

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:	08/04/2024
HRA completion date:	16/05/24
Application reference:	APP/23/00475
Application address:	30 Sandy Beach Estate, Hayling Island, PO11 9RG
Application description:	Proposed extensions to dwelling including front and rear balconies, second floor habitable accommodation, changes to fenestration.
Lead Planning Officer:	Tina Pickup
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 residential dwellings, 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.

Affect on SPA and SPA Functionally Linked Land - Site H81 from Noise and Visual Disturbance, and from Construction Activity

The application site is located within 55m of nearby Chichester and Langstone Harbours SPA designated Site H81 which supports vulnerable bird species such as Brent geese, Curlew and Grey Plover. This functional land forms part of a network of terrestrial sites located outside of the Solent SPA boundaries used by SPA species as alternative areas for roosting and foraging.

The noise and visual disturbance associated with the construction of the proposed extensions has potential for noise and activity to cause disturbance of qualifying bird species present at the site and thus impact the functionality of the designated site.

As a result, there would be a likely significant effect to the following European Sites due to construction noise and activity:

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Waters SPA and Ramsar
- Chichester and Langstone harbours SPA, Ramsar and Site of Special Scientific Interest (SSSI)

Recreational Pressure

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

However, this proposal is for extensions to an existing dwelling only and would not result in a net increase in dwellings on the site or increase in human population causing recreational disturbance. As a result, there would not be a likely significant effect from any recreational pressures.

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.

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.

However, the proposed development for extensions only, would not result in a net gain in dwellings on site. As a result, there would be no net gain in nutrient emissions and there would not be a likely significant effect from any water quality issues.

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

Yes, due to noise and visual disturbance, 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.

Noise and Visual Disturbance, and Construction Impacts.

To avoid any adverse impacts on the function of the adjacent SPA land a detailed Construction Environmental Management Method Statement and Plan (CEMP) has been submitted – see full details on case file. The key precautions detailed include:

1. No works to be carried out between 1st October to 31st March i.e. overwinter when the birds are there feeding, that will exceed 69db LAMax.
2. Working periods will be limited to daylight hours only with a maximum period of 8am – 6pm Monday-Friday and 8am – 1pm Saturdays and not at all on Sundays and bank holidays.
3. Dust control measures to include PVC covers to be fitted where appropriate to any perimeter scaffolding during the course of the works to provide shelter from winds and to minimise low level dust from the site. Any dusty materials are to be carefully removed from site to minimise any disturbance to the SPA and SSSI. To help minimise noise and dust the contractor is to apply best practice methods and tools such as using a water hose to dampen down dust where necessary.
4. All equipment brought on to site is to be inspected for contaminants and operatives and subcontractors are to be made aware of this requirement in advance. The owner will also check that any liquids stored on site are in well maintained containers and secured at all times.
5. Storage of materials and equipment - There will be an allocated areas on site for the storage of materials and equipment. Powdery materials likely to be carried by the wind are to be contained in sealed bags and containers and care is to be taken to avoid any spillages. Equipment and techniques to be employed at all times to provide dust suppression.

The above mitigation measures provided in the CEMP can be conditioned. On this basis it is considered that the proposed extensions would be adequately managed to limit any adverse impacts and disturbance of SPA bird species on the adjacent site H81. Any limited demolition and all noisy construction activities would be undertaken outside the overwintering period and the additional impacts would be minimal and would not be likely to result in noise and visual disturbance sufficient to affect any birds within the adjacent site H81.

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 SPA 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 authority has concluded that the adverse effects arising from the proposal can be adequately mitigated for with compliance with the submitted CEMP and a condition limiting noisy construction over 69dbAmax taking place during the overwintering period. i.e. October to March inclusive.

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 8 th April 2024, 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.

Natural England advises the Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.