

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:	6 January 2021
HRA completion date:	14 January 2021
Application reference:	APP/20/00833
Application address:	Havant Lorry Park, Southmoor Lane, Havant, PO9 1JW
Application description:	Erection of a flexible power generation facility with associated ancillary infrastructure, access and boundary treatment
Lead Planning Officer:	David Eaves
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (as amended).	

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	- Chichester & Langstone Harbours Special Protection Area (SPA) - Chichester & Langstone Harbours Ramsar site - Solent Maritime Special Area of Conservation (SAC) (Hereafter known as the relevant 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 commercial development, 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. New development in the vicinity of the relevant European Sites can have an impact due to a number of potential impacts.

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Air Quality

The impacts of increased atmospheric pollution can be profound and operate across broad geographical areas. Impacts can arise/be exacerbated through increases/changes in the

distribution of vehicular movements (to and from residential and commercial development) and/or the location of significant point-source emissions (e.g. new factories).

The most significant consequences of increased atmospheric pollution are eutrophication and acidification through the contact of nitrogen oxides (NO_x) with vegetation, soils and water. These anthropogenic sources operate at a much faster level than the normally slow cycling of 'natural' nitrogen in the environment. Nitrogen oxides can react with airborne water to form nitric acids which then result in impacts to vegetation through contact. Atmospheric pollution can also result in the deposition of NO_x in soils and water, affecting vegetation therein.

The presence of airborne pollutants is often described in terms of critical levels and critical loads. Levels refer to the concentration of atmospheric pollutants above which harmful effects are considered likely. Load refers to the deposition rate of nutrients below which effects are considered unlikely to occur.

Increased NO_x deposition can affect vegetation in several ways. Some vegetation types (e.g. bryophytes, ericaceous shrubs) can be directly impacted through contact, affecting photosynthesis, water transportation and growth.

Deposition of NO_x can also influence vegetation composition, with increased soil and water nitrogen levels causing eutrophication and favouring coarser plant species over more sensitive species of conservation concern.

The effects of atmospheric pollution are most often felt within SACs designated for their sensitive vegetation communities.

Within most assessments of air quality impacts it has been assumed that distance is a key factor, with impacts most evident within c.200m of the source of pollution (i.e. a road). Clearly, any effects will be dependent not only on the proximity to the source of pollution, but also on the characteristics of the habitats present and the overall background levels and loads.

The applicant has provided an Air Quality Assessment (AQA) which has informed this HRA. The AQA concludes that there will be an exceedance of 24-hour mean NO_x concentrations at receptor 5, an area of mudflat situated within the tidal creek c.200m to the west. There will also be an exceedance of the 10% Predicted NO_x Concentration (PC) threshold at receptor 18, an area of intertidal habitat within the northern edge of Chichester & Langstone Harbours SPA/Ramsar, Langstone Harbour SSSI and Solent Maritime SAC situated c.600m south-west. There are existing exceedances at a number of the ecological receptors, although for the purposes of assessing the effects of the proposal alone any additional exceedances must normally be considered alone, i.e. the baseline levels are relevant context but do not negate any further exceedances resulting from the proposal.

At ecological receptor 5 the mudflat habitat is not situated within any designated site. It is identified as the Priority Habitat 'intertidal mudflat' using Hampshire Biodiversity Information Centre (HBIC) mapping. The mapped extent of this habitat reaches north from the harbour to a footbridge across the creek, beyond which there appears to be a weir and a transition to a more freshwater system. It should be acknowledged that the priority habitat mapping is based on a review of aerial photography rather than ground truthing and may not be entirely accurate with respect to habitat extent. In any case, it appears that there is priority mudflat habitat present within the creek and that this falls within the identified exceedance zone.

Estimating the potential effects of any increased NO_x exceedance on this habitat are difficult to assess. This is due to the fact that there are no published nitrogen deposition critical loads or

levels for mudflats. As with the submitted AQA, in the absence of published loads and levels, assessments have to utilise the best-fit habitat type which in this case is 'saltmarsh', or also the broad distinction between 'forest' and 'grassland'. The issue here is that unlike mudflats, saltmarsh is a predominantly vegetated habitat and therefore potential effects of nitrogen are more easily predicted (increased nutrients affecting plant growth) and potentially more profound. It has been argued (in other assessments submitted within Havant Borough, including for the Pre-submission Local Plan 2036) that the dynamic tidal processes affecting mudflats are likely to negate the effects of nitrogen deposition, with depositions being washed away and dissipated during inundation, and therefore effects are viewed as not significant. In addition, the largely unvegetated nature of mudflats (although marine grasses and algae are present) means that effects on vegetation are less likely to occur. Given that most AQAs seem to conclude that mudflats do not suffer effects from nitrogen deposition, and in the absence of key critical loads and levels, it seems reasonable to conclude that effects would be not significant.

For ecological receptor 18 (Chichester & Langstone Harbours SPA/Ramsar, Langstone Harbour SSSI and Solent Maritime SAC) the issue is the exceedance of the 10% threshold for nitrogen concentration. The figure provided is 10.7%, an exceedance of 0.7%. It is noted that despite the 10% threshold exceedance the overall critical level of 75µg/m³ is not exceeded (the given value is 70.77) and it is concluded that there will not be a significant effect. Based on the assessment criteria used I would concur with this conclusion.

For nitrogen deposition and acid deposition the submitted AQA concludes effects as not significant and this HRA concludes that there is no reason to doubt this.

Would the proposal lead to a likely significant effect on European site integrity? No

(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.

Not relevant

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

This assessment represents Havant Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

This assessment concludes that the application will not have a likely significant effect in on the relevant Solent European sites.

Natural England Officer:

Summary of Natural England's comments:

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Solent Wader & Brent Goose Strategy

The application site is in close proximity to a Secondary Support Area H130. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. However given the localised scale and nature of the works and being separated by the lorry park Natural England considers the proposals will not have an adverse effect on integrity on the SPA or its functional land.

Air Quality

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, we note that whilst at ecological receptor 18 the nitrogen concentration threshold of 10% is exceeded the critical load of 75ug/m³ is not exceeded, with the value given as 70.77. The supporting Air Quality Assessment concludes that there will therefore not be a likely significant effect on the integrity of the European site in question. With this in mind we concur with the assessment's conclusion that the proposals will not result in an adverse effect on integrity of the Chichester & Langstone Harbour SPA.

Protected species

Natural England has not assessed this application and associated document for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.