

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:	26/1/21
HRA completion date:	19/2/21
Application reference:	APP/20/00972
Application address:	Forty Acres, Havant Road, Havant, PO9 3LW
Application description:	Erection of temporary sales arena – linked to APP/18/00450 - Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings.
Lead Planning Officer:	Lewis Oliver
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.

Loss / degradation of supporting habitats

The proposals are located on a Solent Wader & Brent Goose Strategy site identified as a Secondary Support Area. The Appropriate Assessment undertaken for APP/18/00450, identified that the proposed development will result in a loss of foraging habitat in the form of H04B (approximately 12.6ha) and the loss of a small part of H04C (approximately 2.4ha). The location of the proposed temporary sales arena is located within the approved residential built layout. This loss of supporting habitat could result could result in LSE, albeit that the site is located within the approved residential layout and therefore this would require Appropriate Assessment within Stage 2 of an HRA..

As a result, there would be a likely significant effect to the following European Sites due to Loss / degradation of supporting habitats:

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site

Construction noise / activity / pollution

Fugitive dust

During construction activity, there is the potential for releases of fugitive dust to result in deleterious impacts on plant growth in habitats up to 50m from the source. This distance is based on guidance from the Institute of Air Quality Management (IAQM, 2014). Given the distance from the designated sites, it is considered to be no potential for construction to result in LSEs, and as such, air pollution during construction will not be carried forward to Appropriate Assessment.

Construction noise /activity

There is potential for construction noise and activity to cause disturbance of SPA qualifying bird species present on site, either using existing habitats or those created as mitigation.

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

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to loss/degradation of supporting habitats 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.

Loss / degradation of supporting habitats

This project, in combination with the approved application APP/18/00450 being assessed would result in the loss / degradation of existing supporting habitats. Whilst this project for a temporary sales arena is an isolated application, the in-combination effect of the approved residential application APP/18/00450 must be considered in order to address the LSE.

Policy E17 of the Pre-Submission Havant Borough Draft Local Plan 2036 sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact, this policy states that:

Development proposals on, or adjacent to, sites which are used by Solent waders and/or Brent Geese will be assessed in line with the appropriate regulations. These proposals will, therefore, require a project level Habitats Regulations Assessment and, if necessary, an Appropriate Assessment. The Council will consider the Solent Waders and Brent Goose (SWBG) Strategy and the latest survey data when making such an assessment.

it states for Secondary Support Areas and low use sites that:

Secondary Support Areas

Development proposals on Secondary Support Areas will only be permitted where either:

g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or
h. Where it can be demonstrated that criteria g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy.

Low Use

Development proposals on Low Use Sites will only be permitted where:

i. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and Natural England; or
j. A financial contribution is provided consistent with the SWBG Strategy.

Low Use

Development proposals on Low Use Sites will only be permitted where:

i. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and Natural England; or
j. A financial contribution is provided consistent with the SWBG Strategy.

In order to maintain and improve the quality of foraging habitat within the mitigation area it is proposed that a suitable improved grassland is established to provide an optimal food source for brent geese. This will comprise a mix of predominately perennial rye grass and clover and will be sown as part of the preparation of the site. This has been chosen to provide suitable habitat every year.

The winter bird refuge will be managed specifically for the waders and / or geese in perpetuity. A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity. Prior to the commencement of development on site, the mitigation area will be made available for use by wintering birds. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. This has been secured through a legal agreement under APP/18/00450, as such the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Construction impacts

During the construction phase, noise has the potential to impact on the designated sites. A worst-case scenario of 67.5dB has been modelled at the boundary of the SPA and Ramsar. This falls to 45.2dB during occupation, and would be comparable to occasional impulse events such as car doors slamming. Both levels fall below the 69dB level which is typically considered to cause disturbance to wintering bird species.

Control measures have been secured under application APP/18/00450, in the form of the approved Construction Traffic & Construction Environmental Management Plan, March 2020, Landscape and Ecological Management Plan, March 2020, Mitigation Area Creation, Management and Monitoring Strategy and a Landscape and Ecological Management Plan (WYG, June 2020). A condition will be placed on this application to ensure that the approved measures for the bespoke mitigation package to address the loss of supporting habitat for the Solent SPAs are implemented for this scheme and are constructed in line with the approved CEMP and other the approved documents outlined above.

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, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites. Nonetheless it is considered that the significant effects, which would have been likely, have been suitable avoided and mitigated, as such no likelihood of significant effect remains.

Natural England Officer: Rachael Clemson

Summary of Natural England's comments:

Second response

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the

Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The application is assessed in combination with the approved residential application APP/18/00450 which included a bespoke mitigation package to address the loss of supporting habitat for the SPAs. The details of the wintering bird refuge are set out in the Land at Forty Acre Farm Wintering Bird Mitigation Strategy (August 2019) and secured by legal agreement. Natural England advises that provided the competent authority is satisfied the legal agreement secures in perpetuity management of the site by appropriate organisation, and the measures are in place prior to commencement of construction, we raise no further concerns on this aspect of the proposals.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.