

Habitat Regulation Assessment (HRA) Appropriate Assessment Statement

Application reference:	23/01710/OUT
Application address:	Land adjacent 22A Castle Road, Newport, PO301DS
Proposal:	Outline for detached dwelling
Date of assessment:	04 October 2023
Proximity to Natura 2000 sites	Within the 5.6km zone of influence for the Solent and Southampton Water SPA

This is a record of the Appropriate Assessment, required by Regulation 63 (formerly Reg 61) of the Habitats Regulations 2017, undertaken by the Isle of Wight Council in respect of the above plan, in accordance with the Habitats Directive (Council Directive 92/43/EEC). Having considered that the plan would be likely to have a significant effect on the interest features of the Solent and Southampton Water SPA and that the plan was not directly connected with or necessary to the management of the site, an Appropriate Assessment has been undertaken of the implications of the proposal in view of the site's conservation objectives.

Introduction

Following a recent CJEU ruling, avoidance and mitigation measures can no longer be taken into account at the HRA screening stage. Therefore, for applications where recreational disturbance is the only mechanism of impact, Natural England's advice is that such applications without mitigation will have a likely significant effect on the SPA(s) in combination with other residential development in the zones of influence. Such applications, even where a payment to a scheme of mitigation is proposed, will require an Appropriate Assessment.

To complete this assessment the site's conservation objectives have been taken into account, including consideration of the citation for the site and information supplied by Natural England.

Natural England's advice is that recreational disturbance associated with new planned housing growth in-combination will impact the Solent and Southampton Water SPA. The Council's Local Plan sets out housing growth for the Isle of Wight and this was subject to HRA. The HRA concludes that a strategic strategy addressing impacts in-combination will adequately provide mitigation for new proposals.

These proposals are likely to result in the net increase of recreational activity at the coast in-combination with other developments. Such activities have the potential to cause disturbance to overwintering birds and impact on the protected features.

Conservation objectives for the Natura 2000 site

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 Habitats Directives, 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

Qualifying features (Solent and Southampton Water SPA):

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
 A052 *Anas crecca*; Eurasian teal (Non-breeding)
 A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)
 A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
 A176 *Larus melanocephalus*; Mediterranean gull (Breeding)
 A191 *Sterna sandvicensis*; Sandwich tern (Breeding) *
 A192 *Sterna dougallii*; Roseate tern (Breeding) *
 A193 *Sterna hirundo*; Common tern (Breeding)
 A195 *Sterna albifrons*; Little tern (Breeding) *

*Do not breed on the Isle of Wight coastline; Common Tern rarely breeds

Potential for impact

Development of new residential properties can lead to an increase in the recreational use of the coast. This has the potential to cause detrimental impacts on the overwintering bird populations (non breeding) which are protected features of the Solent and Southampton Water SPA. Recreational disturbance can cause important habitat to be unavailable for use by birds (the habitat is effectively lost, either permanently or for a defined period, such that negative effects are caused). Birds can be disturbed by human recreational activities and use valuable resources in finding suitable areas in which to rest and feed undisturbed.

Mitigation

The Isle of Wight Council is a member of the Solent Recreation Mitigation Partnership and is signed up to the approach set out within the Solent Bird Aware strategy. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development and has been endorsed by Natural England. The approach includes a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner, by:

- employing a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc.;
- developing communications, marketing and education initiatives and an officer to implement them;
- developing initiatives to encourage responsible dog walking and an officer to implement them;
- preparation of codes of conduct for a variety of coastal activities;
- securing site-specific projects to better manage visitors and provide secure habitats for the birds;
- providing new/enhanced greenspaces as an alternative to visiting the coast;
- employing a partnership manager to coordinate and manage all the above.

A financial contribution in accordance with the Bird Aware Solent Strategy has been agreed which provides sufficient mitigation for this proposal. As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of units	Number of units proposed	Scale of mitigation per unit	Contribution for proposals
1 bedroom		£443	
2 bedroom		£639	
3 bedroom	1	£834	£834
4 bedroom		£980	
5+ bedroom		£1150	
Total contribution			£834

A legal agreement will be necessary to secure the mitigation package.

Conclusion

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Bird Aware Solent scheme, the Isle of Wight Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the Natura 2000 designated site.