

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:	16 th January 2022
HRA completion date:	
Application reference:	APP/21/00809
Application address:	Hermitage Park, Harts Farm Way, Havant
Application description:	Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/17/00511 as amended by APP/18/01281) in order to secure a further three years to commence development following transfer of ownership of the site.
Lead Planning Officer:	Selina Donophy
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) (Hereafter known as the relevant 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 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. New development in the vicinity of the relevant European Sites can have an impact due to a number of potential impacts.

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.

Air Quality

The impacts of increased atmospheric pollution can be profound and operate across broad geographical areas. Impacts can arise/be exacerbated through increases/changes in the distribution of vehicular movements (to and from residential and commercial development) and/or the location of significant point-source emissions (e.g. new factories).

The most significant consequences of increased atmospheric pollution are eutrophication and acidification through the contact of nitrogen oxides (NO_x) with vegetation, soils and water. These anthropogenic sources operate at a much faster level than the normally slow cycling of 'natural' nitrogen in the environment. Nitrogen oxides can react with airborne water to form nitric acids which then result in impacts to vegetation through contact. Atmospheric pollution can also result in the deposition of NO_x in soils and water, affecting vegetation therein.

The presence of airborne pollutants is often described in terms of critical levels and critical loads. Levels refer to the concentration of atmospheric pollutants above which harmful effects are considered likely. Load refers to the deposition rate of nutrients below which effects are considered unlikely to occur.

Increased NO_x deposition can affect vegetation in several ways. Some vegetation types (e.g. bryophytes, ericaceous shrubs) can be directly impacted through contact, affecting photosynthesis, water transportation and growth.

Deposition of NO_x can also influence vegetation composition, with increased soil and water nitrogen levels causing eutrophication and favouring coarser plant species over more sensitive species of conservation concern.

The effects of atmospheric pollution are most often felt within SACs designated for their sensitive vegetation communities.

Within most assessments of air quality impacts it has been assumed that distance is a key factor, with impacts most evident within c.200m of the source of pollution (i.e. a road). Clearly, any effects will be dependent not only on the proximity to the source of pollution, but also on the characteristics of the habitats present and the overall background levels and loads.

The applicant has provided an Air Quality Assessment (AQA) (Wood, May 2022) which has informed this HRA. The AQA concludes that predicted concentrations at positions of relevant public exposure were below relevant Air Quality Objectives-the predicted critical levels and critical loads at ecological receptors did not breach the appropriate environmental assessment levels and a conservative representation of potential operation, assuming more hours of operation than would occur in reality, showed that short term pollutant concentrations would not breach relevant Air Quality Objective levels.

The Air Quality Assessment concluded that the geographical extents of the mean annual nitrogen oxides and the nitrogen depositions were limited (over an area of 9ha in total) and over habitat that is predominantly mudflats (i.e. not saltmarsh) which has low susceptibility to atmospheric nitrogen. Given that the EA's exceedance for the prescribed 1% limit is marginal, given the habitats described (relatively robust mudflats) and the regular flushing from tidal incursion, there will be no Likely Significant Effect on any of the nine PAS identified in this HRA from these nitrogen oxide or nitrogen depositions exceedances. Further impacts can subsequently be dismissed and no further assessment and/ or mitigation is required in relation to the project. Given the limited area potentially

affected it is considered that the proposals would not result in impacts sufficient to undermine the European sites' conservation objectives and site integrity.

The existing site is essentially devoid of vegetation and there are limited concerns in relation to on-site ecological matters. The submitted Air Quality Assessment was judged to be acceptable and the scheme is essentially identical to that previously submitted. As highlighted by Natural England in their response dated 6 September 2021, the air quality dispersion modelling predicts an exceedance of the 1% threshold on parts of the northern edge of the Solent Maritime SAC and Chichester & Langstone Harbours SPA/Ramsar (including the underlying Langstone Harbour SSSI). The modelling is based upon a 'worst-case' scenario of almost continuous operation – this does not reflect the actual operating system to be used and modelling is therefore precautionary. The background NOx levels are already in exceedance.

The project's exceedance will potentially affect c.9ha of intertidal habitat. This represents between 0.14% and 0.28% of the European designated sites. Intertidal habitats, including saltmarsh, are subject to tidal incursion twice each day and this is anticipated to wash away and disperse any deposited nitrogen such that effects on individual vegetation communities is considered highly unlikely.

For nitrogen deposition, air quality and acid deposition the submitted AQA concludes effects as not significant and this HRA concludes that there is no reason to doubt this. Natural England have raised no objection to the submitted AQA findings.

Would the proposal lead to a likely significant effect on European site integrity? No

(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.

Not relevant

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 not have a likely significant effect in on the relevant Solent European sites.

Natural England Officer:

Summary of Natural England's comments:

