Havant
BOROUGH COUNCIL

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:	12th June 2024
HRA completion date:	
Application reference:	APP/22/00818
Application address:	Former site of Forty Acres, Havant Road, Havant
Application description:	Reconfiguration of floorspace within the care home building approved under planning reference APP/18/00450 and APP/21/01348 to provide 5No. additional bedrooms (3No. on ground floor & 2No. on first floor), increasing from 66-beds to 71-beds, with associated car parking and landscaping.
Lead Planning Officer:	Kayleigh Taylor
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 care home, 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 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. Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. 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 and Langstone Harbour SPA and Ramsar sites. The SRMS in paragraph 6.9 outlines that: *The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit*

their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

The proposed development is for a 71 bed care home (C2 use) providing 24 hour nursing which will comprise shift patterns with no staff sleeping on site to a range of residents requiring high dependency care to deliver both nursing and residential care and will enable the delivery of dementia-specific care. The rooms would be single occupancy units that do not provide any further facilities such as kitchens, etc within the rooms. These are only bedrooms with en-suites. As all bedrooms would be single-occupancy, partners would not be living with the residents. with communal on site facilities including a hair salon, café, gym and cinema together with various lounge and dining areas and enclosed amenity area. As residents would not live independently due to the level of care required, residents would have limited mobility so would not independently leave the site. There would be no on-site living accommodation and this would be secured by condition notwithstanding that there is no reference to such accommodation shown within the submitted plans. The applicant has submitted a letter to support the uses identified above.

In terms of car parking, the Havant car parking standards for care homes are restrictive and do not require any car parking provision for residents. There is only a requirement to provide car parking provision for staff and visitors. The proposal complies with the car parking requirements, in that it only provides car parking for staff and visitors to the care home.

For the above reasons, the Local Planning Authority as the competent authority has assessed the need for mitigation from the proposed care home and is satisfied that the proposals are for a care home where residents cannot independently leave the site and there will be no live in staff on site. The care home development is not considered to require mitigation through the Solent Recreation Mitigation Strategy (SRMS) due to the nature and type of development, the type of residents who will be living at the establishment and the internal and external facilities for the residents (Internal Floor Plans are provided together with this document).

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.

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, it was appropriate for the HRA to conclude that 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 care home is located on a Solent Wader & Brent Goose Strategy site identified as a Secondary Support Area. The Appropriate Assessment undertaken for APP/18/00450, identified that the proposed development would result in a loss of foraging habitat in the form of H04B (approximately 12.6ha) and the loss of a small part of H04C (approximately 2.4ha). The location of the care home is as approved in the layout under application APP/18/00450. Under APP/18/00450 a bespoke mitigation package comprising a permanent wintering bird refuge to the east of the site was secured through a legal agreement.

The current proposal seeks to reconfigure the internal layout of the approved Care Home building to provide 5no additional bedrooms (3no on the ground floor and 2no on the first floor) resulting in an overall increase to the number of bedrooms proposed from 66 to 71. Other than roof plant on the care home building, no external alterations are proposed over and above those already approved under APP/18/00450 and APP/21/01348.

Given that there is an existing legal agreement to ensure that the winter bird refuge will be managed in perpetuity and that the proposal would not result in further loss of supporting habitat. As such there would be no likely significant effect on Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar site through loss / degradation of supporting habitats.

Construction Impacts

Construction of the care home (known as Portsdown View) has now been built. Planning permission APP/18/00450 was subject to a Construction Traffic & Construction Environmental Management Plan, secured by planning condition. The current proposal seeks internal alterations only. As such there would be no likely significant effect on the Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar site through construction noise and activity.

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

(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.

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 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a nutrient load into European Sites via wastewater treatment works at Budds Farm. 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 measures as well as the use of a third party mitigation scheme. The application has identified and will use mitigation from the consented Forty Acres Farm site APP/18/00450. The mitigation site is located in Bedhampton adjacent to the development site and within the same river catchment which drains into the Solent. Information in relation to the application and mitigation site can be found in the Tetra Tech report dated 29/02/2024.

An earlier draft HRA for this application stated;
'A legal agreement will be necessary to secure the mitigation package. 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 is secured through the planning process, the proposed development will not act against the stated conservation objectives of the European sites.'

Subsequently legal advice has been sought from the Council's Legal Team, whom has advised *'The development of the Forty Acres site is well underway if not already completed. There is therefore little to no chance of the land reverting either to an agricultural use or to any other use besides the residential uses plugged into the calculator. The surplus from that site has therefore been created and is extremely unlikely to change during the lifetime of the care home. The Forty Acres site is also subject to a s106 which secures the management of the open space etc so as to ensure that the nitrates inputs remain as per the calculator. My view is that the nitrate mitigation is therefore already in place and already secure.'*

The Council will keep an internal record that the nitrates mitigation required for this application has been deducted from the surplus nitrates calculation for the wider Forty Acres site to ensure that this cannot be double counted in the future.

Having regards to this, officers are satisfied that the nitrates mitigation has been secured in perpetuity.

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.

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 are wholly consistent with the effects detailed in the Position Statement and Mitigation Plan for Nutrient Neutral Development with regards water quality.

The authority's assessment is that the application complies with these strategies and are satisfied that nitrate mitigation is already in place and secure in perpetuity. 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:

The LPA's response