUT OF FURTHER ASSESSMENT
Chichester and Langstone Harbours SPA	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.
Chichester and Langstone Harbours Ramsar wetland	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.
Solent Maritime SAC	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.
Solent and Dorset Coast SPA	2.23 km south	The SPA was classified in January 2020 for internationally important populations of terns. Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required.
Solent and Isle of Wight Lagoons SAC	5.66 km northwest	Potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.
Portsmouth Harbour SPA	8.71 km west-northwest	Potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.
Portsmouth Harbour Ramsar wetland	8.71 km west-northwest	Potential impacts on all Natura 2000 sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all Natura 2000 sites within a 10 km radius for the current assessment associated with the new application.

Table 3.1: Summary of Natura 2000 Sites

The location of the sites in relation to the proposed development site is shown on Drawing C153231-04-01 in Chapter 13. The designation criteria, conservation objectives and known areas of vulnerability for each of the Natura 2000 sites listed in Table 3.1 are detailed in Sections 3.2 to 3.7.

3.2 CHICHESTER AND LANGSTONE HARBOURS SPA

The following information is taken from the Natural England Designated Sites Website¹, the SPA Citation² and the Natura 2000 Standard Data Form³ for the site.

Country: England
Unitary Authority: Hampshire and Isle of Wight; Surrey, East and West Sussex
Latitude: 50.80638889
Longitude: -0.92
Site Code: UK9011011
Status: Designated Special Protection Area (SPA)
Area (ha): 5,810.95

3.2.1 Qualifying Features

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance listed on Annex I of the Directive and under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of migratory species. These species are summarised in Table 3.2.

SPECIES	STATUS ON SITE		
	1996 SPA CITATION	2016 NATURA 2000 STANDARD DATA FORM	NATURAL ENGLAND DESIGNATED SITES WEBSITE
Annex 1 species; populations supported during the breeding season			
Little tern <i>Sterna albifrons</i>	SPA provides a breeding site.	100 pairs representing 4.2% of the breeding population in Great Britain (five year mean, 1992-1996)	49 breeding pairs (five year mean 2010-2014)
Common tern <i>Sterna hirundo</i>	SPA provides a breeding site.	33 pairs representing 0.3% of the breeding population in Great Britain (five year mean, 1992-1996)	126 breeding pairs (five year mean 2011-2015)
Sandwich tern <i>Sterna sandvicensis</i>	SPA provides a breeding site.	231 pairs representing 0.2% of the breeding population in Great Britain (five year mean, 1993-1997).	93 breeding pairs (five year mean 2011-2015)
Annex 1 species; populations supported over winter			
Bar-tailed godwit <i>Limosa lapponica</i>	Nationally important wintering numbers	1692 individuals representing 3.2% of the population in Great Britain (five year peak mean 1991/92-1995/96)	1025 individuals (five year peak mean 2009/10-2013/14)
Migratory species; populations supported over winter			
Grey plover <i>Pluvialis squatarola</i>	3.9 % of the west European population (numbers of individuals not specified)	3825 individuals, representing 2.3% of the population (five year peak mean 1991/92-1995/96)	1934 individuals (five year peak mean 2009/10-2013/14)
Sanderling <i>Calidris alba</i>	3.1 % of the west European population (numbers of individuals not specified)	236 individuals, representing 0.2% of the population (five year peak mean (1991/92-1995/96)	216 individuals (five year peak mean 2009/10-2013/14)

Table 3.2: Summary of Qualifying Species for Chichester and Langstone Harbours SPA (continues)

¹ Natural England (no date). *Designated Sites View. Natural England Conservation Advice for Marine Protected Areas. Chichester and Langstone Harbours SPA*. Available at: <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011011&HasCA=1&NumMarineSeasonality=18&SiteNameDisplay=Chichester%20and%20Langstone%20Harbours%20SPA>

² Available at: <http://publications.naturalengland.org.uk/publication/5789102905491456>

³ Joint Nature Conservation Committee (2016). *NATURA 2000 – Standard Data Form. Special Protection Areas under the EC Birds Directive. Site: UK9011011, Site Name: Chichester and Langstone Harbours*. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011011.pdf>

SPECIES	STATUS ON SITE		
	1996 SPA CITATION	2015 NATURA 2000 STANDARD DATA FORM	NATURAL ENGLAND DESIGNATED SITES WEBSITE
Migratory species; populations supported over winter			
Dunlin <i>Calidris alpina alpina</i>	2.6% of the west European population and over 20,000 birds	44294 individuals, representing 3.2% of the population (five year peak mean 1991/92-1995/96)	28234 individuals (five year peak mean 2009/10-2013/14)
Redshank <i>Tringa totanus</i>	1.4 % of the west European population (numbers of individuals not specified)	1788 individuals, representing 1% of the population (five year peak mean 1991/92-1995/96)	2736 individuals (five year peak mean 2009/10-2013/14)
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	12 % of the west European population (numbers of individuals not specified)	17119 individuals, representing 5.7% of the population (five year peak mean (1991/92-1995/96)	Numbers have remained relatively stable since the time of classification.
Shelduck <i>Tadorna tadorna</i>	4 % of the west European population (numbers of individuals not specified)	2410 individuals, representing 3.3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	1096 individuals (five year peak mean 2009/10-2013/14)
Teal <i>Anas crecca</i>	1 % of the west European population (numbers of individuals not specified)	1824 individuals, representing 0.5% of the population (five year peak mean 1991/92-1995/96)	1953 individuals (five year peak mean of 2009/10-2013/14)
Ringed plover <i>Charadrius hiaticula</i>	Nationally important wintering numbers	846 individuals, representing 3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	623 individuals (five year peak mean 2009/10-2013/14)
Curlew <i>Numenius arquata</i>	Nationally important wintering numbers	1861 individuals, representing 1.6% of the population in Great Britain (five year peak mean 1991/92-1995/96)	3181 individuals (five year peak mean 2009/10-2013/14)
Turnstone <i>Arenaria interpres</i>	Nationally important wintering numbers	430 individuals, representing 0.7% of the population in Great Britain (five year peak mean 1991/92-1995/96)	501 individuals (five year peak mean 2009/10-2013/14)
Wigeon <i>Anas penelope</i>	Nationally important wintering numbers	2055 individuals, representing 0.7% of the population in Great Britain (five year peak mean 1991/92-1995/96)	3947 individuals (five year peak mean 2009/10-2013/14)
Pintail <i>Anas acuta</i>	Nationally important wintering numbers	330 individuals, representing 1.2% of the population in Great Britain (five year peak mean 1991/92-1995/96)	338 individuals (five year peak mean 2009/10-2013/14)
Northern shoveler <i>Anas clypeata</i>	Nationally important wintering numbers	100 individuals, representing 1% of the population in Great Britain (five year peak mean 1991/92-1995/96)	106 individuals (five year peak mean 2009/10-2013/14)
Red-breasted merganser <i>Mergus serrator</i>	Nationally important wintering numbers	297 individuals, representing 3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	366 individuals (five year peak mean 2009/10-2013/14)

Table 3.2 (continued): Summary of Qualifying Species for Chichester and Langstone Harbours SPA

The site also qualifies under Article 4.2 of the Directive (79/409/EEC) as it supports an internationally important assemblage of birds.

When classified in 1987, the Chichester and Langstone Harbours SPA supported a large waterbird assemblage of 108,811 birds (five year peak mean 1982/83-86/87). Waterbird numbers have declined in the long term with the average now at 72,666 (five year peak mean 2009/10-2013/14).

The 2015 Natura 2000 Standard Data Form states that over winter, the area regularly supports 93230 waterfowl (5 year peak mean 1991/2 - 1995/6) including: dark-bellied brent goose *Branta bernicla bernicla*, shelduck *Tadorna tadorna*, wigeon *Anas penelope*, teal *Anas crecca*, pintail *Anas acuta*, shoveler *Anas clypeata*, red-breasted merganser *Mergus serrator*, ringed plover *Charadrius hiaticula*, grey plover *Pluvialis squatarola*, sanderling *Calidris alba*, dunlin *Calidris alpina alpina*, bar-tailed godwit *Limosa lapponica*, curlew *Numenius arquata*, redshank *Tringa totanus* and ruddy turnstone *Arenaria interpres*.

3.2.2 Conservation Objectives

The conservation objectives for the Chichester and Langstone Harbours SPA are as follows:

“The site’s conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified...”

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features*
- the structure and function of the habitats of the qualifying features*
- the supporting processes on which the habitats of the qualifying features rely*
- the populations of each of the qualifying features*
- the distribution of qualifying features within the site”*

3.2.3 Issues Affecting Condition of Natura 2000 Features

The Site Improvement Plan for the Solent⁴, which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA highlights the following pressures/threats affecting the Natura 2000 features:

- Public access/disturbance;
- Coastal squeeze;
- Fisheries: commercial marine and estuarine;
- Water pollution;
- Changes in species distributions;
- Climate change;
- Public access/disturbance;
- Change to site conditions;
- Invasive species;
- Direct land take from development;
- Biological resource use;
- Change in land management;
- Inappropriate pest control;
- Air pollution: impact of atmospheric nitrogen deposition;
- Hydrological changes;
- Direct impact from 3rd party; and,
- Extraction: non-living resources;

Where the proposed works have the potential to interact with and/or exacerbate the pressures/threats listed (e.g. through habitat loss or damage, disturbance to qualifying species or supporting habitats or pollution), this is discussed further in Chapter 4, and, where relevant, in Chapter 7.

⁴ Natural England (2015) *Site Improvement Plan: Solent*. Version 1.0, 21/01/2015. Available at: <http://publications.naturalengland.org.uk/publication/5075188492271616>

3.3 CHICHESTER AND LANGSTONE HARBOURS RAMSAR

The following information is taken from the Ramsar Information Sheet⁵ for the site.

Country: England
Administrative Region: City of Portsmouth; Hampshire; West Sussex
Latitude: -50.833333
Longitude: 1
Site Number: 378
Status: Designated Ramsar Wetland
Area (ha): 5810

The site comprises two large estuarine basins linked by a channel and including extensive intertidal mudflats, saltmarsh, sand and shingle spits, and dunes supporting reedbeds and some grassland. Numbers of wintering waterbirds regularly exceed 20,000 individuals and include internationally and nationally important numbers of several species.

3.3.1 Ramsar Criteria

The site supports the following wetland habitats:

- Intertidal mudflats, support beds of *Zostera* and *Enteromorpha*;
- Saltmarsh, with the lower saltmarsh dominated by *Spartina anglica* and the higher levels supporting a more varied community; and,
- Sand and shingle spits and sand dunes.

The site qualifies under Ramsar Criterion 5, supporting a wintering water bird assemblage of international importance.

The site qualifies under Ramsar Criterion 6, supporting species/populations occurring at levels of international importance. These species are summarised in Table 3.3.

SPECIES	STATUS ON SITE
Species with peak counts in winter	
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	Chichester 10,133 individuals; Langstone 7,333 individuals (five year peak mean 1987/88- 1991/92)
Eurasian teal, <i>Anas crecca</i> , NW Europe	Not stated
Black-tailed godwit, <i>Limosa limosa islandica</i> , Iceland/W Europe	Not stated

Table 3.3: Summary of Species Occurring at Levels of International Importance

The site also supports nationally important numbers of the following species (figures given are average peak counts for the five year winter period between 1986/87 - 1990/91):

- Dunlin *Calidris alpina* (8,010);
- Black-tailed godwit *Limosa limosa* (70); and,
- Red-breasted merganser *Mergus serrator* (100).

3.3.2 Factors Adversely Affecting the Ramsar Wetland

The Information Sheet for the Chichester and Langstone Harbours Ramsar Wetlands states that the following factor is adversely affecting the site:

- Erosion.

No further information is provided.

⁵ Joint Nature Conservation Committee (2008). Ramsar Information Sheet: UK11013. Chichester and Langstone Harbours. Version 3.0, 13/06/2008. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11013.pdf>

3.4 SOLENT MARITIME SAC

The following information is taken from the Joint Nature Conservation Committee (JNCC) Website⁶ and the Natura 2000 Standard Data Form⁷ for the site.

Country: England
Unitary Authority: Extra-Regio, Hampshire and Isle of Wight, Surrey, East and West Sussex
Latitude: 50.79638889
Longitude: -0.927777778
Site Code: UK0030059
Status: Designated Special Area of Conservation (SAC)
Area (ha): 11243.12

3.4.1 Qualifying Features

The following Annex I habitats are primary reasons for the selection of this site:

- 1130 Estuaries;
- 1320 *Spartina* swards (*Spartinion maritimae*); and,
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).

The following Annex I habitats are present as a qualifying feature, but are not a primary reason for selection of this site:

- 1110 Sandbanks which are slightly covered by sea water all the time;
- 1140 Mudflats and sandflats not covered by seawater at low tide;
- 1150 Coastal lagoons;
- 1210 Annual vegetation of drift lines;
- 1220 Perennial vegetation of stony banks;
- 1310 *Salicornia* and other annuals colonizing mud and sand; and,
- 2120 "Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")".

The following Annex II species is present as a qualifying feature, but is not a primary reason for selection of this site:

- 1016 Desmoulin's whorl snail *Vertigo moulinsiana*.

3.4.2 Conservation Objectives

Conservation objectives for the Solent Maritime SAC are as follows:

"With regard to the SAC and the natural habitats and/or species for which the site has been designated...and subject to natural change;

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;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site."*

3.4.3 Issues Affecting Condition of Natura 2000 Features

The issues to which the SAC is vulnerable are highlighted in Section 3.2.3. This information has been extracted from the Site Improvement Plan for the Solent, which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

⁶ Joint Nature Conservation Committee (no date). *Sites. Solent Maritime: Designated Special Area of Conservation (SAC)*. Available at: <https://sac.jncc.gov.uk/site/UK0030059>

⁷ Joint Nature Conservation Committee (2016). *NATURA 2000 – Standard Data Form. Special Areas of Conservation under the EC Habitats Directive. Site: UK0030059, Site Name: Solent Maritime*. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030059.pdf>

3.5 SOLENT AND DORSET COAST SPA

The following information has been provided by Natural England and the Department for Environment, Food & Rural Affairs⁸.

3.5.1 Qualifying Features

The Solent and Dorset Coast SPA was classified on 16th January 2020 for internationally important populations of:

- common tern;
- Sandwich tern; and,
- little tern.

This area is particularly important to these birds as much of the sea around their breeding colonies is the ideal habitat for plunge diving for food.

The site is located on the south coast within the English Channel. The site is approximately 259.7 nm² (89,078.02 Ha) and extends from the Isle of Purbeck in the West to Bognor Regis in the East, following the coastline on either side to the Isle of Wight and into Southampton Water.

There are already four SPAs within the Greater Solent that are designated for breeding terns. These are Chichester & Langstone Harbours SPA (for sandwich and little tern), the Solent and Southampton Water SPA (for common, sandwich and little tern) and Pagham Harbour SPA (little tern). The fourth associated SPA lies within Poole Harbour (common tern and sandwich tern). The new SPA covers the area that the breeding terns use for foraging during April – September. Whilst management measures are already in place in this foraging area due to the existing SPA, the classification of this new site will provide clarity to stakeholders about the areas the terns forage within and the species that require consideration.

The SPA includes the sub-tidal areas not currently encompassed in the existing SPA's. The landward boundary is set at mean low water (MLW) where it abuts any existing SPA where terns are already a feature. Elsewhere the landward boundary is set to mean high water (MHW) so as to afford the birds protection within the intertidal areas; for example at Portsmouth Harbour.

3.5.2 Conservation Objectives

Conservation objectives for the Solent and Dorset Coast SPA are as follows:

“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified... and subject to natural change;

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;

- *The extent and distribution of the habitats of qualifying features*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of qualifying features within the site.*

⁸ Natural England and Department for Environment, Food & Rural Affairs (2020). *Consultation outcome. Solent and Dorset Coast potential Special Protection Area: outcome*. Available at: <https://www.gov.uk/government/consultations/solent-and-dorset-coast-potential-special-protection-area-comment-on-proposals>

3.6 SOLENT AND ISLE OF WIGHT LAGOONS SAC

The following information is taken from the Natura 2000 Standard Data Form⁹ for the site.

Country: England
Unitary Authority: Hampshire and Isle of Wight
Latitude: 50.775
Longitude: -1.136944444
Site Code: UK0017073
Status: Designated Special Area of Conservation (SAC)
Area (ha): 37.93

3.6.1 Qualifying Features

The following Annex I habitats are primary reasons for the selection of this site:

- 1150 Coastal lagoons

3.6.2 Conservation Objectives

Conservation objectives for the Solent and Isle of Wight Lagoons SAC are as follows:

"With regard to the SAC and the natural habitats and/or species for which the site has been designated...and subject to natural change;

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;

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely*

3.6.3 Issues Affecting Condition of Natura 2000 Features

The Site Improvement Plan for the Solent and Isle of Wight Lagoons¹⁰ highlights the following pressures/threats affecting the Natura 2000 features:

- Hydrological changes
- Inappropriate weed control
- Coastal Squeeze
- Invasive species
- Air Pollution: risk of atmospheric nitrogen deposition

Where the proposed works have the potential to interact with and/or exacerbate the pressures/threats listed (e.g. through habitat loss or damage, disturbance to qualifying species or supporting habitats or pollution), this is discussed further in Chapter 4, and, where relevant, in Chapter 7.

⁹ Joint Nature Conservation Committee (2016). NATURA 2000 – Standard Data Form. Special Areas of Conservation under the EC Habitats Directive. Site: UK0017073, Site Name: Solent and Isle of Wight Lagoons. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0017073.pdf>

¹⁰ Natural England (2014) Site Improvement Plan: Solent and Isle of Wight Lagoons. Version 1.0, 06/10/2014. Available at: <http://publications.naturalengland.org.uk/publication/5670639268528128>

3.7 PORTSMOUTH HARBOUR SPA

The following information is taken from the Natural England Designated Sites Website¹¹, the SPA Citation¹² and the Natura 2000 Standard Data Form¹³ for the site.

Country: England
Unitary Authority: Hampshire and Isle of Wight
Latitude: 50.82805556
Longitude: -1.12555556
Site Code: UK9011051
Status: Designated Special Protection Area (SPA)
Area (ha): 1,249.6

3.7.1 Qualifying Features

This site qualifies under Article 4.2 of the Birds Directive (79/409/EEC) by supporting populations of European importance of migratory species. These species are summarised in Table 3.4.

SPECIES	STATUS ON SITE		
	1992 SPA CITATION	2015 NATURA 2000 STANDARD DATA FORM	NATURAL ENGLAND DESIGNATED SITES WEBSITE
Migratory species; populations supported over winter			
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	2290 individuals, representing 1.3 % of the north-west European population and 2.5 % of the British wintering population (five year peak mean, 1986/87-1990/91)	2847 individuals representing 0.9% of the population (five year peak mean, 1991/92-1995/96).	Population has increased prior to classification and since then has remained stable.
Red-breasted merganser <i>Mergus serrator</i>	100 individuals, representing 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	87 individuals representing 0.9% of the population in Great Britain (five year peak mean, 1991/2-1995/6)	Population has remained relatively stable since site classification, although there are on average fewer individuals using the site.
Black-tailed godwit <i>Limosa limosa islandica</i>	70 individuals, representing over 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	31 individuals representing 0.4% of the population in Great Britain (five year peak mean, 1991/2-1995/6).	Numbers have steadily increased since site classification.
Dunlin <i>Calidris alpina alpina</i>	8010 individuals, representing over 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	5123 individuals representing 1% of the population in Great Britain (five year peak mean, 1991/2-1995/6).	Population numbers have declined since site classification.

Table 3.4: Summary of Qualifying Species for Portsmouth Harbour SPA

3.7.2 Conservation Objectives

The conservation objectives for the Portsmouth Harbour SPA are as follows:

“The site’s conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified...”

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features

¹¹ Natural England (no date). Designated Sites View. Natural England Conservation Advice for Marine Protected Areas. Portsmouth Harbour SPA. Available at:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011051&SiteName=portsmouth&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&HasCA=1&NumMarineSeasonality=4&SiteNameDisplay=Portsmouth%20Harbour%20SPA>

¹² Available at: <http://publications.naturalengland.org.uk/publication/4857883850178560>

¹³ Joint Nature Conservation Committee (2016). NATURA 2000 – Standard Data Form. Special Protection Areas under the EC Birds Directive. Site: UK9011051, Site Name: Portsmouth Harbour. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011051.pdf>

- the supporting processes on which the habitats of the qualifying features rely
- the populations of each of the qualifying features
- the distribution of qualifying features within the site”

3.7.3 Issues Affecting Condition of Natura 2000 Features

The issues to which the SPA is vulnerable are highlighted in Section 3.2.3. This information has been extracted from the Site Improvement Plan for the Solent, which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

3.8 PORTSMOUTH HARBOUR RAMSAR

The following information is taken from the Ramsar Information Sheet¹⁴ for the site.

<https://rsis.ramsar.org/rsi/720?language=en>.

Country:	England
Administrative Region:	City of Portsmouth; Hampshire
Latitude:	50.833333
Longitude:	-1.116667
Site Number:	720
Status:	Designated Ramsar Wetland
Area (ha):	1,248

3.8.1 Ramsar Criteria

The site supports the following wetland habitats:

- Saltmarsh, containing *Spartina* with a sea couch *Elymus pycnanthus* zone above the high water mark;
- Mudflats, supporting extensive beds of eelgrass *Zostera angustifolia* and *Z. noltii*, green algae, and sea lettuce *Ulva lactuca*; and,
- Tidal creeks.

The channel is a nursery for sea bass *Dicentrarchus labrax*.

This site qualifies under Ramsar Criterion 6, supporting a population occurring at levels of international importance, as summarised in Table 3.5.

SPECIES	STATUS ON SITE
Species with peak counts in winter	
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	2,290 individuals (five year peak count 1986/7 - 1990/1)

Table 3.5: Summary of Species Occurring at Levels of International Importance

The site also supports nationally important numbers of the following species (figures given are average peak counts for the five year winter period between 1986/87 - 1990/91):

- Dunlin *Calidris alpina* (8,010);
- Black-tailed godwit *Limosa limosa* (70); and,
- Red-breasted merganser *Mergus serrator* (100).

3.8.2 Factors Adversely Affecting the Ramsar Wetland

The Ramsar Information Sheet states the following:

“Conservation Issues: Land uses at the site include habitat/nature conservation and harbour use. There is a proposal for the development of 800 residential units at Priddy’s Hard, immediately adjacent to an area of inter-tidal mudflats that has been proposed as an extension to the existing Portsmouth Harbour SSSI. The environmental effects of this proposal will be fully assessed before a decision is reached. A study is in preparation for a shoreline management plan.”

¹⁴ Joint Nature Conservation Committee (2008). Ramsar Information Sheet: UK11055. Portsmouth Harbour. Version 3.0, 13/06/2008. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11055.pdf>

4. STAGE 1: PROPOSALS AND ASSESSMENT OF IMPACTS AND EFFECTS

4.1 CURRENT LAND USE

The site comprises an irregular parcel of land approximately 13 ha in size, located on the eastern coast of Hayling Island, centred at National Grid Reference SU 7292 0061. The site effectively divides into two discrete areas. The western half of the site is dominated by the existing Mill Rythe Holiday Village, encompassing a number of self-catering accommodation units and associated leisure facilities.

At the time of the Phase 1 Habitat Survey completed in August 2020, the site included approximately 50 buildings, tennis courts, structured play areas, bowling green, swimming pool, boating lake, car parking, access roads and associated hard and soft landscaping, the latter including extensive areas of formal mown grassland. The eastern half of the site is dominated by a former pitch and putt golf course of just over 2.5 ha in extent which is no longer in use and has developed a ranker sward with scattered blocks of scrub and tall ruderal vegetation. In the north-east corner of the former pitch and putt course is a large triangular lake.

Further detail regarding the current habitats on site are provided in the Preliminary Ecological Appraisal (Report RT-MME-153231-01).

4.2 SCOPE OF THE PROPOSED DEVELOPMENT

The description of proposed development is as follows:

“Application for full planning permission, pursuant to APP/16/01237, for the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown ‘circular wildlife walkway’.”

The Proposed Site Plan (Drawing 3877-410 Rev R, A&M Architectural Partnership LLP) is provided in Chapter 8.

4.3 POTENTIAL IMPACTS AND EFFECTS ARISING AS A RESULT OF THE PROPOSALS

Following a review of the proposals and the guidance provided by Natural England and consideration of the wider issues which are affecting the Solent SPAs and SACs (as detailed in the Site Improvement Plan for the Solent⁴ and the 2017 Solent Recreation Mitigation Strategy¹⁵) and Ramsar wetlands (as detailed in the Ramsar Information Sheets), it is considered that (in the absence of mitigation) the following impact pathways could lead to potentially adverse effects on the integrity of the Natura 2000 sites in proximity to the application site:

Construction Phase

- Disturbance of qualifying species: and,
- Pollution of qualifying habitats and habitats on which qualifying features rely.

Operational Phase

- Disturbance of qualifying species (via increased recreational pressure);
- Pollution of qualifying habitats and habitats on which qualifying features rely (via increased discharge of dissolved nitrogen).

These impact pathways are discussed further below.

4.3.1 Construction Phase

Disturbance of qualifying species

Demolition of existing buildings, vegetation clearance and caravan installation works during the construction phase of the development have the potential to lead to increased disturbance (visual and noise) of qualifying species of nearby Natura 2000 sites. Accidental light spillage on to areas directly adjacent to the site could also negatively impact qualifying species. Disturbance impacts are considered most likely to affect qualifying

¹⁵ https://solent.birdaware.org/media/29372/Bird-Aware-Solent-Strategy/pdf/Solent_Recreation_Mitigation_Strategy.pdf

bird species within the Natura 2000 sites located adjacent to the application site, namely Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar wetland.

The eastern part of the application site (which is largely occupied by the former pitch and putt golf course) is designated as a Solent Wader and Brent Goose Strategy Site (H43 – Secondary Support Area), which recognises its potential importance in providing functionally linked habitat for qualifying bird species of adjacent Natura 2000 sites. However, during the Phase 1 Habitat Survey of the site completed in August 2020, this area was observed to have developed a longer sward since the 2017 surveys had been completed. The course was also beginning to colonise in places with patches of scrub. This area is now considered to be largely unsuitable for brent geese (and waders), as the changes in vegetation have led to poorer visibility when watching for predators and the bushes and trees now provide predator look out perches. Winter bird surveys have commenced at the site and will continue monthly until March 2021, to confirm how the site and adjacent habitats are being utilised by bird species.

Construction phase disturbance impacts on qualifying bird species are considered to be alleviated to some extent due to their mobile nature, the relative abundance of appropriate feeding/roosting/breeding habitat in the surrounding area and the temporary nature of the demolition and construction works. However, given that some localised disturbance could occur during the construction phase, the potential for significant effects on qualifying bird species of adjacent Natura 2000 sites (Chichester and Langstone Harbours SPA and Ramsar wetland) cannot be ruled out altogether. Further assessment of this issue (Stage 2: Appropriate Assessment) is therefore required.

Construction phase disturbance impacts are not considered to result in any significant effects on the qualifying species (Desmoulin's whorl snail) of the adjacent Solent Maritime SAC.

The remaining Natura 2000 sites identified in Table 3.1 are located 2.23 km or further from the site. Construction phase disturbance impacts are therefore not considered to result in any significant effects on these sites.

Pollution of qualifying habitats and habitats on which qualifying features rely

There is the potential for debris and pollutants to enter adjacent habitats during the construction phase of the proposed development, via accidental chemical spills, contaminated surface water run-off and the improper storage of environmentally harmful materials.

This could lead to a temporary decline in the quality and/or extent of qualifying habitats (and the habitats upon which qualifying species rely) of the Natura 2000 sites located adjacent to the application site, namely Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar wetland and the Solent Maritime SAC. The potential for significant effects via this impact pathway cannot be ruled out. Further assessment of this issue (Stage 2: Appropriate Assessment) is therefore required.

The remaining Natura 2000 sites identified in Table 3.1 are located 2.23 km or further from the site. Temporary construction phase pollution impacts are therefore considered highly unlikely to result in any significant effects on these sites.

4.3.2 Operational Phase

Disturbance of qualifying species (via increased recreational pressure)

The Solent Recreation Mitigation Strategy (Bird Aware Solent, 2017) states that over 60,000 new homes are planned (i.e. are part of recognised site allocations within existing local plans) in the areas surrounding the Solent by 2034. Previous research has demonstrated links between local development, population growth and likely increased disturbance of the qualifying bird species of the Chichester and Langstone Harbours SPA and Ramsar (adjacent to the site), Portsmouth Harbour SPA and Ramsar (over 8.7 km distant from the application site) and the Solent and Southampton Water SPA (over 10 km distant from the application site), collectively considered as the Solent SPAs. The majority (75% percentile) of visitors to the Solent SPAs have been determined as originating from within 5.6 km of the sites (Bird Aware Solent, 2017).

The mitigation strategy was prepared and is supported by the Solent Recreation Mitigation Partnership (SRMP), a partnership comprising 15 Solent local authorities (including Havant Borough Council), Natural England, the Royal Society for the Protection of Birds, Hampshire and Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.

The mitigation strategy clarifies that it is the view of the SRMP that any proposed development which will result in the creation of net dwellings within the 5.6 km Zone of Influence (ZoI) of any of the Solent SPAs is considered likely to result in additional recreational visits, and therefore potential disturbance of qualifying bird species. The mitigation strategy confirms that 'dwellings' include those used as holiday accommodation. The mitigation strategy aims to prevent disturbance of qualifying bird species from recreational activities by setting out a series of management, monitoring and mitigatory measures. Delivery of these measures is funded by proportional developer contributions for all developments within the 5.6 km ZoI which would result in one or more net dwelling.

The proposed development lies within the 5.6 km ZoI of three Solent SPAs: Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar and the Solent and Dorset Coast SPA (which, although not considered by the SRMP as it was only designated in January 2020, is considered to support qualifying features which could feasibly be adversely affected by increased disturbance as a result of increased recreational pressure). The proposed development would deliver an uplift of 18 dwellings.

As such, based upon the evidence available, the proposed development is considered to have a likely significant effect upon the Solent SPAs as a result of increased recreational pressure and the associated disturbance of qualifying bird species. Further assessment of this issue (Stage 2: Appropriate Assessment) is therefore required.

Pollution of qualifying and supporting habitats (increased discharge of dissolved nitrogen)

Natural England's 2020 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'¹⁶ states the following:

"There are high levels of nitrogen and phosphorus input to [the Solent] water environment with sound evidence that these nutrients are causing eutrophication at...designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species.

There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status"

In line with the precautionary principle, any development that will result in a net-increase in dwellings where the treated effluent would discharge into any Solent Natura 2000 sites, or any waterbody (surface or groundwater) that subsequently discharges into such a site, should be considered to exacerbate the existing impacts and creates an additional risk to the Natura 2000 sites' future conservation status.

The proposed development would deliver an uplift of 18 dwellings and the Wastewater Treatment Works (WwTW) which would treat wastewater from the development (Budds Farm) discharges into the Solent region.

As such, based upon the evidence available, the proposed development is considered to have a likely significant effect upon Natura 2000 sites as a result of increased nutrient input and the associated decline in the quality and/or extent of qualifying habitats and the habitats upon which qualifying species rely. Further assessment of this issue (Stage 2: Appropriate Assessment) is therefore required.

Table 4.1 provides a summary of the potential impacts which could occur as a result of the implementation of the proposed works and the resulting potential for significant effects on Natura 2000 sites.

¹⁶ <https://www.push.gov.uk/wp-content/uploads/2020/06/Natural-England%E2%80%99s-latest-guidance-on-achieving-nutrient-neutrality-for-new-housing-development-June-2020.pdf>

NATURA 2000 SITE	DISTANCE FROM APPLICATION SITE	POTENTIAL IMPACT ARISING AS A RESULT OF THE DEVELOPMENT	POTENTIAL EFFECT ON NATURA 2000 SITE	'LIKELY SIGNIFICANT EFFECT'?
CONSTRUCTION PHASE				
Chichester and Langstone Harbours SPA	Adjacent to site	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	PSE – AA required
		Pollution (of habitats supporting qualifying bird species)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	PSE – AA required
Chichester and Langstone Harbours Ramsar wetland	Adjacent to site	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	PSE – AA required
		Pollution (of habitats supporting qualifying bird species)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	PSE – AA required
Solent Maritime SAC	Adjacent to site	Pollution (of qualifying habitats and habitats upon which qualifying species rely)	Decline in quality/extent of qualifying habitats and habitats upon which qualifying species rely, leading to change in distribution of qualifying species	PSE – AA required
Solent and Dorset Coast SPA	2.23 km south	Due to distance between these Natura 2000 sites and the application site, possible construction phase impacts (e.g. disturbance and/or pollution) are considered highly unlikely to result in any noticeable effects on the qualifying features.		NLSE
Solent and Isle of Wight Lagoons SAC	5.66 km northwest			NLSE
Portsmouth Harbour SPA	8.71 km west-northwest			NLSE
Portsmouth Harbour Ramsar wetland	8.71 km west-northwest			NLSE
OPERATIONAL PHASE (CONTINUES)				
Chichester and Langstone Harbours SPA	Adjacent to site	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	LSE – AA required
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	LSE – AA required
Chichester and Langstone Harbours Ramsar wetland	Adjacent to site	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	LSE – AA required
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	LSE – AA required
Solent Maritime SAC	Adjacent to site	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	LSE – AA required
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of qualifying habitats and habitats upon which qualifying species rely, leading to change in distribution of qualifying species	LSE – AA required
Solent and Dorset Coast SPA	2.23 km south	Disturbance (to qualifying bird species)	Change in distribution of qualifying bird species	LSE – AA required
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	LSE – AA required
Solent and Isle of Wight Lagoons SAC	5.66 km northwest	Due to distance between the SAC and the application site, possible indirect impacts during the development's operational phase (e.g. increased air pollution) are considered highly unlikely to result in any noticeable effects on the qualifying features.		NLSE

Table 4.1: Stage 1 Screening – Assessment of Impacts and Effects of Proposed Project on Natura 2000 Sites (continues)

NATURA 2000 SITE	DISTANCE FROM APPLICATION SITE	POTENTIAL IMPACT ARISING AS A RESULT OF THE DEVELOPMENT	POTENTIAL EFFECT ON NATURA 2000 SITE	‘LIKELY SIGNIFICANT EFFECT’?
OPERATIONAL PHASE (CONTINUED)				
Portsmouth Harbour SPA	8.71 km west-northwest	Due to distance between the SPA and the application site, possible indirect during the development’s operational phase impacts (e.g. disturbance) are considered highly unlikely to result in any noticeable effects on the qualifying features.		NLSE
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	LSE – AA required
Portsmouth Harbour Ramsar wetland	8.71 km west-northwest	Due to distance between the SPA and the application site, possible indirect during the development’s operational phase impacts (e.g. disturbance) are considered highly unlikely to result in any noticeable effects on the qualifying features.		NLSE
		Pollution (increased discharge of dissolved nitrogen)	Decline in quality/extent of habitat used by qualifying species, leading to change in distribution of qualifying species	LSE – AA required
Key: PSE – Potential Significant Effect NLSE – No Likely Significant Effect LSE – Likely Significant Effect AA – Appropriate Assessment				

Table 4.1 (continued): Stage 1 Screening – Assessment of Impacts and Effects of Proposed Project on Natura 2000 Sites

5. STAGE 1: IN-COMBINATION ASSESSMENT

5.1 OTHER PROJECTS AND PLANS CONSIDERED IN-COMBINATION

In accordance with the legal requirement in the Habitats Regulations and best practice methodology, the potential for a project or plan to impact upon a Natura 2000 site must be considered '*either alone, or in combination with other projects or plans*'. As such it is necessary to consider the potential for the proposed development to impact upon the Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast potential SPA both alone and in combination with other plans and projects.

The scope of an in-combination assessment is restricted to plans and projects which are 'live' at the same time as the assessment being undertaken (Natural England, 2018). These types of plans include:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started;
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review and renewal;
- Any draft plans being prepared by any public body; and,
- Any proposed plans or projects that are reasonably foreseeable and/or published for consultation prior to application.

Additionally, guidance from Natural England (2018) makes clear that plans or projects deemed to cause significant impact within their own right (and so have either incorporated methods of avoidance or proportional mitigation within the proposed plan or scheme) should be dealt with in isolation within their own individual Habitat Regulations Assessment and not be considered in combination with other schemes where impacts (individually) were considered insignificant. Likewise, where a plan or project is considered to result in an insignificant impact in isolation it should not be considered in combination with plans or projects already determined to be significant.

Four main impact pathways have been identified (see Section 4.3) through which the proposed development, in the absence of mitigation, could potentially impact on the integrity of the Solent SPA, SAC and Ramsar sites, these being:

- Disturbance (construction phase);
- Pollution (construction phase);
- Disturbance (operational phase); and,
- Pollution (operational phase).

Disturbance (construction phase)

The evidence available demonstrates that the proposed development, in isolation, could potentially result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar wetland due to disturbance during the construction phase (see Section 4.3.1), and so this impact is not required to be considered in-combination with other plans or projects which are, by themselves, considered insignificant.

Pollution (construction phase)

The evidence available demonstrates that the proposed development, in isolation, could potentially result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar wetland and the Solent Maritime SAC, as a result of a decline in quality/extent of supporting habitats due to construction-phase pollution (see Section 4.3.1), and so this impact is not required to be considered in-combination with other plans or projects which are, by themselves, considered insignificant.

Disturbance (operational phase)

The evidence available demonstrates that the proposed development, in isolation, is likely to result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar wetland due to increased recreational pressure and associated disturbance (see Section 4.3.2), and so this impact is not required to be considered in-combination with other plans or project which are, by themselves, considered insignificant.

Pollution (operational phase)

The evidence available demonstrates that the proposed development, in isolation, is likely to result in a significant effect upon the qualifying habitats (and the habitats upon which qualifying species rely) within the Solent region (Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar wetland, Solent Maritime SAC, Solent and Dorset Coast SPA, Portsmouth Harbour SPA and Portsmouth Harbour Ramsar wetland), due to increased level of dissolved nitrogen discharge into the sites (see Section 4.3.2), and so this impact is not required to be considered in-combination with other plans or project which are, by themselves, considered insignificant.

6. STAGE 1: SCREENING ASSESSMENT

6.1 SUMMARY OF SCREENING ASSESSMENT

Table 6.1 provides a summary of the potential impacts and effects arising from the project, both alone and in-combination with other projects and plans.

SITE	POTENTIAL EFFECTS – PROJECT ALONE	SIGNIFICANCE OF EFFECTS	POTENTIAL IMPACTS – OTHER PLANS AND PROJECTS	RISK FROM IN-COMBINATION EFFECTS	AA REQUIRED?
Chichester and Langstone Harbours SPA and Ramsar wetland	Disturbance (construction)	PSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Pollution (construction)	PSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Disturbance (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Pollution (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
Solent Maritime SAC	Pollution (construction)	PSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Disturbance (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Pollution (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
Solent and Dorset Coast SPA	Disturbance (construction)	NLSE	N/A	No potential for in-combination effects	No
	Pollution (construction)	NLSE	N/A	No potential for in-combination effects	No
	Disturbance (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
	Pollution (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
Solent and Isle of White Lagoons SAC	Pollution (construction)	NLSE	N/A	No potential for in-combination effects	No
	Pollution (operation)	NLSE	N/A	No potential for in-combination effects	No
Portsmouth Harbour SPA and Ramsar wetland	Disturbance (construction)	NLSE	N/A	No potential for in-combination effects	No
	Pollution (construction)	NLSE	N/A	No potential for in-combination effects	No
	Disturbance (operation)	NLSE	N/A	No potential for in-combination effects	No
	Pollution (operation)	LSE	N/A	In-combination effects not considered, significant impact in isolation	Yes
Key: PSE – Potential Significant Effect NLSE – No Likely Significant Effect LSE – Likely Significant Effect					

Table 6.1: Stage 1 – Screening Summary

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 CONCLUSIONS

Evidence has been collected and an assessment has been undertaken to assist the competent authority, Havant Borough Council, in conducting its screening assessment to ascertain whether it can be certain that there will be no adverse effect as a result of the proposed development on the integrity of any Natura 2000 sites.

Following the assessment, it is concluded that there are two impact pathways through which the proposed development could, in isolation, lead to **potentially significant effects** on qualifying features of Chichester and Langstone Harbours SPA and Ramsar wetland and the Solent Maritime SAC:

- Disturbance of qualifying species (during construction): and,
- Pollution of qualifying habitats and habitats on which qualifying features rely (during construction).

The assessment has concluded that there are two impact pathways through which the proposed development could, in isolation, lead to **likely significant effects** on qualifying features of Chichester and Langstone Harbours SPA and Ramsar wetland, the Solent Maritime SAC, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar wetland:

- Disturbance of qualifying species (via increased recreational pressure when the development is operational); and,
- Pollution of qualifying habitats and habitats on which qualifying features rely (via increased discharge of dissolved nitrogen when the development is operational).

As such, further assessment is required. A recommendation regarding this further work is made in Section 7.2.

7.2 RECOMMENDATIONS

R1 Shadow Habitat Regulations Assessment: Stage 2 Appropriate Assessment

The Shadow Habitat Regulations Assessment Stage 1 Screening exercise has identified that the proposed development, in the absence of mitigation, has the potential to adversely impact the integrity of Chichester and Langstone Harbours SPA and Ramsar wetland, the Solent Maritime SAC, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar wetland.

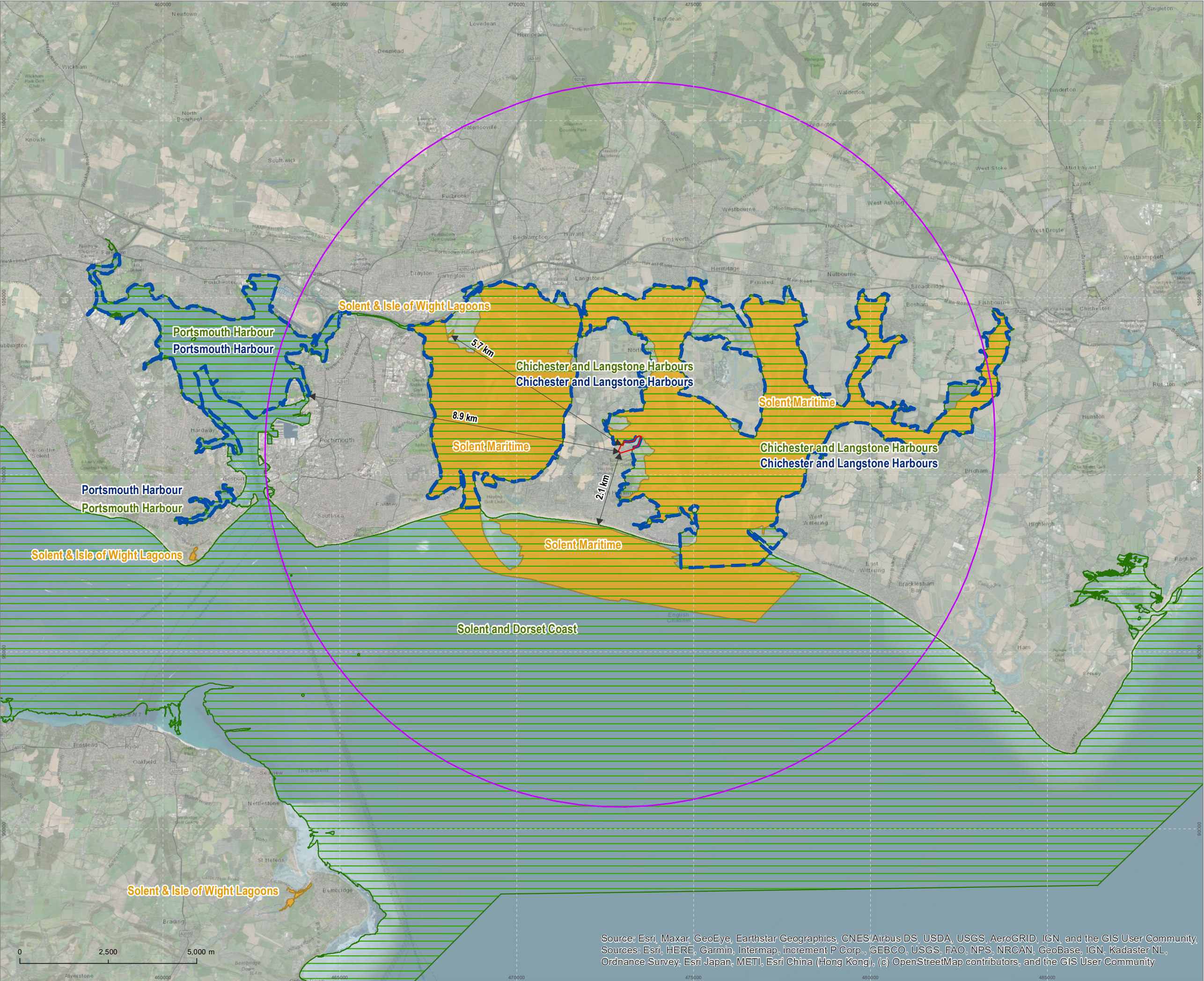
The April 2018 decision by the Court of Justice of the European Union (CJEU) in the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) means that measures intended to avoid or reduce the harmful effects of a proposed project on a European site (i.e. mitigation) may no longer be taken into account by competent authorities at the Habitat Regulations Assessment 'screening stage' when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site (Freeths, 2018).

As such, a Shadow Appropriate Assessment should be produced, providing a more detailed assessment of the potential impacts and effects on Natura 2000 sites and, where appropriate, outlining mitigation measures that can be implemented to ensure any adverse effects are avoided or reduced to a level at which they are no longer significant.

8. DRAWINGS

Middlemarch Environmental Ltd Drawing C153231-04-01 – Location of Natura 2000 Sites

A&M Architectural Partnership LLP Drawing 3877-410 Rev R – Proposed Site Plan



C153231-04-01

Legend

— Site boundary

10 km radius from site boundary

Special Areas of Conservation (SAC)

Special Protection Areas (SPA)

RAMSAR

Project

Mill Rythe Holiday Village, Hayling Island

Drawing

Location of Natura 2000 Sites

Client

Avison Young

Drawing Number

C153231-04-01

Revision

00

Scale @ A3

1:100000

Date

November 2020

Approved By

HT

Drawn By

RP

MIDDLEMARCH ENVIRONMENTAL

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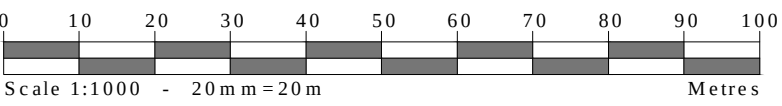
This drawing is based on site survey

"3189-200-201-202-203-204 Site Survey.dwg", supplied by the client.

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

MILL RYTHER HOLIDAY VILLAGE

PROPOSED MASTERPLAN - PROPOSED SITE PLAN

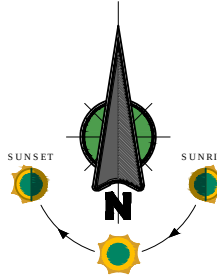


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This drawing incorporates information from other professions. A&M Architectural Partnership LLP cannot accept responsibility for the integrity and accuracy of such information. Any clarification and/or additions that are required appertaining to such information should be sought from the relevant profession or their appointed representative. All contractors and sub contractors are to comply in all respects with current building regulations whether or not specifically stated on these drawings.



- LEGEND:**
- Site Ownership Boundary
 - Site Area - **131,400m² (13.14ha)**
 - Planning Application Area a - **57,288m² (5.7ha)**
 - Building
 - Managed Wildlife Area - **19,522m² (1.95ha)**
 - Existing Landscaping
 - Proposed Landscaping
 - Open Recreational Space (Grassed and Surfaced) - **18,023.4m² (1.8ha)**
 - Pathways
 - 22No. Caravans approved as part of Planning Application Ref: APP/11/01080
 - 175 No. Caravans approved as part of Planning Application Ref: APP/16/01237
 - 112 No. Caravans proposed in substitution of 86 No. approved chalets
 - Total Holiday Accommodation Units
 - 22 No. Units
 - 175 No. Units
 - 112 No. Units
 - 309 No. Units



R	Amendments for consultants comments	RW	28.10.20
Q	Amendments for consultants comments	RW	27.10.20
P	Minor Amendments	RW	19.10.20
O	Minor Amendments	RW	23.09.20
N	Site Areas Amended	RW	23.09.20
M	Showing 2 Additional areas	RW	28.07.20
L	Showing 1 Additional areas	RW	27.07.20
K	ADDITIONAL PATH INDICATED	SJM	05.04.17
J	REC AREA AMENDED AS GVA COMMENTS	SJM	03.04.17
H	SITE AREA FIGURES INDICATED	SJM	31.03.17
G	MINOR AMENDS TO LEGEND & REC AREAS	SJM	09.03.17
F	MINOR AMENDS TO PATHWAYS & COLOURS	SJM	08.03.17
E	AMEND FOLLOWING PLANN OFFICER MEET	SJM	01.03.17
D	LANDSCAPING & MINOR AMENDMENTS	SJM	08.11.16
C	AMENDED FOLLOWING TREE REPORT	SJM	03.11.16
B	AMENDED FOLLOWING TREE REPORT	SJM	01.11.16
A	REVISED TO REFLECT 16/17 DEVE PROPS	SJM	25.10.16
Rev.	Details	Name	Date



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Client: Away Resorts Ltd.

Site Address: Mill Rythe Holiday Village
Havant Road, Hayling Island,
Hampshire, PO11 0PB

Project: Proposed Masterplan

Drawing Title: Proposed Site Plan

Date: Oct 2016 Scale: 1:1000@A1 Drawn: SJM

Computer File Name: 3877-410R - Proposed Site Plan.dwg Checked By: -

Status: Planning

Drawing Number: 3877-410 Revision: R

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