

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:	14/01/2022
HRA completion date:	02/02/2022
Application reference:	APP/21/01283
Application address:	1-3 Beech Grove, Hayling Island, PO11 0AW
Application description:	Two storey front extension, proposed entrance canopy and replacement roof to kitchen (no increase in occupants)
Lead Planning Officer:	Graham Speller
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)?	No. The development consists of an increase in residential dwellings, 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 within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to increase in recreational pressure. 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 housebuilding 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.

Recreational Pressure

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), Policy E16 of the Pre-Submission Havant Borough Local Plan and the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

The site comprises an existing residential care home. The development in question proposes taking an existing twin bedroom and extending it to enable the provision of two single bedrooms instead in order to reduce the number of twin rooms in the care home. Whilst the number of bedrooms in the property is increasing, the number of residents is not and is restricted by an existing planning condition to a maximum of 36 residents.

As the number of residents is not increasing there would be no increase in recreation on the coast and thus no significant effect is likely, and no additional mitigation is required. However, a restrictive condition would be reimposed on any permission to limit the number of residents to 36 in accordance with an extant planning condition, as noted above.

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 advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from the new housing as a result of the Havant Borough Local Plan. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the Solent's European Sites.

As noted above, the number of residents in the care home would not increase as a result of the proposed development and thus there is no likelihood of a significant effect from a water quality perspective.

Would the proposal lead to a likely significant effect on European site integrity? No. An Appropriate Assessment is therefore not necessary in this instance.

(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.

Note: This has been carried out following advice from Natural England.

Recreational Pressure

As noted above in the Stage 2 HRA screening assessment there would be no increase in residents in the care home as a result of the development. Currently, there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of recreational pressure.

Water Quality

As noted above in the Stage 2 HRA screening assessment there would be no increase in residents in the care home as a result of the development. Currently, there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of water quality.

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.

It is considered that as there would be no increase in residents in the care home as a result of the development and that a planning condition can be imposed restricting the number of residents to the currently approved number of 36 there would not be any likelihood of a significant effect.

Natural England Officer:

Summary of Natural England's comments:

If Havant Borough Council grants planning permission, Natural England recommends continuing to the appropriate assessment (AA) phase and citing the proposed condition (limiting residents to 36) as a mitigation measure to ensure that the application aligns with the current legal precedent and Habitats and Species Regulations 2017 (as amended).

Natural England does not need to be re-consulted on this application if the HRA/AA is modified, as based on the information provided, we can advise that the AA could conclude no adverse effects on the integrity of sites.

European sites – Chichester and Langstone Harbour Special Area of Conservation, Special Protection Area and Ramsar site.

Based on the plans submitted and the proposed condition limiting the number of residents to 36, Natural England does not object to this proposal; Natural England considers that the development will not significantly affect the designated sites within the Solent.