

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:	1/2/24
HRA completion date:	27/3/24
Application reference:	APP/23/923
Application address:	13 The Kench Ferry Road
Application description:	Change the roof material and change external materials
Lead Planning Officer:	Robert Riley
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
Are there any other projects or plans that together with the planning application being assessed could affect the site?	no

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.

The site is situated immediately adjacent to parts of the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Langstone Harbour Site of Special Scientific Interest (SSSI) and is also adjacent to an area listed as Site H83 in the Solent Waders & Brent Goose Strategy (SWBGS): Site H83 is classified as a Primary Support Area due to the number and variety of overwintering waders and wildfowl it supports.

The proposed works have potential to result in impacts to internationally and nationally designated nature conservation sites and the species they support. Given the scale of proposed works, the potential impact pathways are: noise and visual disturbance, and airborne and waterborne pollution.

Would the proposal lead to a likely significant effect on European site integrity?

Yes, proposed works have potential to result in impacts to internationally and nationally designated nature conservation sites and the species they support via noise and visual disturbance, and airborne and waterborne pollution.

(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.

A Construction Environment Management Plan (CEMP) has been submitted. It includes the following avoidance and mitigation measures:

Use of fences and barriers to protect adjacent land

The extent of the materials compound will be secured with fixed Heras fencing. This will make the area safe secure and avoid possibility of vehicles and residents straying into this area.

Building Safety and security

The building will be safely secured and protected against the weather when operatives are not on site to ensure materials don't escape and no one or thing enters the construction area

Storage of Materials

Materials will be stored in the indicated secure compound This will allow direct access for deliveries which will be accessible via the existing concrete driveway thus avoiding vehicles gathering mud, generating dust and taking it onto the highway. It should be noted that this same communal area has been used for the same purpose on previous projects including the recent refurbishment of number 10 the Kench and has been shown to cause minimal disruption and environmental impact.

Movement of Materials

When being moved from the storage area to the construction area materials will be moved by the required number of operatives to undertake the job safely and without the risk of materials being lost or dropped. With larger items a banksman will be provided to ensure the safety of residents.

Any unused materials not stored in the building will be returned to the compound at the end of each working day.

Dust reduction

Particular care will be taken to maintain dust emissions at a practicable minimum when working in this environmentally sensitive area. Best practice mitigation will be followed during dry conditions,

Dust reduction measures will include:

- careful management of materials so they are delivered to site on an as needed basis
- sheeting of all loose materials on site
- ensure all delivery vehicles stay on the concrete driveway as far as is practically possible
- ensure that any area where dust generating machinery is working is dampened in dry conditions
- visual monitoring will be carried out on a daily basis
- No construction will commence on site before a suitable and adequate water supply has been provided & made available for use in the mitigation of construction impacts.

Toilet facilities,

A working toilet within the dwelling will be provided for use by the construction operatives whilst work is in progress.

Management of construction waste on site

A covered (netted) skip will be provided at all times to contain construction waste, this will be replaced whenever full.

Waste will be moved from the construction area to the skip in sealed bags to ensure no loose material escapes.

Waste will not be left unattended on site unless bagged or in the skip.

Noise and vibration

Measures will be employed to control the emission of noise & vibration especially during the construction phase, there will be no piling or use of percussive tools.

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

Based on the submitted CEMP, it is considered that appropriate and proportionate avoidance and mitigation measures are secured. The implementation of these measures will remove the potential for impacts to the identified European sites.

Natural England Officer:

Summary of Natural England's comments:

Thank you for your consultation for the above case.

No objection subject to securing mitigation

Construction Environment Management Plan

We note that a Construction Environment Management Plan (CEMP) has been submitted, located in the Habitat Regulation Assessment dated 01/02/2024. We advise the CEMP should be submitted to and approved in writing by the district ecologist/biodiversity officer.

Habitats Regulations Assessment

Natural England notes that a report to inform an Appropriate Assessment of the

proposal has been produced 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, and a competent authority should have regard to Natural England's advice.

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 planning permission given.

Special Protection Areas (SPA) and Functionally Linked Land

The proposals have the potential to affect SPA and functionally linked land, which form part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the Solent Wader and Brent Goose Strategy (SWBGS) for more information.

The site affected, H83, is classed as a Primary Support Area and supports high numbers of dark-bellied Brent Goose.

It is advised that the impact is properly assessed and any identified impacts are addressed in line with the SWBGS Guidance on Mitigation and Offsetting Requirements. Please note, where financial contributions are proposed, for example to mitigate impacts on Low Use sites, it is advised that a sufficient level detail of the measures to which they will be directed is provided to inform your authority's appropriate assessment, in order to provide the necessary confidence and certainty that such mitigation will be effective and deliverable in perpetuity.

Natural England will be happy to advise further on this aspect via our Discretionary Advice Service (DAS).

Noise Impacts

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

In relation to significant long term projects that cannot avoid the winter period the following advice could also be given:

- Natural England recommend that the effects of the piling on the SPA birds are monitored by a suitably qualified ecologist during the works so that additional mitigation measures can be applied to avoid excessive disturbance.
- For intertidal areas and estuaries, Natural England recommend that percussive piling is undertaken at or around high water to further reduce residual risk. Please note, an alternative approach may be required if high tide roosts are present.