

**LAND WEST OF OLD MANOR FARM,
SOUTH OF LOWER ROAD, BEDHAMPTON**

**INFORMATION FOR
HABITATS REGULATIONS ASSESSMENT**

APRIL 2022

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1.0 INTRODUCTION

1.1 Background

- 1.1.1 Aluco Ecology Ltd was commissioned by Bargate Homes to provide information for a Habitat Regulations Assessment (including information for an Appropriate Assessment where necessary) for an Outline Planning Application for up to 43 dwellings, associated landscaping, open space and allotments with access from Lower Road.
- 1.1.2 This report details the information necessary for the Competent Authority (Havant Borough Council) under the Habitat Regulations 2017 (as amended) to undertake a Habitat Regulations Assessment of the updated scheme.
- 1.1.3 Natural England as the Statutory Consultee has responded to the Application (on 23 November 2021) with a request that the amended scheme is considered through the Habitat Regulations Assessment process, and that through this further information should be provided.

1.2 Proposed Scheme

- 1.2.1 **Figures 1** shows the proposed scheme.
- 1.2.2 The proposals are for an Outline Planning Application for up to 43 dwellings, associated landscaping, open space and allotments with access from Lower Road
- 1.2.3 The Application as proposed is not directly connected with or necessary to the management of any designated European Site.



- 01 Vehicle access point
- 02 Site with planning permission for 50 homes
- 03 Potential pedestrian and cycle link
- 04 New tree and buffer planting
- 05 Swale (SuDS)
- 06 Attenuation basin with meadow planting (SuDS)
- 07 Growing spaces including allotments and community garden
- 08 Children's play area
- 09 Trim trail/path
- 10 Informal open space
- 11 Retained habitat
- 12 Scrub habitat
- 13 Wildflower grassland
- 14 Tall grass habitat
- 15 Proposed hedgerow
- 16 Semi-natural green space
- 17 Shared surface
- 18 Development blocks
- 19 Realigned access road



0m 100m (1:2,000)

CLIENT:
Borgate Homes

PROJECT:
Bedhampton, Havant

DRAWING:
Illustrative Masterplan

PROJECT NUMBER:
1217

DRAWING NUMBER: CHECKED BY:
LA

REVISION: STATUS:
V4 FINAL

DATE: SCALE:
21/09/21 1:2,000



Figure 1: Illustrative Masterplan (Mosaic Urban Design & Masterplanning, 2021)

2.0 RELEVANT LEGISLATION, GUIDANCE AND CASE LAW

2.1 European & National Legislation

- 2.1.1 The Habitats Directive 1992/43/EC and Wild Birds Directive 1979/409/EEC were implemented by the European Union as a pan European initiative to commit Member States to designate and protect wildlife sites that fell within the criteria adopted, and that these sites would represent a network of the most important and representative wildlife areas in the European Union. The sites are known collectively as Natura 2000/Sites of Community Importance. Under the Wild Birds Directive Member States are required to designate Special Protection Areas (SPAs) for species of bird and their habitats considered of importance. Under the Habitats Directive Member States are required to designate Special Areas of Conservation (SAC) for all other species and habitats considered to be of importance. The Habitats Directive also outlines provisions in Section 6.3-6.4 on the protection of these sites (and SPAs) from Plans and Projects by Member States.
- 2.1.2 In the UK, these Directives are implemented into national legislation through the Conservation of Habitats & Species Regulations 2017 (the ‘Habitat Regulations’) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). This sets out the tests that a plan or project should go through in order to ascertain whether it would have a material impact on the designated features of a European Site. By policy the UK Government also considers sites designated under the International Convention on the Protection of Wetlands Especially as Waterfowl Habitat (the Ramsar Convention, 1971) should be protected by this procedure. In this document ‘**European Site**’ is used to refer to potential and designated SPA/SAC/marine SACs and Ramsar sites collectively (updated National Planning Policy Framework).
- 2.1.3 The relevant tests for Plans and Projects are set out in **Regulation 63** onwards of the Habitat Regulations. Regulation 63 states that:
- “(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.*
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required....”*
- 2.1.4 With regard to a Planning Application the Competent Authority would be the Local Planning Authority. The Competent Authority is required to consider the potential for impacts and adverse effects on any European Site prior to granting permission for the project to proceed.

2.2 Guidance & Case Law

2.2.1 A large body of guidance has been considered in undertaking the following assessments in this report. This includes the following UK and European guidance:

- The National Planning Policy Framework (Revised 2019) provides guidance on implementation of the tests within Regulation 63 onwards of the Habitat Regulations;
- Circular 06/05 and Guidance from the Ministry of Housing, Communities & Local Government published on the 22 July 2019 (Gov.UK, 2019) provides further Government advice on implementation of the tests;
- PINS NOTE 05/2018 provides advice from the Planning Inspectorate on the implications of the People over Wind, *Peter Sweetman v Coillte Teoranta* case (Planning Inspectorate, 2018);
- Managing Natura 2000 (European Commission, 2018) provides technical advice on the principles within 6.3 & 6.4 of the Habitats Directive;
- Communication for the Commission on the Precautionary Principle (European Commission, 2017) provides guidance on the use of the Precautionary Principle in European Union law;

2.2.2 The process of Habitat Regulations Assessment has been considered by the UK courts and the European Court of Justice (ECJ). The following cases are of most relevance when undertaking a Habitat Regulations Assessment:

- Case C-127/02 of the ECJ – The “Waddenzee” Judgement (2002). This case considered the trigger for Appropriate Assessment and that it should be determined on a precautionary basis using objective scientific information;
- Hart DC v Secretary of State for Communities and Local Government (2008) – The “Dilly Lane” Judgement of the UK High Court. Where avoidance and mitigation measures were put forward as integral parts of a plan/project, that were deliverable, and secured those measures could be considered at the ‘Likely Significant Effects’ screening stage of the HRA;
- Case C-323/17 of the ECJ – The “People Over Wind” Judgement (2017). Here the ECJ concluded, contrary to previous guidance (for example from the High Court at Dilly Lane), that it was not appropriate to take account of avoidance and mitigation measures at the ‘Likely Significant Effects’ screening stage of the HRA;
- Case C-461/17 of the ECJ – The “Holohan” Ruling. This case considers that non listed habitats/species should be considered in an Appropriate Assessment if they are necessary to the conservation of the listed habitats/species.

2.2.3 The UK is no longer part of the European Union. However, guidance from the UK Government continues to follow the protocols set out by the ECJ and as a precaution, the assessments in this report consider all relevant case law as well as UK Government guidance.

2.3 Summary of the Habitat Regulations Process

2.3.1 The process set out below will be followed by this assessment:

Stage 1: Evidence Gathering: At this stage relevant information on European Sites, their conservation objectives, and consideration of other plans and projects for the ‘in-combination’ element of the assessment.

Stage 2: Screening for Likely Significant Effects: This stage considers whether a plan or project is likely to have a significant effect on a European Site either alone or in-combination with other plans and projects. The UK Government (www.Gov.UK) advises that ‘features that are integral to the design or physical characteristics of the project that is being assessed, for example, the layout, timing and location of a scheme, may be considered at the screening stage.’

Stage 3: Appropriate Assessment: At this stage the assessment will consider the effect on the integrity of the European Site of the effects of the plan or project on the European Site’s Conservation Objectives. This assessment is undertaken for all sites ‘screened in’ during the stage 2 screening process above. At this stage mitigation measures and alternatives should be fully considered.

Where a conclusion to the assessment is that there is an adverse effect on the integrity of a European Site, and there are no alternatives, then a plan or project can only proceed following further assessment under Regulation 64 of the Habitats Regulations taking into account imperative reasons of over-riding public interest.

2.3.2 The remainder of the report considers the stages above for the proposed development.

3.0 BACKGROUND INFORMATION

3.1 Introduction

- 3.1.1 The section sets out further background information considered in the Likely Significant Effect and Appropriate Assessment stages of the HRA.

3.2 Information on European Sites Considered at the Screening Stage

- 3.2.1 **Table 1** below details the European Sites within 20km of the Application site. This includes links to the Standard Data Forms and/or citations for these sites, which provides details on why the sites are designated. It also provides links to the sites Conservation Objectives, which are important in determining effects from plans or projects on European Sites through the HRA process. Ramsar Sites are included as European Sites for the purposes of this process.

Table 1: European Sites within 20km

European Site	Distance from Project (closest points)	Links to European Site Conservation Objectives used in the HRA
Chichester & Langstone Harbours SPA* , Ramsar*	411m	Chichester & Langstone Harbour SPA Conservation Objectives 2019 ;
Solent Maritime SAC*	411m	Solent Maritime Conservation Objectives 2018
Solent and Dorset Coast SPA* (pSPA Consultation)	3.32km	Conservation Objectives 2020
Portsmouth Harbour SPA* , Ramsar*	4.77km	Conservation Objectives 2019
Kingsley Vale SAC	11.21km	Conservation Objectives 2018 , 2019
Butser Hill SAC	12.07km	Conservation Objectives 2018 , 2019
Solent & Southampton Water SPA* , Ramsar*	14.19km	Conservation Objectives 2019
South Wight Maritime SAC*	14.87km	Conservation Objectives 2018
Pagham Harbour SPA , Ramsar	17.88km	Conservation Objectives 2019
East Hampshire Hangers SAC	19.56km	Conservation Objectives 2018 , 2019

Nb. The hyperlinks in the table above are available via www.jncc.gov.uk for Standard Data Forms/citations and www.publications.naturalengland.org.uk for Conservation Objectives

* These sites are collectively referred to as the ‘**Solent European Sites**’ where effects can be grouped together.

- 3.2.2 A summary of threats and pressures to the above European Sites is provided in **Table 2** below. This has been based on the Conservation Objectives and associated documentation such as Site Improvement Plans.

Table 2: European Sites Summary of Threats & Pressures

European Site(s)	Threat & Pressures
Solent European Sites & Pagham Harbour SPA/Ramsar	• Public access & disturbance • Fisheries: Commercial marine and estuarine • Water pollution, water quality impact and hydrological changes • Changes in species distributions and non-native species risk • Loss or impacts on supporting habitat to Annex 1 bird species • Climate change • Changes to site conditions including physical modification, or land management. • Air pollution: Risk of atmospheric nitrogen deposition • Extraction: Non-living resources, resource use • Fisheries: commercial activities and recreational activities
Designated Annex 1 Calcareous Grassland and Woodland habitats and rare Bats: Kingley Vale Butser Hill & East Hampshire Hangers.	• Inappropriate water levels, management of watercourses, and water pollution • Habitat connectivity • Habitat fragmentation • Public access / disturbance • Air pollution: Risk of atmospheric nitrogen deposition

3.3 Background Information on the Site and In-combination Plans and Projects

HRA for Land South of Lower Road Bedhampton APP/20/01031

- 3.3.1 The development with planning permission and under construction to the immediate east of the current site (the eastern half of the field) is for 50 units. A HRA (screening and appropriate assessment) was undertaken by Havant Borough Council in 2020 (HBC, 2020). This was undertaken having regard to emerging Local Plan guidance and through consultation on measures likely to be required to ensure that development proposals do not have a significant adverse effect on European Sites.
- 3.3.2 The HRA screened out impacts on all European Sites apart from the Solent European Sites. It also considered which impacts should be assessed in an appropriate assessment. These were:
- *Recreational Pressure (dog walking, walking given that the site is within the 5.6km zone for in-combination increases in recreational pressure);*
 - *Water quality impacts;*
 - *Loss or degradation of supporting habitats for qualifying bird interest features of the Chichester & Langstone Harbour SPA/Ramsar,*
 - *Disturbance to qualifying bird interest features of the Chichester & Langstone Harbour SPA/Ramsar using supporting habitat during construction.”*
- 3.3.3 Mitigation/Avoidance measures were outlined through an appropriate assessment, taking a precautionary stance, and involved the key elements summarised below (HBC, 2020):

(1) **Recreational Pressure:** All projects for an increase in recreation pressure on the Solent European Sites within 5.6km of those sites will have ‘a permanent significant effect on the Solent SPAs due to increase in recreational disturbance ... in order to

lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.’ These measures are set out in the Solent Recreation Mitigation Strategy, and through this strategy, the scheme would require contribution to a total avoidance and mitigation package of £33,007.70. A legal agreement through the planning process will be necessary to secure the mitigation package, which the Applicant agreed to.

(2) **Water Quality:** The assessment refers to Havant Borough Council’s Position Statement on Nutrient Neutral Development and that “...for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality.” It refers to the Applicants calculations of the Natural England methodology to calculate nutrient emissions from a development site and that the calculations conclude that the development would not emit a nutrient load onto any European Sites.

(3) **Loss/degradation of Supporting Habitats:** The Application site was part of a Secondary Support Area in the Solent Waders and Brent Goose Strategy (SWBGS) (site H05A). The Application area is 3.85ha which using the SWBGS mitigation and off-setting requirements criteria (SWBGS, 2018) would mean that a payment of £329,036.40 is required and that this payment should be used to bring forward a Brent Goose and wader refuge area at Broadmarsh, which is close to the development site. Reference is also made to other equally suitable emerging projects that may come forward and that payments can contribute to those if thought more suitable to ensure the continued ecological function of the network of supporting habitats. Again a legal agreement is necessary and the Applicant agreed to entering into such an agreement secured through the planning process.

(4) **Construction Impacts:** The construction of the development may have an impact on the network of support sites in close proximity to the development and as such impacts should be address through a Construction Environmental Management Plan (CEMP) agreed between the Applicant and Havant Borough Council ‘prior to commencement of the development’. With an agreed CEMP in place no likelihood of significant effects is considered likely on the Solent European Sites.

3.3.4 The HRA concludes:

“This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Solent Recreation Mitigation Strategy with regards recreational disturbance. The adverse effects are also consistent with the effects detailed in the Position Statement on Mitigation Plan for Nutrient Neutral Development with regards to water quality. The authority’s assessment is that the application complies with these strategies and 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. There are likely significant effects 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.

The authority's assessment is that the application complies with these strategies and 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 commented on the scheme and the mitigation/avoidance measures proposed in the HRA and concluded in consultation on the 22 February 2021:

"The application has the potential to impact on the Solent European designated sites through increased recreational pressure, loss of supporting habitat, construction impacts and deterioration of the water environment from increased waste water. Havant Borough Council consulted us on their appropriate assessment dated 26th February 2020. The appropriate assessment concluded that Havant Borough Council was 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission."

Submission Version of Havant Borough Council Local Plan 2036 (23/06/2021)

- 3.3.5 The emerging Local Plan provides specific policies (E16, E17, & EX1) on European Sites. This policy is based on legislation outlined above and evidence gathered during the plan process including a Habitat Regulations Assessment, with Likely Significant Effect & Appropriate Assessment of the Local Plan (see HBC, 2020a & 2017).
- 3.3.6 The relevant policies are reproduced In **Technical Appendix 1**.
- 3.3.7 The HRA Likely Significant Effects screening assessment (HBC, 2017) concluded that a total of 55 policies and proposals within the Local Plan are considered to have the potential to result in likely significant effect on an European site either alone or in-combination through one or more of the following pathways:
- direct habitat loss or functional habitat loss to the Solent European Sites;
 - indirect potential for recreational disturbance impacts on Solent European Sites;
 - in-combination impacts related to increases in atmospheric pollution on Solent European Sites
 - potential impact from coastal squeeze on Solent European Sites;
 - potential to have an in-combination impact relating to nutrient neutrality on Solent European Sites
- 3.3.8 The assessment screened in the Solent European Sites and screened out other sites listed in **Table 1** above.

3.3.9 The Appropriate Assessment of the emerging Local Plan (HBC, 2020) considers the proposals within the emerging Local Plan, cumulative and in-combination impact potentials screened in to the assessment and sets out potential avoidance and mitigation measures to ensure that the Local Plan is deliverable under the Habitat Regulations.

3.3.10 With regards to the potential impact pathways the following points are made with regard to provision of suitable avoidance and mitigation measures:

- **Habitat Loss:** With reference to the SWBGS mitigation and offsetting requirements (SWBGS, 2018) in order to provide strategic measures to assess and mitigation impacts to SPA supporting habitat and no development permitted unless impacts are assessed and appropriate mitigation strategy is provided, including commitment to establishing SPA bird refuges within the Borough. This is applied through the following policies: EX2 Warblington Farm; E14 The Local Ecological Network; E16 Recreation impact on the Solent European Sites; E17 Solent Wader and Brent Goose feeding and roosting sites; KP3 Hayling Island; E25 Broadmarsh Brent Goose and Wader Refuge;
- **Recreational Disturbance:** With reference to the Solent Recreation Mitigation Strategy to provide strategic measures to address impacts to qualifying bird species within SPA boundaries and all new residential development within 5.6km of the Solent European Sites to be subject to agreed financial contribution secured by a legal agreement with the Council. The payments fund Solent wide mitigation measures. This is applied through the following policies: EX2 Warblington Farm; E14 The Local Ecological Network; E16 Recreation impact on the Solent European Sites; E17 Solent Wader and Brent Goose feeding and roosting sites; E25 Broadmarsh Brent Goose and Wader Refuge
- **Air Quality:** The Plan provides a commitment to a joint working to develop a nutrient management plan with Portsmouth City Council. This is applied through the following policies: E14 The Local Ecological Network; E23 Air Quality. This is backed up by research through a dedicated air quality HRA (Ricardo-AEA, 2019);
- **Coastal Squeeze:** Adherence to the principles of the North Solent Shoreline Management Plan and that all development at the coast must be accompanied by an appropriate level of ecological assessment. This is applied through the following policies: E4 Development on the Coast; KP3 Hayling Island; E14 The Local Ecological Network;
- **Water resources/Nutrient Neutrality:** Adoption of the recommendations of the Partnership for Urban South Hampshire (PUSH). In addition, Havant Borough Council have also produced supplementary guidance on achieving nutrient neutrality in the Borough and how developments can help achieve nutrient neutrality in the Budds Farm Wastewater Treatment Works catchment (Ricardo-AEA, 2020) and a position statement on development schemes affected and need for mitigation (HBC, 2020b).

3.3.11 The conclusions of the Appropriate Assessment of the policies in the Local Plan were (HBC 2020 at para 8.4):

“It is concluded that, through the application of plan-led strategic and proposal-specific mitigation measures, the Local Plan would not result in likely significant effects on the International sites within the influence and that International site integrity would not be impacted as a result of the Plan. “

Adopted Havant Borough Local Plan 2011 & 2014

- 3.3.12 Policy DM23 and Policy DM24 relate to potential impacts from development through the Plan on ‘sites for Brent Geese and Waders’, and ‘Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development.’ These are reproduced at **Technical Appendix 1**.

Natural England Guidance on Nutrient Neutrality

- 3.3.13 This guidance addresses the high levels of nitrogen and phosphorus input into the Solent European Sites from either agricultural sources or from wastewater from existing housing and new development. These high levels from a cumulation of these sources drives eutrophication in the marine environment, which can have a likely significant effect on the Solent European Sites. With the uncertainty of impact from new development adding significant adverse cumulative impacts, the guidance aims at ensuring that new development does not add to existing nutrient burdens and achieves nutrient neutrality.
- 3.3.14 The guidance seeks to employ a methodology to reduce nitrogen reduction through calculating quantities of nitrogen generated by development, focusing on new development that has the potential to result in increases of nitrogen entering the Solent European Sites. A buffer zone is provided and all development within the buffer zone to the Solent European Sites is recommended to undertake a nitrogen budget assessment of development proposals and provide mitigation and avoidance measures to ensure that the development does not contribute to an in-combination effect on the Solent European Sites. Each development should then be tested through the appropriate assessment process.
- 3.3.15 The guidance provides a nitrogen calculator that can be used to determine the predicted level of nutrients from a new development minus the existing land use nutrient load, and determine whether the development leads to a nitrogen surplus. Where there is a surplus further mitigation is required to achieve nitrogen neutrality. This mitigation can be direct, for example through upgrading of sewage treatment works and interceptor wetlands, or indirect through taking land out of high nutrient uses (eg arable cropping).

Chichester District Council Local Plan 2014-2029

- 3.3.16 Parts of Chichester District lie within 5km of Pagham Harbour European Sites. The Chichester Local Plan provides for an increase in development of 450 dwellings within 3.5km of the European Sites (3.5km is used instead of 5km on the basis of survey data evidence). A HRA of the Chichester Local Plan Review has been carried out (AECOM, 2018). This reviewed Local Plan policy from the evidence base and Policy DM30 is relevant to Pagham Harbour. Within the 3.5km zone projects will be assessed under Regulation 63 of the Habitat Regulations and where necessary appropriate avoidance and/or mitigation measures will be required to ensure development does not adversely affect the integrity of the European Sites. Appropriate avoidance and mitigation measures are (at Section 6.34 & 6.35 of AECOM, 2018):

“...a) a contribution towards the appropriate management of the Pagham Harbour Local Nature Reserve in accordance with the LNR Management Plan;
 b) a developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA; or
 c) a combination of measures in (a) and (b) above.
Furthermore, the policy states that appropriate mitigation must be agreed with Natural England and also be in place prior to the proposed development taking place.”

- 3.3.17 Other impact pathways were considered including coastal squeeze, atmospheric pollution, water quality (including nutrient loads) and loss of functionally linked supporting habitat for birds. The conclusions of the HRA are that with appropriate measures in Local Plan policy amendments where necessary, the Plan can mitigate or avoid any impacts from these pathways.

Arun District Council Local Plan 2011-2031

- 3.3.18 The Arun District Local Plan (2011-2031 adopted July 2018) provides a specific policies (ENV DM1 & DM2) on European Sites. This policy is based on legislation outlined above and evidence gathered during the plan process including a Habitat Regulations Assessment, with Appropriate Assessment of the Local Plan (see UEEC, 2017 & 2017a).
- 3.3.19 As part of the assessment process the Arun Local Plan HRA process screened in the two groups of European Sites; the Arun Valley SPA and Ramsar, and Pagham Harbour SPA/Ramsar (and adjacent marine component of Solent and Dorset Coast SPA). It went on to consider potential pathways for impacts to the European Sites and address those impacts, considering mitigation and avoidance measures. The following impact pathways were identified:
- Disturbance;
 - Invasive non-native species;
 - Impact on supporting habitats;
 - Water Resources and Abstraction;
 - Water Pollution;
- 3.3.20 The conclusions of the Appropriate Assessment of the policies in the Local Plan were (UEEC, 2017 at para 8.1.2):

“In summary, the assessment of the ALP (Proposed Modifications) finds that:

- ▶ *Taking account of incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar or Solent and Dorset Coast pSPA as a result of disturbance, either alone or in combination with other plans and projects;*
- ▶ *Taking account of incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar as a result of invasive non-native species, either alone or in combination with other plans and projects;*
- ▶ *Taking account of incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of Arun Valley SPA/Ramsar or Pagham Harbour SPA/Ramsar as a*

result of impacts on supporting habitats, either alone or in combination with other plans and projects;

► *It can be concluded that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar as a result of water abstraction, either alone or in combination with other plans and projects;*

► *Taking account of incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar as a result of water pollution, either alone or in combination with other plans and projects; and*

► *It can be concluded that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar or Solent and Dorset Coast pSPA as a result of land-take, noise, vibration and shortened view lines, either alone or in combination with other plans and projects. “*

3.3.21 This conclusion was reached by taking into account mitigation and avoidance measures developed with consultees and using the evidence base on the impact pathways. This included provision of Policy ENV DM2 that details the requirements for mitigation from residential development impacts on the coastal European Sites. The contributions to the coastal package of measures was discussed as being an equivalent Strategic Access Management and Monitoring (SAMM) Package and a framework and tariff based system for collecting contributions to the SAMM package was to be set up. At the time of the publication of the report the Tariff was set at £1275 per net additional dwelling but that this may be reduced following modifications to the Local Plan with additional development within 5km of the European Sites.

3.3.22 Water pollution and water demand was also considered through the HRA. Water demand was considered to not have a likely significant effect from planned growth in the District (having reference to Portsmouth Water’s Water Resource Management Plan HRA and Southern Water’s WRMP). With regards to water pollution, the HRA considered however that it was not possible to rule out a Likely Significant Effect in-combination as result of additional 779 dwellings during the plan period connecting to the Pagham Waste-water Treatment Works (WwTW). However, with commitments from Southern Water and developers through planning applications, measures can be put in place to ensure capacity is retained in the WwTW network (Pagham or alternative WwTW), and this can be achieved through investment works in the system and transfer to alternative WwTW where the available headroom at Pagham WwTW is likely to be exceeded by new development in the catchment. Such counteracting measures were devised in consultation with Natural England, and the HRA concluded that they are likely to be effective in cancelling out the impact on the integrity of Pagham Harbour European Sites.

3.3.23 Invasive non-native species impacts were also assessed through the HRA, with no adverse impacts on the integrity of the European Sites at Pagham Harbour noted on account of policies that restrict development at 400m or closer to the European Sites.

Other In-combination Considerations

3.3.24 Local Authorities across the Solent area have made commitments in planning policy to support the principles of Solent Disturbance and Mitigation Project (see www.solentems.org.uk). This includes the Solent Waders and Brent Goose Strategy

(<https://solentwbgs.wordpress.com/>). The Solent & Dorset Coasts SPA extends to Purbeck Local Authority area, and Dorset Council and the relevant Local Authorities are in the process of updating Local & Neighbourhood Plans. These Plans have existing HRA assessments in place (see www.dorsetcouncil.gov.uk), and update planning policy will be developed in consultation with Statutory Consultees, to continue to ensure that measures protecting the coastal European Sites are included.

4.0 SCREENING STAGE: LIKELY SIGNIFICANT EFFECTS

4.1 Introduction

- 4.1.1 The assessment of Likely Significant Effects alone or in-combination considers the whether the Application proposals are likely to have a significant effect on the features of the European & Ramsar Sites and their conservation objectives. This assessment stage is a screening stage to allow detailed consideration of effects on the integrity of European Sites at the Appropriate Assessment stage for all European Sites and pathways to potential impact ‘screened in’ by the assessment.
- 4.1.2 The screening process considers the legislation and background information outlined in the previous sections to provide a Likely Significant Effect assessment for all relevant European Sites.

4.2 Consideration of Pathways to Likely Significant Effect Alone or In-combination

- 4.2.1 The following pathways set out below and in **Table 3** below have been considered in the assessment process. This is based on the threats and pressures (summarised in **Table 2** above) and Conservation Objectives for the European Sites (linked in **Table 1** above). It also takes into account the scheme proposals and site characteristics.
- 4.2.2 At the screening stage, and considering the background information and evidence base, a number of the European Sites within 20km and those further than 20km of the development can be excluded on the basis that they are of sufficient distance away from the proposed development site to create impact pathways. These are set out in **Table 3** and considered screened out of the process. This is consistent with the Havant Borough Council HRA assessment (HBC 2017 & 2020), the Chichester District Council HRA assessment (AECOM, 2018), and the Arun District Council HRA assessment (see UEEC, 2017 & 2017a). On the basis that there have been no material changes in baseline information to alter this conclusion, they are still considered valid in screening out certain European Sites and pathways.
- 4.2.3 In terms of screened in/out pathways for impacts relating to the Solent European Sites, this is based on the following evidence:
- 4.2.4 **(1) Loss of Habitat** – there will be no direct land take of European Site habitat.
- 4.2.5 **(2) Disturbance** – visitor survey work evidence base for the Solent region that has been analysed in the HRA of the Havant Local Plan, and general research on impacts of urbanisation including disturbance through the Solent Disturbance and Mitigation Project (see www.solentems.org.uk) shows that increasing housing within certain distances to European Sites is likely to have a significant effect on the SPA when these increases are considered in-combination. The current Application on land West of Old Manor Farm, Lower Road for up to 43 dwellings will therefore contribute to this in-combination effect of new residents and corresponding disturbance impacts on the Solent European Sites. Further assessment is required at the Appropriate Assessment stage.

- 4.2.6 **(3) Supporting Habitat Impacts** – The site has been monitored by both the SWBGS and the Applicant’s ecologist over a number of years. Until the updated Brent Goose Strategy the site was designated as a ‘secondary support area’, being site H05A. The update strategy had recently changed this designation to ‘Candidate Site.’ This is a holding designation, where there is insufficient recent data to support a designation under the SWBGS. As a result of the change in designation to ‘Candidate Site’ winter waterfowl survey work was undertaken during winter 2021/22, and has recently been completed (see Aluco Ecology, 2022). This survey recorded no use of the site by waterfowl associated with the designated sites. Given the additional recent historical data as further information on the lack of use of the site by waterfowl (a total of 59 visits were undertaken between 2002-2020 – see Aluco Ecology, 2022), the SWBGS have used the update survey work to reclassify the site as ‘no recorded use’. The update mapping has been provided to Havant Borough Council. Given this re-classification of the site, it is not considered likely that the proposed development will result in any additional impacts on the SPA through loss of supporting habitats for waterfowl.
- 4.2.7 **(4) Construction Pollution Impacts** - During the construction phase of the proposed development noise, pollution and activity has the potential to impact on the Solent Designated sites and/or their network of support habitats, and there is a potential for such impacts to have a likely significant effect on the SPA as a result
- 4.2.8 **(5) Water Quality** –The site falls within the East Hampshire fluvial catchment as identified by Natural England (Natural England, 2020), and therefore the development has potential to have an in-combination impact on the Solent European Sites through increases in nitrogen loads.
- 4.2.9 **(6) Air pollution** – The potential for indirect impacts from an increase in 43 units from the development has been considered in-combination with other development proposals around the SPA and having regard to the Havant Borough Council HRA for the emerging Local Plan. Where the development complies with Local Plan policy on air quality (E14 and E23) no likely significant effect is predicted.
- 4.2.10 **(7) Coastal Squeeze** – The updated scheme does not provide any impacts within 400m of the SPA. Therefore no coastal squeeze impacts such as rising sea levels are predicted. There is no likely significant effect predicted.
- 4.2.11 **(8) Invasive non-native species** – Given the updated scheme is outside of the 400m zone, no impact is considered likely on the European Sites, and no likely significant effect alone or in-combination.

Table 3: Likely Significant Effects Alone and In-combination Summary

European Site	Pathway	Likely Significant Effect?
		Alone or In-combination
Solent European Sites	1) Loss of Habitat	1) No
	2) Disturbance	2) Yes
	3) Supporting Habitat Impacts	3) No
	4) Construction Pollution Impacts	4) Yes
	5) Water Quality	5) No
	6) Air Pollution	6) No
	7) Coastal Squeeze	7) No
	8) Invasive Non-native Species	8) No
Pagham Harbour SPA/Ramsar	All pathways	No LSE alone or in-combination
Kingley Vale SAC		
Butser Hill SAC		
East Hampshire Hangers SAC		

5.0 APPROPRIATE ASSESSMENT ON SITE INTEGRITY

5.1 Introduction

5.1.1 Where Likely Significant Effects are suggested by an assessment either alone or in combination with other plans or projects, the Competent Authority has to undertake an Appropriate Assessment of the project. At this stage certain mitigation and avoidance measures can be taken into account. The assessment below provides information relevant to Havant Borough Council's Appropriate Assessment for the Application for up to 43 units at Land West of Old Manor Farm, Lower Road, Bedhampton.

5.1.2 The screening assessment at Section 4 has determined that the planning application has potential to contribute to a likely significant effect on the Solent European Sites. Three impact pathways have been identified:

- Disturbance impacts on the European Sites from an increase in residential development within 5.6km of the Solent European Sites;
- Loss of supporting habitat to the Solent European Sites;
- Water pollution impacts on the Solent European Sites.

5.1.3 These impacts are detailed below and further assessment and mitigation/avoidance measures are outlined.

5.2 Impact Assessment: Pathways

Disturbance

5.2.1 A growing body of research has demonstrated that population growth and urbanisation adjacent to the Solent European Sites can have significant adverse impacts on the integrity of these sites, particularly the cumulative effect of population increases across a district or local area leading to disturbance to features of the European Sites. For example, research within the Solent region through the Solent Disturbance and Mitigation Project (see www.solentems.org.uk) has provided quantified evidence of increasing impacts on the relevant European Sites at the Solent coastline.

5.2.2 This is particularly relevant to internationally important bird populations and disturbance through recreational activities around the coast line (for example; walking, dog walking, sailing, bait diggers). Impacts associated with disturbance leads to reduced feeding time and additional flights in birds and corresponding effects on survival rates.

5.2.3 With at least 10,433 dwellings proposed within Havant Borough until 2036 (HBC, 2021), and 450 dwellings within 3.5km in Chichester District, as well as any additional non-plan development potential, without mitigation there is likely to be corresponding increases in visitor numbers to the Solent European Sites, with a corresponding disturbance impact likely to undermine the integrity of the sites. This was considered without avoidance or mitigation measures to be a risk in the HRA for the Local Plan, and using the evidence base from the

Solent Disturbance & Mitigation Project (HBC, 2017 & 2020). The current development proposals will, without mitigation/avoidance, contribute proportionately to this impact.

Construction Impacts on Supporting Habitat

- 5.2.4 The Application site lies within proximity of a number of fields that are listed in the SWBGS including H07 & H08, and also including the closest part of Chichester & Langstone Harbour SPA/Ramsar. Given proximity to the proposed development site of a number of potential receptors part of or functionally linked to the Solent European Sites, there is potential for impacts from construction related pollutants, including run off, dust and noise.
- 5.2.5 All of these sites are however, to the south of the A27(T), which is a very busy main south coast dual carriageway. The sites are also south of the south coast railway line. These features will limit the potential for construction impacts for noise.

Water Pollution from Increase in Nutrients

- 5.2.6 Water pollution from toxic contamination (for example nitrates, phosphorus and other nutrients), sedimentation and erosion can have significant adverse impacts on estuarine habitats in the European Sites.
- 5.2.7 Natural England has produced guidance on impacts of nitrogen from development in the Solent region, including East Hampshire fluvial catchment, where the current site lies. The guidance sets out how there is cumulative impacts through a decrease in water quality as a result of new development on the Solent European Sites. It also sets out a calculator by which a development can determine whether it is likely to be nutrient neutral, positive or negative as a result of the proposals and changes in land use. The current Applicant has undertaken this assessment and the proposals will result in a total nitrogen budget of -54.7kg per yr. The calculation is set out in **Technical Appendix 2**. This demonstrates that the development is unlikely to contribute to the adverse effect on integrity of the Solent European Sites from increasing nutrient load.

5.3 Impact Assessment: Avoidance & Mitigation Measures

Disturbance

- 5.3.1 Havant Borough Local Plan provides a policy E16 (see **Technical Appendix 1**), which sets out the mechanisms by which new development can avoid and mitigate adverse impacts on the Solent European Sites. Havant Borough Council formally adopted the Solent Recreation Mitigation Strategy in 2018. This sets out a mechanism of payment towards a suite of mitigation and offsetting measures in Havant and the wider Solent to ensure that the potential for adverse impacts from an increase in residential development is addressed to avoid an adverse impact on the integrity of the Solent European Sites.
- 5.3.2 The current Application for up to 43 dwellings with associated open space is willing to commit to a payment, and the current appropriate scale of mitigation based on the Outline Application is set out in **Table 5** below.

Table 5: Current Level of Contribution Costs to Solent Recreation Mitigation Strategy

Size of Units	Mitigation cost per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

- 5.3.3 Commitment to the Solent Recreation Mitigation measures will ensure that the Application does not have an adverse effect on the integrity of the Solent European Sites. It will also ensure compliance with policy E16 of the emerging Havant Local Plan and DM24 of the Local Plan. These measures will need to be secured through a legal agreement with Havant Borough Council and this can be through a Section 106 agreement as part of the planning process.

Construction Pollution Impacts

- 5.3.4 Mitigation for construction pollution impacts can be addressed in detail through a Construction Environment Management Plan (CEMP), which would need to be agreed between the Applicant, the Local Planning Authority and Natural England. This would need to be in place prior to the commencement of any development on site. It would need to include measures to address potential noise impact, good construction site husbandry, run off, and dust pollution.
- 5.3.5 For the adjacent site that has recently been granted planning permission Natural England commented on that Application with a request for a planning condition to address noise, along the lines of (HBC, 2020):

“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). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).”

- 5.3.6 Where a CEMP setting out how construction measures will be controlled to avoid significant pollution is produced and approved by Havant Borough Council and Natural England prior to construction commencing then the development will not have an adverse impact on the integrity of the Solent European Sites.

Water Pollution from Nutrients

- 5.3.7 Given that the nutrient calculator for the Application has returned a significant nitrogen deficit (see **Technical Appendix 2**), which is the result of a change of use from intensive arable production, there is no additional need to provide avoidance or mitigation measures for this pathway and no adverse impact on the integrity of the Solent European Sites is predicted.

5.4 European Sites Conservation Objectives

5.4.1 The published conservation objectives for the Solent European Sites are:

“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.”*

5.4.2 The qualifying features for the Solent European Sites are set out in links provided at **Table 1** above, which provides citations to the full range of habitats and features of all the European Sites that are considered in the assessment.

5.4.3 Having regard to the current Application proposals, the potential impact pathways and review of existing avoidance/mitigation measures it is concluded that the Application will not have an adverse effect on the integrity of the site having regard to the European Sites conservation objectives for qualifying features, as set out above and in Section 3, so long as the avoidance/mitigation measures set out above are implemented. This assessment is considered in-combination with other development within Havant Borough, Chichester District, Arun District, and across the Solent to Dorset, where Local Plan policies are also subject to similar avoidance/mitigation measures in Local Plans to avoid and reduce the impacts on the European Sites. A summary is provided in **Table 4** below based on Natural England guidance.

Table 4: Summary of Natural England Checklist on Conservation Objectives

Has the Assessment shown:	Y/N
The area of annex I habitats (or habitats of qualifying features) will not be reduced?	Yes
There will be no direct effect on the population of the species for which the site was designated or classified?	Yes
There will be no indirect effects on the populations of species for which the site was designated or classified due to loss or degradation of their habitat (quantity/quality)?	Yes
There will be no changes to the composition of the habitats for which the site was designated (eg reduction in species structure, abundance or diversity that comprises the habitat over time)?	Yes
There will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?	Yes

5.5 Delivery

5.5.1 Delivery mechanisms are already set out through Local Plan Policies E16 and EX1. The measures set out above will need to be agreed through a Section 106 agreement as part of the planning process to ensure that the avoidance/mitigation package is fully implemented. The provision of a CEMP to be agreed between the Local Authority and Natural England can be secured through a suitably worded planning condition.

6.0 RESIDUAL IMPACTS & CONCLUSIONS

- 6.1 The information for a HRA has considered the potential impact pathways on designated European Sites and provided information to undertake the tests set out in the Habitat Regulations. A Likely Significant Effect in-combination with other plans and projects was determined for two impact pathways on the Solent European Sites.
- 6.2 Information for an Appropriate Assessment has provided further examination of the impacts the Application would have on the Solent European Sites. This concluded that a set of avoidance/mitigation measures can be implemented in order to ensure that there would not be an adverse effect on the integrity of the European Sites, having regard to their conservation objectives and qualifying features.
- 6.3 The mechanisms for delivery of these measures are discussed in the Havant Borough Local Plan and commitment is made for relevant development within 5.6km of the Solent European Sites through policy E16 and development that is within the one of the Solent fluvial catchment areas EX1. Adherence to this policy through provision of the above-mentioned avoidance/mitigation, and legally binding agreements through the planning process, will ensure that there are no residual impacts on the European Sites and the proposals can be considered compliant with the Habitat Regulations.

7.0 REFERENCES

AECOM (2018) Habitat Regulations Assessment: Chichester Local Plan Review, Chichester District Council

Aluco Ecology (2022) Winter Waterfowl Survey, Land at Lower Road, Bedhampton, Havant

European Commission (2017) Science for Environment Policy. The precautionary principle: decision-making under uncertainty

European Commission (2018) Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

Gov.UK (2019) Guidance: Appropriate assessment. Guidance on the use of Habitats Regulations Assessment (<https://www.gov.uk/guidance/appropriate-assessment>)

PINS NOTE 05/2018 (2018) Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta

Stillman et al (2012) 'Solent Disturbance and Mitigation Project Phase II. Predicting the Impact of Disturbance on Overwintering Birds in the Solent'.

UEEC (2017) Habitats Regulations Assessment for the Arun Local Plan: Supplementary Work. Stage 3 Report: Appropriate Assessment

UEEC (2017a) Technical Note. HRA for the Arun Local Plan. Screening of final proposed modifications. December 2017

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Technical Appendix 1

Havant Borough Council

Local Plan to 2036 &

Local Plan 2011 & 2014 (allocations)

Policies on Solent European Sites

Local Plan to 2036 (June, 2021)

E16 | Recreation impact on the Solent European Sites

Planning permission will be granted for new dwellings and/or overnight accommodation that mitigates the likely significant effect on the Solent European Sites. This mitigation can be provided through either:

- a. A financial contribution consistent with the Solent Recreation Mitigation Strategy (SRMS); or
- b. A developer provided package of measures associated with the proposed development supported by evidence that it will avoid or mitigate any likely significant effect; or
- c. A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be a likely significant effect on the Solent European Sites either alone or in combination with other plans or projects.

EX1 | Water Quality impact on Solent European Sites

New dwellings and/or development resulting in a net gain in overnight accommodation which would cause a likely significant effect on the designated sites will need to provide a nutrient budget.

Planning permission will only then be granted if a mitigation package is provided which will remove the likely significant effect. This mitigation can be provided through either:

- a. A financial contribution towards the Council's strategic mitigation package; or
- b. A developer provided package of measures associated with the proposed development supported by evidence that it will avoid or mitigate any likely significant effect on the Solent European Sites; or
- c. A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be a likely significant effect on the Solent European Sites either alone or in combination with other plans or projects.

E17 | Solent Wader and Brent Goose feeding and roosting sites

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. **Allocations**

Rook Farm (H27)

Development proposals at Rook Farm (H27), which is located on a Core Area, will only be permitted where suitable replacement habitat is provided in perpetuity as part of the Hayling Island Brent Goose Refuge (E26), or alternative provision agreed in consultation with the local planning authority which:

- a. Contributes to a biodiversity net gain to the SWBG network;
- b. Is of an equal or, where possible, greater size and quality to the Core Area being lost or damaged; and
- c. Is secured through a costed Habitat Management and Monitoring Plan.

Land north of Sinah Lane (H29)

Development proposals at Land north of Sinah Lane (H29), which is located on a Primary Support Area, will only be permitted where suitable replacement habitat is provided on-site and in perpetuity which:

- a. Contributes to a biodiversity net gain to the SWBG network;
- b. Is suitable in terms of habitat type and quality for at least the number of SWBG recorded on the site being lost; and
- c. Is secured through a costed Habitat Management and Monitoring Plan.

Campdown (H40)

Development proposals at Campdown (H40), which is located on a Primary Support Area and a Secondary Support Area, will only be permitted where suitable replacement habitat is provided in perpetuity as part of Warblington Farm (EX2), or alternative provision agreed in consultation with the local planning authority which:

- d. Contributes to a biodiversity net gain to the SWBG network;
- e. Is suitable in terms of habitat type and quality for at least the number of SWBG recorded on the site being lost; and
- f. Is secured through a costed Habitat Management and Monitoring Plan.

Core Areas and Primary Support Areas

Development proposals, other than on those sites specifically allocated in this Plan, which would involve the loss of all or part of a Core Area or Primary Support Area, will be refused.

Secondary Support Areas

Development proposals on Secondary Support Areas will only be permitted where either:

- g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or
- h. Where it can be demonstrated that criterion g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy.

Low Use

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.

Candidate Sites

Development proposals on Candidate Sites will only be permitted where:

- k. One or two-consecutive years' survey is undertaken to determine the classification of the site; and
- l. Once the classification of the site is established, the above requirements are met according to the status of the site.

Indirect effects

Development proposals adjacent to sites used by SWBG will only be permitted where access and disturbance to the adjacent SWBG site is prevented. This can either be achieved by avoiding development close to the adjacent SWBG site, or by providing a package of avoidance and/or mitigation measures which are agreed with the Council.

Delivery and Management of Replacement Habitat

Where suitable replacement habitat is required to offset the loss or damage to a SWBG site, the replacement land will need to be provided prior to commencement of development.

The land for replacement habitat should be within the locality of the site and managed in a suitable condition for SWBG prior to the loss or damage to the SWBG area being proposed for development. The land should be secured and managed through an agreed costed Habitat Management and Monitoring Plan in perpetuity.

Adopted Local Plan 2011 & 2014 (allocations)

Policy DM23 Sites for Brent Geese and Waders

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas, identified on the Policies Map.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance.

Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:

- a) A financial contribution.
- b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.
- c) A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

Technical Appendix 2

Natural England Nitrogen Calculator

For

Land West of Old Manor Farm, Lower Road, Bedhampton

Planning Application Reference No.	
Site Name:	Lower Road, Bedhampton
Additional Information:	
Date:	15th September 2021

Stage 1	Calculate total Nitrogen in kg per year derived from the development that would exit the Wastewater Treatment Works (WwTW) into Solent catchments after treatment	
Step 1	Calculate additional population	
	Enter the number of units proposed	43
	Net population increase per housing unit	2.40
	<i>Total net population increase generated by the development</i>	103.20
Step 2	Calculate wastewater volume generated by the development	
	Water use in litres per person per day	110
	<i>Total wastewater volume generated by the development (litres per day)</i>	11,352
Step 3	Confirm receiving WwTW and permit limit	
	Select the wastewater treatment works the development will connect to	Budds Farm
	<i>Wastewater treatment works' permit limit (mg per litre)</i>	9.7
	<i>Wastewater treatment works' discharge level (mg per litre)</i>	8.7
Step 4	Calculate total nitrogen in kg per year discharged by the WwTW	
	<i>Deduct acceptable Nitrogen loading in wastewater (mg per litre)</i>	6.7
	<i>Total Nitrogen discharged by WwTW (mg per day)</i>	76,399.0
	<i>Total Nitrogen discharged by WwTW (kg per day)</i>	0.0764
	<i>Total Nitrogen discharged by WwTW (kg per year)</i>	27.9

Stage 2	Calculate existing (pre-development) nitrogen from current land use of the development site	
Step 1	Total area of development site	
	Enter the total area of the development site (hectares)	3.67
Step 2	Identify current land uses of the development site	
	Enter area currently used for urban development (hectares)	0.00
	Enter area currently used for open space / greenfield (hectares)	0.00
	Enter area currently used for woodland (hectares)	0.00
	Enter area currently used for community food growing / catchment average (hectares)	0.00
	Enter area currently used for cereals (hectares)	3.67
	Enter area currently used for dairy (hectares)	0.00
	Enter area currently used for general cropping (hectares)	0.00
	Enter area currently used for horticulture (hectares)	0.00
	Enter area currently used for pig farming (hectares)	0.00
	Enter area currently used for lowland grazing (hectares)	0.00
	Enter area currently used for mixed farming (hectares)	0.00
	Enter area currently used for poultry farming (hectares)	0.00
	<i>Check to help ensure that sum total of land uses in Step 2 equals site area in Step 1</i>	3.7
Step 3	Calculate nitrogen load from current land usage	
	<i>Total Nitrogen load from current land usage (kg per year)</i>	114.5

Stage 3 Calculate nitrogen load for the non-built land uses proposed for the development site		
Step 1	Identify proposed land uses of the development site	
	Enter the total urban area to be created (hectares)	1.46
	Enter the total designated open space / SANG area to be created (hectares)	2.21
	Enter the total nature reserve area to be created (hectares)	0.00
	Enter the total woodland area to be created (hectares)	0.00
	Enter the total community orchard area to be created (hectares)	0.00
	Enter the total community food growing / allotment area to be created (hectares)	0.00
	Check to help ensure that sum total of proposed land uses equals site area in Stage 2	3.67
Step 2	Calculate total Nitrogen load from proposed land uses	
	Total Nitrogen load from future land uses (kg per year)	31.93

Stage 4 Calculate the net change in Nitrogen load from the proposed development		
Step 1	Identify Nitrogen load from wastewater (Stage 1)	
	Nitrogen leaving wastewater treatment works (kg per year)	27.89
Step 2	Calculate net change in Nitrogen load from land use changes	
	Total Nitrogen load from future land use (kg per year)	-82.58
Step 3	Calculate total Nitrogen budget for the development site	
	Nitrogen budget for the site (kg per year)	-54.69
Step 4	Calculate precautionary buffer if Nitrogen budget exceeds zero	
	Precautionary Nitrogen buffer (kg per year)	0.00

Total Nitrogen budget for the proposed development (kg per year)		-54.7
Development will be Nitrogen neutral - no mitigation will be required		