

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:	18 July 2022
HRA completion date:	25 August 2022
Application reference:	APP/21/01310
Application address:	Tournerbury Woods, Tournerbury Lane, Hayling Island
Application description:	Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the land as a campsite in association with events.
Lead Planning Officer:	Steve Weaver
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 commercial activity, 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.

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.

Recreational Pressure

The proposed development is within Chichester & Langstone Harbours SPA/Ramsar. Whilst the proposed development does not result in additional housing, the nature of the proposal would result in a greater magnitude and frequency of human activity within the bounds of the site.

The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the Chichester & Langstone Harbour SPA/Ramsar.

The proposed development would result in an increased human presence within proximity to the SPA/Ramsar, with potential for guests and other visitors to cause disturbance to bird species within the adjacent intertidal habitats. In particular, guests congregating outside the venue marquee, on seafront lawn areas, on the temporary jetty and also dispersing onto the exposed foreshore would be likely to cause disturbance issues during the wintering bird season (October to March inclusive).

As a result, there would be potential for a likely significant effect on the Chichester & Langstone Harbours SPA/Ramsar due to recreational disturbance.

Water Quality

The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA.

Natural England advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from the new housing as a result of the Havant Borough Local Plan. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as new housing in the Solent catchment could have an adverse effect on the Solent's European Sites.

The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC and enter other Solent marine sites. Over the course of the year an average of 8 two man tents are used for camping for 11 days per year. Therefore the nutrient load of this application has been calculated as such.

Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes eutrophication, which affects vegetation growth and food resources for qualifying species such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites. The Partnership for South Hampshire (PfSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PfSH region to accommodate future housing growth without having a detrimental effect upon the water environment. There is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

Natural England recommends that any new proposals which include overnight accommodation have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations. Nonetheless, the existing use of the site can be taken into account and it is the 'net' nutrient emissions into European Sites that is critical.

This would need to be examined within an appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account.

As a result, there would be a likely significant effect to the following Solent European Sites due to water quality:

- 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

Loss / degradation of supporting habitats

The site is in proximity to supporting habitat for bird species associated with the Solent SPA sites. For the purposes of HRA this supporting habitat is classed as 'functionally-linked land' (FLL): it provides a function to bird species linked to the adjacent SPA/Ramsar and its loss would potentially lead to a likely significant effect.

The application site is situated to the east/south-east of two areas of SPA/Ramsar supporting habitat:

- Site H40F Secondary Support Area – immediately west of Tournerbury Wood
- Site H40E Low Use Area – immediately north-east of Tournerbury Wood

The application red line sits outside the boundaries of the two supporting habitat sites. It is unlikely that activities within the application site would result in disturbance to functionally-linked land. Loss/degradation of supporting habitats can be screened out of further assessment.

Noise pollution

The proposal would result in an increase in noise and light pollution within proximity to Chichester & Langstone Harbours SPA/Ramsar.

The venue marquee will host events with amplified music and announcements, arising in potential for novel noise events resulting in disturbance to birds on the adjacent intertidal habitats.

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to recreational pressure, water quality and noise 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.

Recreational Pressure

The project being assessed would result in an increase in human activity within close proximity to Chichester & Langstone Harbours SPA/Ramsar. In particular, there is potential for visiting guests to congregate on or near intertidal habitats resulting in disturbance to birds.

There are mitigating factors that would lessen the potential for impacts:

- The majority of weddings will occur between April and November, thereby with minimal overlap with overwintering birds.
- The foreshore adjacent to the marquee comprises uneven rubble, thereby being less attractive as a walking substrate.

Notwithstanding these inherent factors, a package of mitigation measures has been proposed, comprising the following:

- A Visitor Management Strategy.
- No access to the foreshore and adjacent Harbour Lawn between 1 November and 31 March.
- Rope barrier and signage to be installed along the Harbour Lawn/foreshore edge during all events between 1 November and 31 March.
- Temporary jetty is not used between 1 November and 31 March.
- All dogs brought onto site for events to be kept on short leads.
- Ban on fireworks at all events.

There remains a potential issue in the month of October, with possible use of a temporary jetty and no physical barrier to prevent access to the foreshore. The remaining restrictions (dogs, fireworks) will apply regardless. It is stated that the number of events during October will be no more than 4. On that basis, the Competent Authority considers that potential disturbance impacts will be limited and therefore not likely to result in significant disturbance to SPA birds.

The area of restrictions described as the Harbour Lawn and Foreshore is agreed in principle. However, a definitive plan showing the exact boundaries of restricted areas between 1 November and 31 March will be required and shall be agreed by all parties prior to the granting of any planning permission.

The restriction of temporary jetty use to up to four occasions during the period 1-31 October in any year will be subject to planning condition.

The conclusion by the Competent Authority that impacts are not likely is based upon the implementation of the restrictions and mitigation measures detailed above. These restrictions and mitigation measures will be secured by planning condition or S106 Agreement: any deviation from them will require the prior consent of the Competent Authority in consultation with Natural England. Where necessary, the Competent Authority will request additional assessment to determine if impacts are likely.

It is the view of Natural England and the Competent Authority that the submitted Visitor Management Strategy provides reassurance that activities would be unlikely to result in disturbance sufficient to impact the integrity of the SPA/Ramsar. This conclusion is dependent on the applicant strictly according with the submitted details with respect to managing visitors.

Water Quality

The project being assessed would result in an increase in population in the catchment of several Solent European Sites as set out in stage 2. As advised by Natural England, a permanent significant effect on the Solent European Sites due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, further assessment is needed as to the net nutrient emissions from the site, including any avoidance or mitigation measures proposed.

Havant Borough Council has published a Position Statement and Mitigation Plan for Nutrient Neutral Development. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the Solent European Sites identified in stage 2.

Natural England have produced guidance for developers and mitigation providers. This can be found on the Council's nutrient neutrality webpage. This sets out a methodology to calculate the nutrient emissions from a development site. The Council has also produced advice on the occupancy figure which should be used within Natural England's calculator this can be found in the Council's published Position Statement and Mitigation Plan. The applicant has used and submitted the Council's occupancy calculator and Natural England's calculator as part of an overall nutrient budget. This calculation has confirmed that the site will emit a nutrient load into European Sites. The calculations for this development site are part of the application case file.

Achieving a position where there are no net nutrient emissions into the Solent European Sites from this development involves the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure. The scientific report 'Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough' is available at www.havant.gov.uk/nitrogen which confirms suitability of the use of Warblington for nutrient mitigation to mitigate for development in Havant Borough.

As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be:

Amount of mitigation required kg/N ¹	Cost of mitigation
2.20	£2,877.60
Administration Fee ²	£23.00
Total avoidance and mitigation package for nutrient neutrality:	£2,900.60
¹ Please refer to the nutrient budget for the final figure of mitigation required	
² Administration fee is £23 per application	

A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity; whilst it will also be necessary for the assumptions built into the nutrient budget calculation underpinning the mitigation package to be secured in any consent granted, limiting the camping occupancy to that assumed in the calculator in any given year – i.e. (8 x 11) = 88 ‘pitch-nights’. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement and/or appropriate conditions are secured through the planning process, the proposed development will not affect the water quality of the Solent European Sites and therefore the development will not act against the stated conservation objectives of the Solent European Sites.

Noise Pollution

There is potential for noise generated by the proposed activities to result in disturbance of SPA/Ramsar bird species. The applicant has provided details of how the potential impacts of the sources of disturbance will be managed.

The existing marquee incorporates a sound-attenuating system, reducing noise levels to not exceeding c.69 dB at the foreshore. Provided that the submitted details relating to noise attenuation within the marquee are implemented as described, the Competent Authority considers that this would avoid potential impacts from noise disturbance due to amplified sound such that no impact to the stated conservation objectives of the SPA/Ramsar would occur. The submitted details will be secured through planning condition. Any deviation from the agreed and approved details will require further assessment under the Habitats Regulations and will require the prior approval of the Competent Authority and Natural England.

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 Solent European sites.

The Competent Authority has concluded that the potential adverse effects arising from the proposal are analogous to impacts from recreational disturbance as set out within the Solent Recreation Mitigation Strategy. The proposal does not result in a net increase in dwellings and therefore does not require financial contributions towards the SRMS.

Bespoke mitigation measures to address recreational pressure have been provided and are agreed.

The Competent Authority has concluded that the potential adverse effects from the proposal are consistent with the effects detailed in the Position Statement and Mitigation Plan for Nutrient Neutral Development with regards water quality.

The Competent Authority has concluded that the potential adverse effects from amplified noise are addressed through bespoke noise attenuation measures.

The Competent Authority's assessment is that the application provides avoidance and mitigation measures sufficient to remove the significant effects that otherwise would have been likely. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England Officer:

Summary of Natural England's comments:

No objection subject to mitigation

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.

Your appropriate assessment, dated 18th July 2022, 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.

Provided that the mitigation measures set out within the Appropriate Assessment are secured by an appropriate condition or obligation attached to any planning permission and are fully adhered to at all times by the applicant, Natural England is satisfied that the applicant has mitigated against the potential adverse effects on the integrity of the European site(s).

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

