

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:	08/07/2022
HRA completion date:	23/12/2022
Application reference:	APP/22/00172
Application address:	Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA
Application description:	Outline Planning Application for Phased demolition of existing buildings and the erection of new flexible use employment floorspace (Use Classes E(g)(i)-(iii)/B2/B8) and ancillary uses (Use Classes E(b), E(d) and E(f)); and associated works. All matters reserved except Access.
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) ▪ 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 a 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. 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.

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 advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment. 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 proposed site is located to the south of Havant and accessed from Langstone Road to the east and Brookside Road to the west. The site is an existing industrial site and the proposal is for redevelopment of this brownfield land located within the built up area and with surrounding industrial, commercial and residential development to the south, east and west and with the A27 Trunk Road to the north with further commercial development beyond.

The development being proposed would result in the phased demolition of existing buildings and the erection of new flexible use employment floorspace (Use Classes E (g) (i)-(iii) / B2/B8) and ancillary uses (Use Classes E(b), E(d) and E(f)) and associated works.

The proposed development, together with Phase 1 approved under APP/21/00405 would result in a total of 63,290 sqm. This would result in a small increase in the amount of floorspace overall (previously 58,412 sqm GEA prior to the B1000 demolition). It is considered that the development proposals would support the delivery of much needed new employment floorspace on site and is supported in principle accordingly.

All 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 the existing nutrient and conservation status of the receiving waters be taken into account.

As a result, there is a risk of a likely significant effect to the European Sites due to water quality.

Further information for water quality and the Habitats Regulations Assessment which was undertaken by Phlorum can be found in Appendix 1 of this document.

Degradation of supporting habitats

The site itself has not been identified in the Solent Waders and Brent Goose Strategy Network as a site supporting protected birds.

The site is however close to a number of sites identified in the strategy as follows:

- H11 Low Use Site (located to the north of the A27 and intervening commercial sites)
- H27 Secondary Support Area (located south east of the site beyond intervening industrial and residential areas)
- H28A Secondary Support Area (located to south west of site beyond intervening industrial areas)
- H28B and H28C SPA site (Located to the south of the site beyond intervening industrial areas)
- H29 Candidate Site (Located to south west of the site beyond intervening industrial areas)
- H90 Primary Support Area (Located to south west of the site beyond intervening industrial areas)

Given the scale of the re-development whilst there are no identified on site impacts in relation to SPA supporting habitat there is considered to be a risk to nearby supporting habitats as identified above. These risks are considered to mainly result from the construction phase or from impacts to the water environment.

The application includes a Construction Environmental Management Plan Framework which sets out draft measures to control noise dust and other construction pollution and a Noise Assessment in relation to post development noise have been provided. These are considered helpful in demonstrating methods for limiting impacts beyond the site, however, significant impacts cannot be ruled out to supporting habitats from the development without further mitigation.

As a result, there is a risk of a likely significant effect to the European Sites due to degradation of supporting habitats.

Construction impacts

There is potential for construction noise, pollution and activity to cause disturbance of SPA qualifying bird species present in proximity to the site using existing. A noise assessment was prepared to support the application for the development proposals, which considered potential impacts from piling and other construction activity. This concluded that piling activity was unlikely to have any significant impact as maximum noise levels from piling activity will be at a similar level to the existing noise climate. Nonetheless, a significant effect cannot be ruled out.

As a result, there is a risk of a likely significant effect to the European Sites due to construction noise and activity.

Air Quality

The potential impacts on air quality are likely to result from construction phase and operational phase activities.

The construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent areas together with construction traffic impacts.

The outline application is likely to represent an intensification of site occupation relative to existing utilisation of the site although any intensification over a fully occupied existing and consented scheme is much less significant.

As a result, there is a risk of likely significant effect to Air Quality in the European Sites due to air quality impacts.

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

The applicant has provided a shadow HRA, which is available on the case file. Additional documentation which forms part of the application has also been considered.

Water Quality

The potential impacts in terms of water quality relate to the construction phase and surface water management post construction.

The potential routes for contamination to the European Sites would be via the watercourse running to the east of the site into Langstone Harbour or via the local aquifer. Both routes are some distance from the SPA. Pathway dilution factors will progressively reduce risk prior to any potential contaminants reaching the SPA.

In addition, in consultation with Statutory Consultees, the potential impacts on the water environment can be addressed subject to the imposition of appropriate conditions including in relation to a Construction Environmental Management Plan, Contamination and Surface Water Drainage. These conditions would appropriately mitigate the risk of mobilisation of contaminants and potential impacts on routes linking to the European Sites.

In terms of ongoing impacts on the water environment, the drainage scheme has been designed to avoid harmful impacts on water environments and subject to the imposition of appropriate planning conditions in consultation with Statutory Consultees can be appropriately addressed to prevent on-going impacts on the water environment.

Degradation of supporting habitats

The proposal would not lead to direct loss of existing supporting habitats but could lead to the degradation of existing off site supporting habitats that have the potential to contribute to the function of the wader and brent goose network.

Havant Borough Local Plan (Allocations) 2014 relates to Sites for Brent Geese and Waders and states:

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas, identified on the Policies Map.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance.

Whilst potential impacts on nearby sites are recognised it is noted that none of the sites about the application site and all are located beyond intervening industrial, commercial residential and infrastructure developments, this is considered to limit potential impacts. Therefore impacts are considered to be limited to potential construction impacts especially from noise, dust or other pollution and impacts on the water environment.

The application includes a Construction Environmental Management Plan Framework which addresses Noise and Vibration, Dust and Air Pollution, Hydrology and Aquatic Resources, Ecology. The Framework will form the basis for the application of appropriate planning conditions to mitigate construction phase impacts and subject to these it is considered that any potential impacts on supporting habitats can be appropriately avoided.

In terms of ongoing impacts on the water environment, the drainage scheme has been designed to avoid harmful impacts on water environments and subject to the imposition of appropriate planning conditions in consultation with Statutory Consultees can be appropriately addressed to prevent on-going impacts on the water environment.

Construction impacts

During the construction period, noise, pollution, and activity has the potential to impact on the designated sites located to the south of the development site. Noise, pollution, and construction activity also has the potential to impact on the sites identified in the Solent Waders and Brent Goose Strategy. As noted above, a noise assessment was prepared to support the application for the development proposals, which considered potential impacts from piling and other construction activity. This concluded that piling activity was unlikely to have any significant impact as, maximum noise levels from piling activity will be at a similar level to the existing noise climate. Measures were proposed in the assessment that could be incorporated at construction stage to further reduce any likely noise impacts.

Such impacts and the mitigation measures to remove them can be addressed in detail through a Construction Environment Management Plan (CEMP) agreed between the applicant and the Local Planning Authority prior to the commencement of development. Subject to the imposition of a condition securing these controls, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably

avoided and mitigated. As such, no likelihood of a significant effect remains on this issue subject to a CEMP being secured by condition.

Air Quality

It is considered that impacts on air quality can be address by the imposition of suitable conditions including a Construction Environmental Management Plan and Construction Traffic Management Plan. This will include requirements in relation to dust and traffic routing.

In relation to the operational phase, the application is accompanied by detailed Transport Assessments and details of sustainable development proposals. It is noted that in terms of transport impacts any increase in traffic would be very limited over the full use of the existing and previously consented development. It is considered that subject to the imposition of appropriate planning conditions in consultation with Statutory Consultees in relation to environmental controls and a Section 106 Legal Agreement to secure a Travel Plan and improvements to non car based travel options the developments impacts can be suitably controlled.

As a result it is considered that any potential air quality impacts on the European Sites can be appropriately addressed.

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 2021.

The screening under stage 2 concludes that avoidance and mitigation measures are needed in order to ensure that there would be no likelihood of a significant effect to the above European sites.

The authority has concluded that any potential adverse effect from the proposal on off site SPA supporting habitat as identified in the Solent Waders and Brent Goose (SWBG) Strategy can be avoided by the imposition of appropriate planning conditions.

There is a likely significant effect in the absence of avoidance and mitigation measures from construction impacts and noise, disturbance and construction related pollutants. Avoidance and mitigation packages have been proposed which would remove this through a CEMP.

The potential impacts on the water environment and air quality can also be suitable addressed through the imposition of planning conditions and a S106 Legal Agreement.

Natural England Officer:

Summary of Natural England's comments:

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

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.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 17 March 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.

Construction impacts:

Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

In addition in order to mitigate adverse impacts through noise and make the development acceptable, we would recommend that the following planning condition is applied:

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

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.

Provided the council, as competent authority, is satisfied that the submitted CEMP addresses the above impacts, then Natural England raises no further concerns.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.