

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 March 2024
HRA completion date:	26 March 2024
Application reference:	APP/23/00892
Application address:	71 Eastoke Avenue, Hayling Island, PO11 9QP
Application description:	Installation of replacement gazebo, installation of new decking in existing dock, repairs to existing dock.
Lead Planning Officer:	Denise Sheath
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 & Dorset Coast Special Protection Area (SPA) ▪ Solent & Southampton Water SPA ▪ Solent & Southampton Water Ramsar ▪ Portsmouth Harbour SPA ▪ Portsmouth Harbour Ramsar ▪ Solent & Isle of Wight Lagoons SAC (Hereafter known as the Solent European Sites) ▪ Singleton & Cocking Tunnels SAC
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?	Yes. All new development within Havant Borough that is either a) located in proximity to and may affect directly or indirectly the qualifying habitats and species of the Solent Marine Sites, b) new residential development within 5.6km of the Solent Marine Sites where recreational disturbance is likely to result, and c) new housing schemes and other proposals which include a net gain in overnight accommodation or development which has a high volume of water use and which are located in river catchments draining to the Solent Marine Sites.
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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.

Solent European Sites

Collectively, the Solent European Sites provide protection for a range of coastal and marine habitats and the species supported by them.

The application site is predominantly within the Solent Maritime Special Area of Conservation (SAC) and Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site. However, it is clear that there are no natural habitats located within the proposed working area, which comprises concrete and brickwork with no vegetation. On that basis it is considered that direct impacts to the interest features of the SAC are not likely to occur.

The proposed works have potential to result in construction phase impacts to the interest features of Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar. 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 the Solent European Sites and the species they support via noise and visual disturbance, and airborne and waterborne pollution.

Singleton & Cocking Tunnels SAC

Singleton & Cocking Tunnels SAC constitutes the most important site for hibernating bats in south-east England, in particular for Western Barbastelle *Barbastella barbastellus* and Bechstein's Bat *Myotis bechsteinii* which are both qualifying features of the SAC. For the purposes of HRA it is assumed that individual bats from the SAC may occur within Havant Borough and therefore a functional link between Havant Borough and the SAC is inferred.

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

No. The application site contains no habitat suitable for Bechstein's Bat or Western Barbastelle. There is no conceivable impact pathway that would affect these bat species.

(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.

Solent European Sites

A Construction Environment Management Plan (Lymington Technical Services Ltd, January 2024) has been submitted. It includes the following avoidance and mitigation measures:

Construction work

All materials will arrive by road and will be manually transported to the works area. No chemicals will be used during the construction. Works will be undertaken in daylight hours, 0800-1800 weekdays with Saturday 0830-1300 and no works on Sunday. Apart from the gazebo works, which are on existing dry land, all other works will be around low waters, and this minimises any risk of pollution of the water.

Pollution control

The gazebo will require a concrete mixer, as will the wall repairs. All concrete mixing will be within a bunded area to contain any spillage. Airborne pollution is unlikely, but if any dust is generated it will be wetted down.

Storage and disposal of waste

The waste will primarily be the old gazebo and temporary bridge over the dock area. These are all largely wood. Very little of this has any possible use. Items that have a potential future use will be stored in the existing garage. Waste items will be removed to a licenced disposal site.

Release of debris into the water during construction

As care will be taken to prevent any released of debris into the water the risk is very low. In the event that any debris is released into the water, (which can only occur at high water and therefore only when the gazebo is being replaced), it will be removed immediately.

Biosecurity for Invasive Non-Native Species (INNS)

The only plant likely to be used on site will be a concrete mixer and associated wheelbarrows. These will all be washed and dried prior to arrival on site. No marine plant is involved.

Removal of debris and temporary structures following completion of the works

Debris (possibly old bricks) will be removed as waste. No temporary structures are proposed.

Noise/visual/vibrational impacts

The works are being undertaken with manual labour and equipment. No heavy plant or tracked vehicles will be used.

- No piling is proposed and there will be no vibratory equipment.
- Visual impact will be minimal as the gazebo is a replacement, as are the other works.
- No noisy equipment will be used

Given that no piling or heavy machinery will be used Havant Borough Council considers that it is not necessary to include restrictions on the timing of works to avoid the bird wintering season.

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.

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 on the above dated 01 March 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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 1 st March 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.

The Construction Environmental Management Plan should be submitted to and approved in writing by your authority's ecologist. The CEMP should be adequately secured with any permission and adhered to at all times.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice.

You must also allow a further period of 21 days before the operation can commence. For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.