

APPENDIX B

Habitat Regulation Assessment (HRA) screening matrix and appropriate assessment statement

This assessment is made under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). All references to parts of regulations in the assessment refer to these regulations.	
Application reference:	APP/17/00007
Application address:	Rook Farm, St Marys Road, Hayling Island.
Application description:	Outline planning application for the erection of up to 210 residential dwellings (including affordable housing) and 0.6ha for apartments with care (C2), structural planting and landscaping, informal public open space, children's play areas, sustainable drainage system (SuDS) vehicular access from St Mary's Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.
HRA completion date:	13 April 2017

HRA screening matrix completed by:
Tristan Norton Senior Ecologist Havant Borough Council

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project (regulation 61.(1)(a)):	Chichester & Langstone Harbours Special Protection Area (SPA), Chichester & Langstone Harbours Ramsar, Solent Maritime Special Area of Conservation (SAC).
Is the project or plan directly connected with or necessary to the management of the site (provide details) in line with regulation 61.(1)(b)?	No - the development consists of an increase in residential dwellings which are neither connected to nor necessary to the management of the SPA.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details) in line with regulation 61.(1)(a)?	The Partnership for Urban South Hampshire's Spatial Position Statement sets out a potential distribution of development across South Hampshire up to 2034 and is available at http://www.push.gov.uk/work/planning-and-infrastructure/push_spatial_position_statement_to_2034-2.htm. Havant Borough Council have adopted the Local Plan Housing Statement (http://www.havant.gov.uk/localplan) which sets out sites which sets out the need for housing

	in the Borough up to 2036 and a suite of sites which could be developed to address that need. This is a stepping stone between the adopted Local Plan (Core Strategy) (http://www.havant.gov.uk/planning-and-environment/planning-policy/local-plan-core-strategy) and Local Plan (Allocations) (http://www.havant.gov.uk/planning-and-environment/planning-policy/local-plan-allocations).
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Section 2 - details of the European Site

European sites potentially impacted by plan or project under regulation 61.(1)(a)t:	Chichester & Langstone Harbours Special Protection Area (SPA), Chichester & Langstone Harbours Ramsar, Solent Maritime Special Area of Conservation (SAC).
Qualifying Features of the European sites above.	are set out in table 3.1 of the Local Plan (Core Strategy) Appropriate Assessment at http://www.havant.gov.uk/green-infrastructure/appropriate-assessment
Conservation objectives of the European sites above	These are set out in the Appendix A of the Local Plan (Allocations) Habitats Regulations Assessment at http://www.havant.gov.uk/green-infrastructure/appropriate-assessment

Section 3 - HRA screening statement

Test 1: the significance test – is the proposal likely to have a significant adverse effect on the Chichester and Langstone Harbour SPA / Ramsar site and SAC under Regulation 61.(1)(a)

The proposed development is situated in southern central Hayling Island, and Langstone Harbour and Chichester Harbour are approximately 1 kilometre (km) to the west and east of the site respectively. These two harbours make up the areas designated as Chichester & Langstone Harbours SPA. The SPA boundary is identical to the boundary of the Chichester & Langstone Harbours Ramsar site. Both the SPA and Ramsar qualifying features include a range of over-wintering bird species including dark-bellied brent geese.

The proposed application site has been shown to support large numbers of SPA and Ramsar qualifying feature bird species, most notably dark-bellied brent geese.

The latest Solent Waders & Brent Goose Strategy update (SWBGS) (Hampshire & Isle of Wight Wildlife Trust, Mach 2017) includes details of monthly counts of dark-bellied brent geese between January 2013 and January 2017. These data are provided as **Appendix 1** below. A total of 45 positive counts of dark-bellied brent geese have been made at the application site within that period, with an average flock size of 360 and peak counts of 1000 noted in December 2016 and January 2017. There is clear evidence of a regular pattern of use of the application site by significant numbers of dark-bellied brent geese.

The submitted ecological assessment has not included an investigation of SWBGS data and has consequently underestimated the importance of both the application site and the wider landscape of Hayling Island for SPA / Ramsar bird species. It has long been recognised that Havant Borough

and the wider Solent landscape contain areas of land lying beyond the boundaries of European sites but which provide functional linkage in terms of supporting populations of organisms for which those sites were designated. For Chichester & Langstone Harbours SPA and Ramsar site, areas of 'functionally-linked land' include grasslands and arable crops within Hayling Island.

As such, the proposed development would result in the loss of an important site for overwintering dark-bellied brent geese. No avoidance or mitigation measures have been proposed by the applicant to address this. As a result, it cannot be ruled out that this proposal would not have a significant adverse effect on the Chichester & Langstone Harbours SPA / Ramsar site due to the unmitigated loss of supporting habitat.

Natural England have commented on this application (letter dated 16th February 2017) and have concurred with the Borough Council that insufficient information has been provided to demonstrate that there would not be a significant adverse effect:

- *"There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:*
- *An up to date assessment of the impacts of the development on this important supporting habitat for the Waders and Brent Geese of Chichester and Langstone Harbour SPA, taking into account the 2017 Data.*
- *This assessment will need to demonstrate that a strategy for avoidance and mitigation measures can be implemented both for the loss of supporting habitat and for any disturbance on the Waders and Brent geese arising from the development proposals.*
- *This assessment will need to demonstrate that there will be no likely significant effect on the supporting habitat and on the Waders and Brent Geese as a result of the development proposals. This will need to demonstrate no likely significant effect alone or in combination with other relevant plans or projects".*

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on Chichester & Langstone Harbours SPA / Ramsar site due to the impact from recreation at the coast in combination with the totality of development proposed in the Solent area. This is described in more detail in the Solent Recreation Mitigation Partnership's Interim Solent Recreation Mitigation Strategy (<http://www.birdaware.org/strategy>).

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide (<https://www.havant.gov.uk/planning-and-environment/planning-policy/community-infrastructure-levy/developer-contributions-guide>). 210 new homes are proposed. As such, the scale of mitigation, also taking into account monitoring and administration charges, has been calculated as $(210 \times 181) + (210 \times 9) + 20 = 38010 + 1890 + 20 = \text{£}39,920$. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

The Solent Maritime SAC covers Chichester Harbour and Langstone Harbour. Much of the SAC boundary is identical to the SPA and Ramsar boundaries, although also includes maritime areas extending further to the south.

Natural England refer to the Solent Maritime SAC in their representations on the planning application. The SAC is designated for the vegetation in the harbour. The proposed development, given that it is approximately 1km from the SAC boundary would not be likely to lead to an impact on the SAC species. As such, there is not likely to be a significant effect on the designation.

In addition to the qualifying bird species discussed above (and for which there is a likely significant effect), the Ramsar designation also includes various habitat types within the Ramsar boundary, such as saltmarsh and sand dunes. These qualifying habitat features within the Ramsar site boundary are unlikely to be affected by the development proposal.

Appropriate Assessment Statement – is appropriate assessment required under Regulation 61.(1)?

The project being assessed would result in the direct loss of supporting habitat for a qualifying feature (dark-bellied brent geese) of Chichester & Langstone Harbours SPA and Ramsar site. Data submitted for the Solent Waders & Brent Goose Strategy (SWBGS), and which has been subject to verification, has demonstrated that the site has routinely supported significant numbers of brent geese (peak counts of 1000 birds) and the site is classed as 'important' within the SWBGS March 2017 update. The application documents do not reference the SWBGS and therefore conclusions of potential impact are based upon insufficient evidence.

The proposal would also be likely to lead to a significant effect due to the impact of increased recreation as a result of development across the Solent area. The applicant has proposed a set of mitigation measures which would be sufficient in scale to remove the likelihood of a significant effect. Subject to the mitigation package being secured through a legal agreement, there would be no likelihood of a significant effect due to the general increase in recreation as a result of development across the Solent area.

Due to the likelihood of direct loss of SPA and Ramsar site supporting habitat a full appropriate assessment is required, taking into account the potential impacts of this proposal alone and in combination with other projects.

Test 2: the integrity test – appropriate assessment under Regulation 61.(1)

On the basis of submitted information the Borough Council, as the competent authority described in Regulation 61.(1), concludes that insufficient information has been provided to determine the extent to which the proposals will adversely affect the integrity of the SPA and the following conservation objectives:

- 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 population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

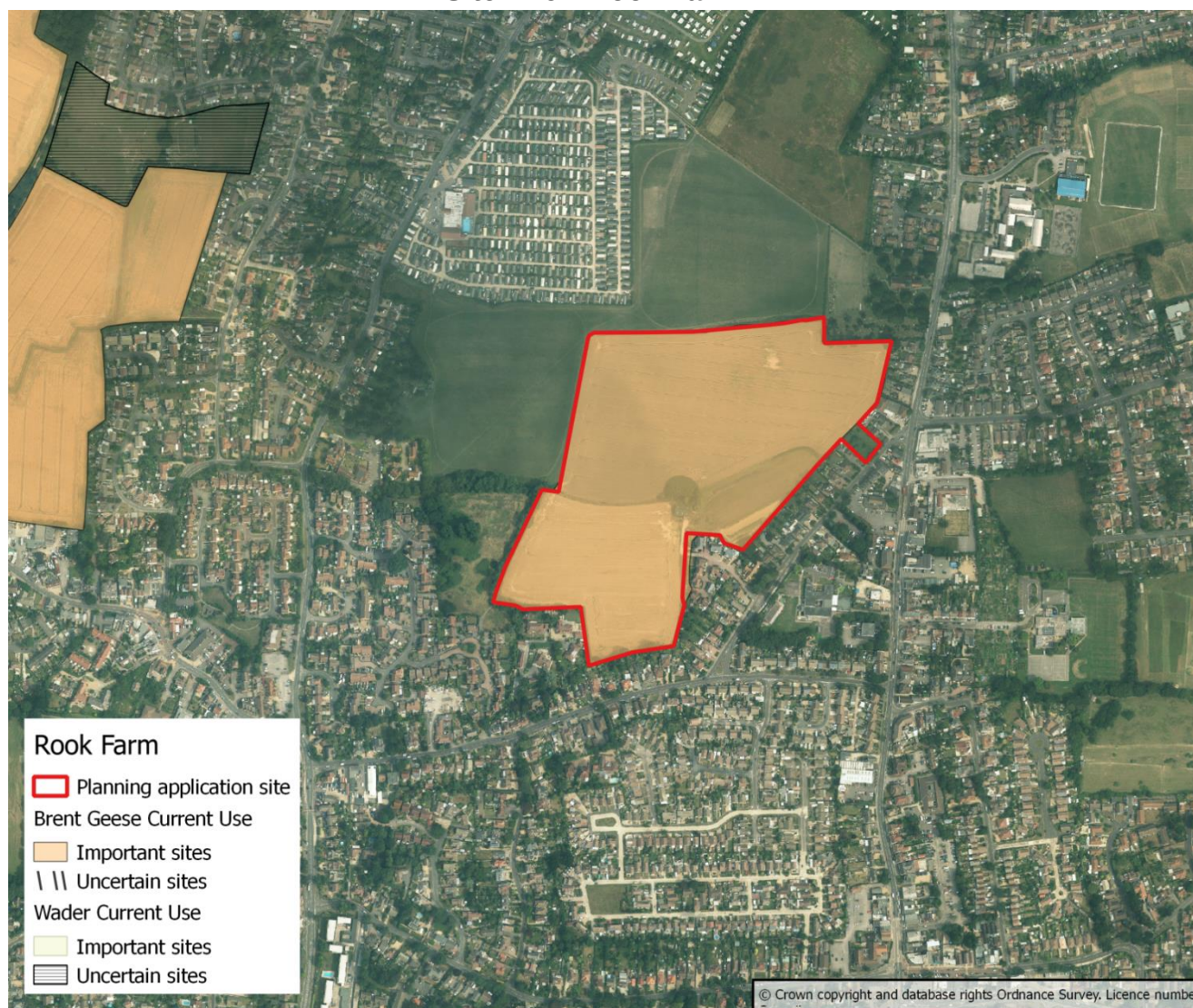
It cannot therefore be ruled out that this proposal would not have a significant adverse effect on site integrity due to the unmitigated loss of SPA and Ramsar site supporting habitat. No avoidance or mitigation measures have been proposed for this development and as such, a significant effect on the SPA and Ramsar site remains likely. This view is supported by Natural England in their

response to the draft Habitats Regulations Assessment under Regulation 61.(3).

Conclusions

There is insufficient evidence to rule out adverse effects on the qualifying features of Chichester & Langstone Harbours SPA and Ramsar site, namely dark-bellied brent geese. The development does not include any avoidance or mitigation measures to remove the likely significant effect.

Appendix 1 Solent Waders & Brent Goose Strategy March 2017 Update – Data for Site H46B Rook Farm



Important and uncertain Brent goose and wader sites in relation to application
APP/17/00007

Site	Date	Season	Time	Species	Count	Use	Disturbance
H46B	07/01/2013	2012-13	14:44	Brent goose	200	Feeding	
H46B	09/01/2013	2012-13	15:01	Brent goose	150	Feeding	
H46B	28/01/2013	2012-13	14:10	Brent goose	200	Feeding	
H46B	17/02/2013	2012-13	12:51	Brent goose	200	Feeding	
H46B	19/02/2013	2012-13	13:56	Brent Goose	250	Feeding	
H46B	27/02/2013	2012-13	13:23	Brent Goose	250	Feeding	
H46B	17/03/2013	2012-13	13:37	Brent Goose	250	Feeding	
H46B	20/03/2013	2012-13	17:35	Brent Goose	250	Feeding	Yes
H46B	21/03/2013	2012-13	16:51	Brent Goose	250	Feeding	

H46B	22/03/2013	2012-13	17:44	Brent Goose	300	Feeding	
H46B	19/11/2014	2014-15	11:02	Brent Goose	500	Feeding	Yes
H46B	21/11/2014	2014-15	08:45	Brent Goose	250	Feeding	Yes
H46B	28/11/2014	2014-15	09:00	Brent Goose	80	Feeding	
H46B	29/11/2014	2014-15	07:30	Brent Goose	200	Feeding	
H46B	24/01/2013	2012-13	11:00	Brent Goose	2		Yes
H46B	12/01/2015	2014-15	09:24	Brent Goose	200	Feeding	No
H46B	16/01/2015	2014-15	12:24	Brent Goose	200	Feeding	No
H46B	17/01/2015	2014-15	09:52	Brent Goose	300	Feeding	No
H46B	20/01/2015	2014-15	08:30	Brent Goose	50	Feeding	
H46B	22/01/2015	2014-15	08:30	Brent Goose	50	Feeding	
H46B	31/01/2015	2014-15	09:00	Brent Goose	70	Feeding	
H46B	03/02/2015	2014-15	09:13	Brent Goose	30	Feeding	
H46B	04/02/2015	2014-15	09:12	Brent Goose	35	Feeding	
H46B	08/02/2015	2014-15	09:50	Brent Goose	50	Feeding	
H46B	09/02/2015	2014-15	08:40	Brent Goose	50	Feeding	
H46B	17/02/2015	2014-15	08:47	Brent Goose	200	Feeding	
H46B	19/02/2015	2014-15	09:00	Brent Goose	50	Feeding	
H46B	22/02/2015	2014-15	09:12	Brent Goose	50	Feeding	
H46B	06/09/2015	2015-16	09:00	Brent Goose	150	Feeding	
H46B	07/09/2015	2015-16	09:30	Brent Goose	150	Feeding	
H46B	08/09/2015	2015-16	08:25	Brent Goose	250	Feeding	
H46B	12/09/2015	2015-16	14:00	Brent Goose	200	Feeding	
H46B	13/09/2015	2015-16	08:45	Brent Goose	200	Feeding	
H46B	14/09/2015	2015-16	08:00	Brent Goose	200	Feeding	
H46B	17/12/2016	2016-17	09:00	Brent Goose	300	Feeding	
H46B	19/12/2016	2016-17	09:00	Brent Goose	1000	Feeding	
H46B	30/12/2016	2016-17	10:35	Brent Goose	300	Feeding	
H46B	01/01/2017	2016-17	12:22	Brent Goose	50	Feeding	
H46B	02/01/2017	2016-17	10:26	Brent Goose	200	Feeding	
H46B	05/01/2017	2016-17	09:21	Brent Goose	1000	Feeding	
H46B	16/01/2017	2016-17	09:57	Brent Goose	400	Feeding	Yes

H46B	18/01/2017	2016-17	09:44	Brent Goose	400	Feeding	
H46B	19/01/2017	2016-17	10:00	Brent Goose	400	Feeding	
H46B	20/01/2017	2016-17	10:00	Brent Goose	400	Feeding	
H46B	21/01/2017	2016-17	10:43	Brent Goose	200	Feeding	