

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:	06/12/2021
HRA completion date:	19/1/22
Application reference:	APP/21/00189
Application address:	Brockhampton West, Harts Farm Way, Havant
Application description:	Outline application for the development of new employment units to provide up to 29,000 sqm (gross internal area) for flexible use across use classes E (light industrial), B2 and B8 with ancillary offices, car parking, service yards, drainage works, landscaping and associated works to prepare the site for development. All matters are reserved except the means of access to the site.
Lead Planning Officer:	Lesley Wells
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 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 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 development 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 west of Havant, off Harts Farm Way. The site has been allocated for development for employment uses within the Development Plan, thus the principle of this development has been established.

The site is understood to have been used as a landfill between c.1970 to c.1987. The landfill is believed to have been operated as a 'dilute and disperse' system, commonly adopted before the 1990s. Waste types are expected to have included concrete waste, construction and demolition waste, household waste and incinerator residues. Once landfilling ceased at the site, it was briefly used for informal recreation.

The development being proposed is for new employment units to provide up to 29,000m² (gross internal area) for flexible use across use classes E (light industrial), B2 and B8 with ancillary offices, car parking, service yards, drainage works, landscaping and associated works to prepare the site for development.

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 that 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 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)

Further information for water quality and the Habitats Regulation Assessment which was undertaken by Ricardo Energy and Environment can be found in Appendix 1 of this document.

Loss / degradation of supporting habitats

The site has been monitored as part of the Solent Waders and Brent Goose Strategy and the western part of the application site has been identified as being SWBG site H08 for the purposes of the study. The full extent of the area is available at <https://solentwbgs.wordpress.com/page-2/>. Using the latest data from winter bird surveys across the Solent (which incorporates spatial considerations such as movements rather than just numbers), H08 has been listed as a 'low use site'. The ecology reporting that accompanies the application for the development proposals note that, in its current state, the Site is unsuitable as foraging habitat for brent geese as the grassland areas are too small and enclosed by mature scrub and trees that limit goose sight lines. The report notes that the grasses present are too rank with an unsuitable sward that in places is dominated by tall ruderal species. There are also no recent records of the site being used by waders or brent geese.

Low Use Sites still have the potential to be used by waders or brent geese and therefore the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of such sites is considered to impact the continued ecological function of the wader and brent goose network. This loss of supporting habitat could result in a likely significant effect and therefore these would require Appropriate Assessment.

As a result, there is a risk of a likely significant effect to the following European Sites due to Loss / degradation of supporting habitats:

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site

Construction impacts

There is potential for construction noise, pollution and activity to cause disturbance of SPA qualifying bird species present on site, either using existing habitats or those created as mitigation. 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 following European Sites due to construction noise and activity:

- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar site

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 results of the geo-environmental investigation indicate the Brockhampton landfill is based on a 'dilute & disperse' system with waste largely comprising domestic and inert materials. The landfill is non-engineered and sits directly atop a layer of River Terrace deposits of variable thickness with the Chalk bedrock at depth.

The risks to controlled waters and supported qualifying features were identified these include:

- River Terrace deposits (Secondary A aquifer)
- Chalk (Principal aquifer)
- Hermitage Stream, which discharges directly on the Storehouse Lake/Langstone Harbour (part of the Chichester and Langstone Harbours SPA and Solent Maritime SAC).

(Further detailed information can be found in Appendix 1 of this document)

The main risks to water quality identified during either the construction or operational phase of the development are:

- Piled Foundations
- Waste Settlement and Leachate
- Leachate Mobilisation
- Ammoniacal nitrogen

(Further detailed information can be found in Appendix 1 of this document)

The proposed development includes a number of mitigation measures and remedial works with the aim of minimising environmental risks to sensitive controlled waters receptors during both the construction and the operational phases. These include:

- Reduced Infiltration
- Removal of a portion of the waste material
- Derelict Drainage
- Surface Water Quality Monitoring Plan

(Further detailed information can be found in Appendix 1 of this document)

The mitigation measures listed above are considered to be key in order to off-set any potential adverse effects of the proposed development on sensitive receptors, such as increased leachate circulation and creation of new contaminant pathways during the construction phase. The reduction in infiltration rates, the removal of part of the landfill materials and the sealing of any redundant outfalls to the stream are likely to reduce the generation and mobilisation of leachate towards Hermitage Stream. It is noted however that a residual risk would still remain due to the potential for dissolved pollutants to reach the stream via baseflow from the River Terrace Deposits and Chalk. Furthermore, lateral migration of pollutants through the sides of the landfill may still occur due to the absence of an engineered capping, although this risk will be mitigated by the reduction in infiltration rates through the provision of areas hardstanding as part of the development, although difficult to accurately quantify.

However, given the above, it is considered that the proposed mitigation is sufficient to prevent further deterioration of water quality from the development, with the potential for betterment (although difficult to quantify). These mitigation measures must be secured through appropriately worded planning conditions.

Loss / degradation of supporting habitats

The project being assessed would result in the loss / degradation of existing supporting habitats that have the potential to contribute to the function of the wader and brent goose network.

Policy E17 of the emerging Havant Borough Local Plan sets out HBC's approach to securing the appropriate mitigation measures to address the in-combination impact, this policy states that:

Development proposals on, or adjacent to, sites which are used by Solent waders and/or Brent Geese will be assessed in line with the appropriate regulations. These proposals will, therefore, require a project level Habitats Regulations Assessment and, if necessary, an Appropriate Assessment. The Council will consider the Solent Waders and Brent Goose (SWBG) Strategy and the latest survey data when making such an assessment.

It states for Low Use Sites that:

Development proposals on Low Use Sites will only be permitted where:

- i. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and Natural England; or
- j. A financial contribution is provided consistent with the SWBG Strategy.

The methodology for calculating off-site mitigation is set out in the Solent Waders and Brent Goose Strategy Guidance on Mitigation and Off-Setting Requirements . This sets out in paragraph 32 that £35,610 per hectare of habitat lost is an appropriate scale of mitigation package. With the proposed development of 4.47ha, this equates to £159,176.70. The applicant has indicated a willingness to provide a mitigation package scaled to this amount.

Policy E25 of the emerging Havant Borough Local Plan allocates land at 'Broadmarsh' for a Brent Goose and Wader Refuge. This site is close to the proposed development site. The mitigation from this site could be reasonably used to bring forward this refuge project. Nonetheless, it may be that other equally or more suitable projects emerge and so the package should be sufficiently flexible that the refuge can be provided at Broadmarsh, an alternative location or a mixture. Paragraph 36 of the aforementioned guidance then sets out that consideration should be given to on-site mitigation, off-setting and/or enhancement. Where this has been demonstrated to not be practical or feasible and impacts cannot be avoided or adequately mitigated on-site, off-site options and / or compensation funding should be considered. Compensation funding may include payment towards the management and enhancement of the wider waders and brent geese ecological network .Havant Borough Council already own the Broadmarsh allocation and so land purchase is not necessary in order to facilitate the refuge scheme. As such, no further funding over and above that calculated through table 1 of the mitigation guidance, is considered necessary.

A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity. 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 affect the status and distribution of key bird

species and therefore the development will not act against the stated conservation objectives of the European sites.

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 remainder of site H05A as identified in the Solent Waders and Brent Goose Strategy. As noted in the screening, 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.

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 the adverse effect arising due to habitat loss from the proposal is wholly consistent with the effects and mitigation proposals detailed in the Solent Waders and Brent Goose (SWBG) Strategy. Implementation of a mitigation package in line with the strategy will remove the significant effect.

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 Applicant has committed to several mitigation measures, over and above the development resulting in a reduction in infiltration (areas of hardstanding), thereby reducing the pathway for leachate to enter the groundwater and watercourses. The Applicant has also committed to additional baseline monitoring during November to verify the results of the previous survey, and a Surface Water Quality Monitoring Plan during the groundwork phase. Subject to these measures

being secured through planning conditions (including any timing restrictions and review requirements), it can be reasonably concluded that the proposed development will not have an adverse effect on the integrity of the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar, with respect to water quality.

The authority's assessment is that there is the potential to provide mitigation to remove the significant effects that otherwise would have been likely. 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:

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 6th December 2021, 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. Our advice in relation to the measures required to address impacts to designated sites is outlined below.

Water Quality

The supporting Water Quality Review For HRA (Ricardo Energy & Environment November 2021) identifies 4 potential risks to water quality from the former land fill use of the site which could impact on the Solent Maritime Special Area of Conservation and the Chichester & Langstone Harbours Special Protection Area and Ramsar site. These include; piled foundations, water settlement and leachate, leachate mobilisation of pollutants, and elevated concentrations of ammoniacal nitrogen species in surface water and ground water. Mitigation measures include; reduced infiltration due to large areas of hardstanding within the proposed development; removal of waste material during groundworks; prevention of direct discharge of leachate through removal or blocking of any derelict drainage channels found; and implementation of a construction environmental management plan including regular surface water quality monitoring.

Your appropriate assessment concludes that your authority is able to ascertain that the proposals will not result in adverse effects on integrity of the European site because the suggested measures above are sufficient to prevent further deterioration of water quality from the development and will lead to a potential betterment in surface water runoff. Provided the Environment Agency is in agreement and the measures set out above are appropriately secured, Natural England agrees that there will be no adverse effect on integrity of the above European sites.

Loss of SPA supporting habitat

A financial contribution has been agreed to address the loss of supporting habitat as a result of the development. It is noted that this will be secured through the legal agreement and Natural England agrees with this approach.

The appropriate assessment confirms that the mitigation contribution could be used to bring forward the Broadmarsh bird refuge, a strategic mitigation site which will be managed as a permanent nature reserve, or a similar permanent refuge at an appropriate alternative location.

Natural England recommends that these details are agreed and progressed at the earliest opportunity. Provided this is the case and the mitigation work can be delivered in a timely manner to address the loss of supporting habitat from this development, Natural England raises no further comments. We would be happy to discuss this further in due course.

Construction impacts

It is noted that a construction environmental management plan (CEMP) will be secured with any planning permission to address impacts from construction work on the SPA and its functionally linked land. The supporting noise assessment concluded that the proposed construction works and piling activity are unlikely to have any significant impact due to existing noise levels in the surrounding area and recommend measures to further reduce any likely noise impacts.

Nevertheless we recommend the use of soft start vibro-piling and consideration of ceasing piling activities should the temperature fall below zero for a period of 3 consecutive days during January to February as precautionary best practice measures. Provided the CEMP includes these measures to prevent noise, lighting and visual disturbance on supporting habitat, Natural England agrees there will be no adverse effect on integrity of the sites in question.

