

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:	24 March 2021
HRA completion date:	31 March 2021
Application reference:	APP/18/00943
Application address:	Tournerbury Woods, Tournerbury Lane, Hayling Island
Application description:	A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.
Lead Planning Officer:	Steve Weaver
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)
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 commercial activity, 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.

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 Chichester & Langstone Harbours SPA/Ramsar. Whilst the proposed development does not result in additional housing, the nature of the proposal would result in a greater magnitude and frequency of human activity within the bounds of the site.

The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the Chichester & Langstone Harbour SPA/Ramsar.

The proposed development would result in an increased human presence within proximity to the SPA/Ramsar, with potential for guests and other visitors to cause disturbance to bird species within the adjacent intertidal habitats. In particular, guests congregating outside the venue marquee, on seafront lawn areas, on the temporary jetty and also dispersing onto the exposed foreshore would be likely to cause disturbance issues during the wintering bird season (October to March inclusive).

As a result, there would be potential for a likely significant effect on the Chichester & Langstone Harbours SPA/Ramsar due to recreational disturbance.

Water Quality

The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC and enter other Solent marine sites. Effluent is generated from the occupancy of Woods Cottage (currently used for overnight stays for an average of 26 days per year) as well as portable WCs installed for the use of campers. Camping is stated as entailing 7.8 pitches used for an average 10.5 nights per annum.

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 and other development generating overnight stays 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.

Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes eutrophication, which affects vegetation growth and food resources for qualifying species such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester & Langstone Harbour SPA/Ramsar, Solent Maritime SAC and other Solent marine sites. The Partnership for South Hampshire (PfSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water

Management Strategy (IWMS). This examines the potential for the PfSH region to accommodate future housing growth without having a detrimental effect upon the water environment. There is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

Natural England recommends that any new proposals which include overnight accommodation have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations. Nonetheless, the existing use of the site can be taken into account and it is the 'net' nutrient emissions into European Sites that is critical.

This would need to be examined within an appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account.

As a result, there would be a likely significant effect to the following Solent European Sites due to water quality:

- Chichester & Langstone Harbours Special Protection Area (SPA)
- Chichester & Langstone Harbours Ramsar site
- Solent Maritime Special Area of Conservation (SAC)
- 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

Loss / degradation of supporting habitats

The site is in proximity to supporting habitat for bird species associated with the Solent SPA sites. For the purposes of HRA this supporting habitat is classed as 'functionally-linked land' (FLL): it provides a function to bird species linked to the adjacent SPA/Ramsar and its loss would potentially lead to a likely significant effect.

The application site is situated to the east/south-east of two areas of SPA/Ramsar supporting habitat:

- Site H40F Secondary Support Area – immediately west of Tournerbury Wood
- Site H40E Low Use Area – immediately north-east of Tournerbury Wood

The application red line sites outside the boundaries of the two supporting habitat sites. It is unlikely that activities within the application site would result in disturbance to functionally-linked land. Loss/degradation of supporting habitats can be screened out of further assessment.

Noise pollution

The proposal would result in an increase in noise and light pollution within proximity to Chichester & Langstone Harbours SPA/Ramsar.

The venue marquee will host events with amplified music and announcements, arising in potential for novel noise events resulting in disturbance to birds on the adjacent intertidal habitats.

Would the proposal lead to a likely significant effect on European site integrity? Yes, due to recreational pressure, water quality and noise pollution.

(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.

Recreational Pressure

The project being assessed would result in an increase in human activity within close proximity to Chichester & Langstone Harbours SPA/Ramsar. In particular, there is potential for visiting guests to congregate on or near intertidal habitats resulting in disturbance to birds.

There are mitigating factors that would lessen the potential for impacts:

- The majority of weddings will occur between April and November, thereby with minimal overlap with overwintering birds.
- The foreshore adjacent to the marquee comprises uneven rubble, thereby being less attractive as a walking substrate.

Notwithstanding these inherent factors, a package of mitigation measures has been proposed, comprising the following:

- A Visitor Management Strategy.
- No access to the foreshore and adjacent Harbour Lawn between 1 November and 31 March.
- Rope barrier and signage to be installed along the Harbour Lawn/foreshore edge during all events.
- Ban on fireworks at all events.
- Temporary jetty is not used between 1 November and 31 March.
- All dogs brought onto site for events to be kept on short leads.

There remains a potential issue in the month of October, with possible use of a temporary jetty and no physical barrier to prevent access to the foreshore. The remaining restrictions (dogs, fireworks) will apply regardless. It is stated that the number of events during October will be no more than 4. On that basis, the Competent Authority considers that potential disturbance impacts will be limited and therefore not likely to result in significant disturbance to SPA birds.

The area of restrictions described as the Harbour Lawn and Foreshore is agreed in principle. However, a definitive plan showing the exact boundaries of restricted areas between 1 November and 31 March will be required and shall be agreed by all parties prior to the granting of any planning permission.

The restriction of temporary jetty use to up to four occasions during the period 1-31 October in any year will be subject to planning condition.

The conclusion by the Competent Authority that impacts are not likely is based upon the implementation of the restrictions and mitigation measures detailed above. These restrictions and mitigation measures will be secured by planning condition: any deviation from them will require the prior consent of the Competent Authority in consultation with Natural England. Where necessary, the Competent Authority will request additional assessment to determine if impacts are likely.

It is the view of Natural England and the Competent Authority that the submitted Visitor Management Strategy provides reassurance that activities would be unlikely to result in disturbance sufficient to impact the integrity of the SPA/Ramsar. This conclusion is dependent on the applicant

strictly according with the submitted details with respect to managing visitors. The VMS can be secured by planning condition.

Water Quality

The project being assessed would result in an increase in population in the catchment of several Solent European Sites as set out in stage 2. As advised by Natural England, a permanent significant effect on the Solent European Sites due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, further assessment is needed as to the net nutrient emissions from the site, including any avoidance or mitigation measures proposed.

Havant Borough Council's has published a Position Statement and Mitigation Plan for Nutrient Neutral Development. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the Solent European Sites identified in stage 2.

The Position Statement sets out 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.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will not emit a nutrient load into any European Sites.

The existing Woods Cottage, used for overnight guest stays on approximately 26 occasions per annum, has a septic tank system. When required, waste is removed and transferred to the Budds Farm Waste Water Treatment Works. Waste from the portable WCs used by camping guests is stated as being removed, under contract, to a waste treatment facility at Pulborough, West Sussex. This lies outside the catchment of the Solent marine sites. For the purposes of HRA it is however assumed that portable WC waste is also transferred to Budds Farm WWTW.

The nutrient budget calculations submitted by the applicant demonstrate a net nutrient reduction of -0.51Kg/TN/Yr. The submitted details are acceptable.

However, the conclusion by the Competent Authority that impacts will not occur is based upon the submitted nutrient budget calculations and therefore any amendments to the number of camping guests (and portable WCs used) and number of overnight stays in Woods Cottage will require further assessment. The submitted details will be secured through planning condition, with any further amendment requiring the prior approval of the Competent Authority and Natural England.

Noise Pollution

There is potential for noise generated by the proposed activities to result in disturbance of SPA/Ramsar bird species. The applicant has provided details of how the potential impacts of the sources of disturbance will be managed.

The existing marquee incorporates a sound-attenuating system, reducing noise levels to c.60 dB at 20m distance from the marquee dancefloor.

Provided that the submitted details relating to noise attenuation within the marquee are implemented as described, the Competent Authority considers that this would avoid potential impacts from noise disturbance due to amplified sound such that no impact to the stated conservation objectives of the SPA/Ramsar would occur.

The submitted details will be secured through planning condition. Any deviation from the agreed and approved details will require further assessment under the Habitats Regulations and will require the prior approval of the Competent Authority and Natural England.

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, 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 2012.

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 Competent Authority has concluded that the potential adverse effects arising from the proposal are analogous to impacts from recreational disturbance as set out within the Solent Recreation Mitigation Strategy. The proposal does not result in a net increase in dwellings and therefore does not require financial contributions towards the SRMS. Bespoke mitigation measures to address recreational pressure have been provided and are agreed.

The Competent Authority has concluded that the potential adverse effects from the proposal are consistent with the effects detailed in the Position Statement and Mitigation Plan for Nutrient Neutral Development with regards water quality.

The Competent Authority has concluded that the potential adverse effects from amplified noise are addressed through bespoke noise attenuation measures.

The Competent Authority's assessment is that the application provides avoidance and mitigation measures sufficient to remove the significant effects that otherwise would have been likely. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England Officer:

No objection subject to securing mitigation

Thank you for consulting Natural England on the Habitats Regulations Assessment and Appropriate Assessment for the above application.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment 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, providing that all mitigation measures are appropriately secured in any planning permission given.

Natural England welcome all of the measures taken to ensure there will be no adverse impacts on designated sites. We note that the restrictions and mitigation measures will be secured by a planning condition: any deviation from them will require the prior consent of the Competent Authority in consultation with Natural England. Where necessary, the Competent Authority will request additional assessment to determine if impacts are likely. Please refer to our previous advice, dated 18th of December 2020, for further comments on the mitigation strategies.