

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:	08/07/2022
HRA completion date:	15/08/2022
Application reference:	APP/22/00461
Application address:	Stoke Fruit Farm, 77 Havant Road, Hayling Island, PO11 0PT
Application description:	Application to determine whether Prior Approval is required for 1 No. agricultural barn to store crops and vegetables and associated machinery <i>Note – the LPA has already advised that Prior Approval IS Required</i>
Lead Planning Officer:	Tina Pickup
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)?	The development consists of an agricultural barn on land designated as Primary Support Area by the Solent Waders and Brent Goose Strategy 2020 (site H52A)
Are there any other projects or plans that together with the planning application being assessed could affect the site?	No

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.

Affect on Primary Support Area H52A

The proposed development is within 0.6km of Chichester & Langstone Harbours SPA/Ramsar which forms part of the Solent European Sites and located on designated Primary Support Area site H52A. This functional land forms part of a network of terrestrial sites located outside of the Solent SPA boundaries and used by SPA species for roosting and foraging. The survey data reveals large numbers of brent geese, curlew and oystercatchers at this site in the past.

Policy DM23 of the adopted Havant Borough Local Plan (Allocations) and the Solent Waders and Brent Goose Strategy 2020 seek to protect important habitat sites for brent geese and waders and where development is on or adjacent to designated sites the levels of impact on the habitat must be assessed. The impacts in terms of both loss of habitat site and human business activities can affect the birds and their status and distribution and therefore act against the stated conservation objectives of the Solent European Sites.

The proposed development would result in a direct loss/degradation of supporting habitat land and the construction and operational phase could result in noise and visual disturbance and thus impact the functionality of the designated site.

As a result, there would be a likely significant effect to the Solent European Sites resulting from the development.

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to habitat loss/degradation 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.

Loss of Habitat

To minimise any adverse impacts on the function of the adjacent SPA land amended plans have been received re-siting the building closer (within 20m) to the existing barns and adjacent the existing hard surfaced manoeuvring area. At 66m in length the proposed barn would itself form a large screen at the northern edge of the field, close to the existing natural field boundary. Access to and from the building would be from the east, via the existing hard surfaced area which is set behind a mound/buffer which would largely be retained. This would screen comings and goings to and from the barn once in use.

The portion of SWBGS site H52a within which the building will be located extends to approximately 9 hectares (ha). The footprint of the building, at 990sqm, will therefore result in a loss of c.1% of the site.

The buildings precise siting would be distanced from the previous identified siting locations of birds, which are predominantly towards the field's centre.

Overall, the size and siting of the proposed agricultural barn would result in minimal habitat loss such that the majority of site H52A would be retained and remain suitable habitat for overwintering birds as part of the wider network.

Construction and operational phase

A brief Construction Environmental Management Plan (CEMP) has been submitted, outlining that construction would only take place between November and March, using existing farm machinery that is in use throughout the year. Adjacent fields would not be planted with a crop that's attractive to geese or waders until construction is complete. No piling would be necessary and construction materials would be stored within the farm complex with none stored on surrounding fields.

The LPA considers that the construction of the proposed portal metal framed building would be relatively quick to erect within a summer period.

Provided the provision of a more detailed CEMP is conditioned, limiting any operational development to between 1st October and 31st March, then it is considered that the size and siting of the proposed agricultural barn would be unlikely to result in any significant loss of habitat or disturbance of SPA bird species on the Primary Support Area, site H52A.

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 SPA 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 can be adequately mitigated for with the amended plans re-siting the proposed barn, and condition requiring a more detailed CEMP, limiting any operational development to between 1st October and 31st March.

Natural England Officer:

Summary of Natural England's comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect SPA functionally linked land.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured by the LPA:

- Construction Environmental Management Plan
- Sensitive lighting design to minimise light spill into the SWBGS site

With respect to Noise Disturbance, recommend the following mitigation is secured with any permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided 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)

With respect to Visual Disturbance:

The qualifying features are also sensitive to visual disturbance. The proposal will need to ensure that any potential visual disturbance is adequately mitigated through sensitive lighting design

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here

<https://www.gov.uk/guidance/wildlife-licences>