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Habitat Regulation Assessment (HRA) Screening Matrix

Application name, proposal and reference number:

APP/12/01222 – Proposed Development Site Manor Farm and Copseys Nursery, Hallett Road, Havant

HYBRID APPLICATION: Incorporating a Full and Outline planning application for a total of 191 dwellings with access from Glenleigh Park, Hallett Road, Fifth Avenue and Blenheim Gardens.

Full planning application for Manor Farm for the erection of 91 dwellings; 59 open market units comprising 9No 5 bed, 38No 4 bed and 12No 3 bed houses and 32 affordable units (flats and houses) comprising 8No 3 bed, 18No 2 bed, 6No 1 bed units including storage building and bin store; and incorporating new pumping station and open space with play area and including the demolition of two dwelling houses.

Outline application for Copseys Nursery for the erection of 100 dwellings with 65 open market units comprising 9No 5 bed, 22No 4 bed, 27No 3 bed and 7No 2 bed houses and 35 affordable units comprising 5No 4 bed, 19No 3 bed and 11No 2 bed houses, public open space, allotments, farmers/vegetable market building and car park.

Date of completion for the HRA screening matrix:

13 June 2013

HRA screening matrix completed by:

Aaron Wright
Senior Development Control Planner

Table 1: Details of project or plan

Name of plan or project	Proposed Development Site Manor Farm and Copseys Nursery, Hallett Road, Havant
Name and description of Natura 2000 site	Four European and Internationally important sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar Sites) are present within 5km of the site, and are summarised below: - Solent Maritime (SAC) is 1.4miles from the site . - Solent & IoW Lagoons (SAC) is 1.4m from the site. - Chichester & Langstone Harbour (SPA) is 1.4km from the site. - Chichester & Langstone Harbour (Ramsar) is 1.4km from the site. The Conservation Objectives are set out below.
Description of the plan or project	HYBRID APPLICATION: Incorporating a Full and Outline planning application for a total of 191 dwellings with access from Glenleigh Park, Hallett Road, Fifth Avenue and Blenheim Gardens. Full planning application for Manor Farm for the erection of 91 dwellings; 59 open market units comprising 9No 5 bed, 38No 4 bed and 12No 3 bed houses and 32 affordable units (flats and houses) comprising 8No 3 bed, 18No 2 bed, 6No 1 bed units including storage building and bin store; and incorporating new pumping station and open space with play area and including the demolition of two dwelling houses. Outline application for Copseys Nursery for the erection of 100 dwellings with 65 open market units comprising 9No 5 bed, 22No 4 bed, 27No 3 bed and 7No 2 bed houses and 35 affordable units comprising 5No 4 bed, 19No 3 bed and 11No 2 bed houses, public open space, allotments, farmers/vegetable market building and car park.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No
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European Sites Subject to this Assessment

Conservation Objectives for Chichester & Langstone SPA/Ramsar are collectively based on maintaining in favourable condition the habitats on which the interest features depend (where they are not related to habitats per se):

- Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of the regularly occurring Annex 1 species, in particular; sand / shingle and shallow coastal waters.
- Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of the regularly occurring migratory species, in particular; shingle, saltmarsh, intertidal mudflats / sandflats and mixed sediment shores.
- Subject to natural change, maintain in favourable condition the habitats for the internationally important assemblage of waterfowl, in particular; shingle, saltmarsh, intertidal mudflats / sandflats, mixed sediment shores and shallow coastal waters.

The Conservation Objectives for the Solent Marine SAC are:

- Subject to natural change, maintain the 'estuaries' in favourable condition, in particular: saltmarsh communities, intertidal mudflats / sandflats communities, mixed sediment communities and subtidal sediment communities.
- Subject to natural change, maintain the 'Cord-grass swards' in favourable condition, in particular; Small Cord-grass (*Spartina maritima*) communities, Smooth Cord-grass (*Spartina alternifolia*) communities, Townsend's Cord-grass (*Spartina x townsendii*) communities.
- Subject to natural change, maintain the 'Atlantic salt meadows (Glauco-Puccinellietalia)' in favourable condition, in particular; low marsh communities, midmarsh communities, upper marsh communities and transitional high marsh communities.
- Subject to natural change, maintain the 'annual vegetation of drift lines' in favourable condition.
- Subject to natural change, maintain the '*Salicornia* and other annuals colonising mud and sand' in favourable condition, in particular; annual *Salicornia* saltmarsh communities and *Suaeda maritima* saltmarsh communities.
- Subject to natural change, maintain the 'mudflats and sandflats not covered by seawater at low tide' in favourable condition, in particular; intertidal mud communities, intertidal muddy sand communities, intertidal sand communities and intertidal mixed sediment communities.

- Subject to natural change, maintain the 'sandbanks slightly covered by seawater all the time' in favourable condition, in particular; subtidal gravely sand and sand, subtidal muddy sand and subtidal Eelgrass *Zostera marina* beds.

Statement

The Significance test

The main issue raised by Natural England when they entered their objection to this planning application (19/12/12) was that there was insufficient information submitted to enable them to provide advice on the likely impact of the proposals on European Sites. Their main concern related to the potential impacts on European and Ramsar Sites from additional residential development, whereby new residents may use and contribute to increased recreational disturbance issues with a potential likely significant effect on the European Sites (particularly Chichester & Langstone Harbour SPA/Ramsar).

Natural England requested further information on the following:

- The site has the potential to support waders associated with the nearby Chichester and Langstone Harbours SPA. Therefore an assessment of the potential impact of the proposals on SPA birds should be undertaken.
- Clarification on the number of spring and summer visits undertaken for the breeding bird survey in order to quantify the likely importance of the site for Mediterranean Gulls
- Whilst the site was surveyed on a number of occasions during the winter there is no indication that the methodology used for the survey was intended to capture the use of the site by wintering waterbirds. In order to conclude that the site is not used by wintering waterbirds it will be necessary to undertake surveys of the site which recognise the relevant factors, primarily the state of the tide.

In the Havant Borough Council Site Allocation Plan - Policy DM23 Uncertain Sites for Brent Geese and Waders - it states that 'Where sites are identified as having an uncertain value within and as defined by the Solent Waders and Brent Goose Strategy (2010), studies will be required to be undertaken in accordance with an appropriate survey methodology in order to determine their level of importance.' It is Natural England's view that the Ecological Assessment submitted with the application fails to meet the requirements of this policy.

It is noted that a significant number of Mediterranean Gulls were identified on the site on two occasions. It is important to clarify whether this was opportunistic behaviour associated with the ploughing of the land, or whether this site is of particular importance to the breeding colony on the nearby SPA.

Natural England had subsequent discussions with Havant Borough Council and representatives of the developer, which led to the submission of a further report considering the issue of impacts upon the SPA as a result of increased recreational disturbance, and clarification of the areas of the site likely to be suitable for overwintering birds. The conclusions of this work are set out below.

Likely Significant Effects through disturbance and increased population

Pagham Harbour SPA/Ramsar

The distance of the site from Pagham Harbour, combined with the local situation and catering for visitors via various reserves and habitat management mean that the potential for likely significant disturbance events either alone or in-combination occurring from this development are considered de minimis. No further assessment is therefore required.

Chichester & Langstone Harbours SPA/Ramsar (& Solent Maritime SAC)

The proposed development is of a scale and location that on its own it is unlikely to have a significant effect on the features of the European and Ramsar sites. The only potential pathway to significant effects and requirements for a detailed Appropriate Assessment are therefore potential for the additional residents to contribute to an in-combination effect from existing use and other proposed developments within the zone of influence of the sites. The likely significant effect in-combination is considered below.

The wider Solent picture and detailed local picture building up is that users of the most local stretch of coast either arrive on foot or by car. The majority of foot users are from within 1km. Virtually all are within 1.3km based on local data. The proposed development is outside this for walking to the coast. Therefore in order to contribute to the cumulative or incombination effect of disturbance at the coast, users from the proposed development would drive to the coast.

When you look at the local open space resource for the residents in the Manor Farm, Denvilles area compared to the picture shown by other studies, the conclusion may be drawn that users are predicted not to use the coast with any more significance than users within the area. The conclusions of the EDP report, for example, suggest the main motivation for use is **availability** and **accessibility**. The difference of living 2km or 5km away from the coast does not appear to be significant.

Looking at the features of the proposed development. The location of this development is very well situated in order to provide new alternative open space informal recreation resources. The proposal will increase the local area resource with the provision of 3.36ha comprising formal open space within the development (0.25ha), allotments (0.49ha), and the informal open space element which equates to just over 2.6ha. This will provide more than just the

direct benefit open space elsewhere would provide. The local site is therefore in a position to provide new access to recreation resources not only for residents of the new proposed development but also locally to existing residents. Local research suggests that residents adjacent to the development would also use the open space and some as an alternative to the coastline.

It is accepted that the development will also lead to residents using the coast along Chichester - Langstone Harbour. However, use of this resource is restricted by access from vehicle users (a key factor), and avoidance measures are already in place. This will serve to limit additional pressure from new development.

With the measures proposed on site to provide well-used alternative open space recreational resource, plus the existing local situation regarding access being north of the A27 with restricted existing local footpath links, there is a case for suggesting along with the local survey data that the additional pressure from the proposed development is de minimis.

To summarise, the likely significant in-combination assessment has shown that:

- Local area research demonstrates the current development proposals are a distance away such that they fall within the general use pattern of the coastal sites,
- The site is outside the main range of 'by foot' coast visits for daily functional walks, with the addition of railway lines and the A27 to cross which is likely to further influence local 'by foot' movement,
- The local circumstances, backed up by questionnaire survey data in the local area suggests that there is benefit from providing alternative recreational resources within close walking distance from homes and that these new resources would be used by the new residents and local existing residents as there is a minimal existing local open space provision,
- At the local coastline, there are 'natural' access restrictions from car visits, such as Warblington Church area. Once in a car there is the obvious draw of the beach areas on Hayling Island or East Head.
- With the scheme providing such onsite recreational provision for the new and existing local houses, the potential for it to contribute to significant in-combination disturbance to the features of the SPA/Ramsar is avoided and any recreation use is therefore considered de minimis.
- In further consideration of in-combination impacts, a HRA will be undertaken as part of the Council's emerging Allocation Plan that will identify sites for housing in the Borough.

Based on the above, Natural England have now withdrawn their objection. The following conclusions can be drawn:

- The application will not affect the favourable conditions of the Chichester & Langstone SPA/Ramsar and Solent Marine SAC
- There and there would be no likely significant effect on these European Designated Sites.
- The development will not effect the integrity of any European Designated Site
- Providing such onsite recreational provision for the new and existing local houses, the potential for it to contribute to significant in-combination disturbance to the features of the SPA/Ramsar) is avoided and any recreation use is therefore considered de minimis.

Conclusions

This application would not have any likely significant effect on the integrity of any European Designated site provided that conditions are imposed on the decision notice.

Planning permission can legally be granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (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 for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, considering the application and the Local Planning Authority is a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.