

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:	10 th October 2022
HRA completion date:	9 th November 2022
Application reference:	APP/22/00479
Application address:	Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH
Application description:	Single storey extension to existing Marina Services Building (Renewal of Planning Permission 18/00783).
Lead Planning Officer:	David Eaves
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 Southampton Water SPA ▪ Solent and Southampton Water 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 Single storey extension to an existing Marina Services Building (Renewal of Planning Permission 18/00783), 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. In this case the impacts on the site relate to the proposed extension to an existing Marina building. Whilst there will be other examples of building construction close to the European site, these are assessed on their merits in terms of their 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.

Single storey extension to existing Marina Services Building (Renewal of Planning Permission 18/00783).

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to potential noise disturbance from construction works and potential for pollution from machinery, equipment or materials entering into the water during the construction phase.

(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 confirmed agreement in relation to the imposition of planning conditions to address potential construction phase impacts on the European Site. These conditions are as follows:

Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning authority.

The CEMP shall include as a minimum:

- *A list of defined potential impacts to the designated sites*
- *Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water*
- *Details on the storage and disposal of waste on site*
- *Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water*
- *Details of biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.*

The development shall thereafter be carried out in accordance with the approved details.

Reason: *To ensure that the development does not have an adverse effect on the integrity of Solent Maritime Special Protection Area and Chichester and Langstone Harbours Special Protection Area which would be contrary to the Habitat Regulations, the Wildlife and Countryside Act 1981 (as amended) and policies CS11, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM23 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.*

No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) is to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Reason: *To ensure that the development does not have an adverse effect on the integrity of Solent Maritime Special Protection Area and Chichester and Langstone Harbours Special Protection Area which would be contrary to the Habitat Regulations, the Wildlife and Countryside Act 1981 (as amended) and policies CS11, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM23 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.*

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 potential adverse effects arising from the proposal can be appropriately addressed by the imposition of planning conditions to secure avoidance / mitigation measures in relation to Construction Environmental Management Plan and Noise control.

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:

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 10th October 2022, 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.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.