

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:	17 September 2021 (REVISED VERSION)
HRA completion date:	19/11/2021
Application reference:	APP/21/00498
Application address:	34 Havant Road, Emsworth, PO10 7JG
Application description:	Change of use from a holiday home for the Charing Cross Holiday Dialysis Trust to C3 dwellinghouse with ancillary annex (no internal alterations)
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 development in question involves the conversion of holiday accommodation for dialysis patients to a single dwelling. Nonetheless, the single dwelling is 7 bedrooms plus a further bedroom in the annex, making it unusually large.

The previous development provided accommodation for two adult occupants on the ground floor, four adult occupants on the first floor and 2 adult and 2 child occupants on the second floor. This comes to a total of 8 occupants within 6 households. There were a further two occupants within the managers flat, however it is considered that these individuals would have had permanent accommodation elsewhere and so cannot be considered. Holiday accommodation would typically be expected to be 75% occupied on average.

Given the existing use of the building as holiday accommodation, the population change will be broadly equivalent whilst the number of households on the site will substantially decrease. As such, there is not considered to be an increase in recreation on the coast and thus no significant effect is likely.

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.

Given the unusually large size of the new dwelling being created together with the commentary about population size within individual households in the recent judicial reviews on this matter, it is considered appropriate and precautionary for the purposes of water quality to consider the new proposed development as two dwellings, containing 4.8 individuals.

Nonetheless, accommodating a 75% occupancy level, there would be 6 individuals using the existing development. As such, the proposed development would represent a decrease in the population housed in

the building. As a result, with the land use not changing and the population decreasing, there would by necessity be a decrease in the level of nutrients emitted from the site following the development. Thus, there is no likelihood of a significant effect from water quality.

Would the proposal lead to a likely significant effect on European site integrity? No.

(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.

Not applicable.

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 due to the population and household decrease as a result of the proposed development, there would not be any likelihood of a significant effect.

Natural England Officer:

Summary of Natural England's comments:

Thank you for your consultation on the above dated 21 September 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites within the Solent, including the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and the Solent Maritime Special Area of Conservation (SAC) and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites – Chichester and Langstone Harbour SPA and Ramsar site, Solent Maritime SAC

Natural England has received a revised Habitats Regulations Assessment (HRA) dated the 17th September 2021. 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.

We note that alternative occupancy figures have been used in the calculation based on the Office of National Statistics' average home room size, and averages for holiday accommodation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. Conclusions that inform the use of a bespoke calculation need to be capable of removing all reasonable scientific doubt as to the effect of the proposed development on the international sites concerned, based on complete, precise and definitive findings. The competent authority will need to explain clearly why the approach taken is considered to be appropriate. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty with predicting inputs such as occupancy.

The revised HRA ascertains that the occupancy of the property will decrease upon conversion from a holiday home for dialysis patients to a single dwellinghouse. The HRA screens out likely significant effects to designated sites within the Solent.

Based on the information submitted, Natural England considers that the proposed development will not have likely significant effects on designated sites within the Solent, including the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and the Solent Maritime SAC, and has no objection to the proposed development.

In line with the Habitats Regulations, we note that you have made a record of your decision that likely significant effects can be ruled out within your revised HRA dated 17th September 2021.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.