

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of Chichester District Council as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Chichester District Council with the information that we require for this purpose. This template is to be used only for potential impacts on Chichester and Langstone Harbours SPA/Ramsar site, Solent Maritime SAC and/or Pagham Harbour SPA/Ramsar site. For assessment of impacts on other SPAs or SACs, please contact the Environmental Strategy Unit for further advice.

This template is for use where a planning application will result in additional overnight accommodation being created and/or a net increase in the population served by a wastewater system, including new homes, student accommodation, tourism attractions and tourist accommodation

Application reference:	23/02463/FUL
Application address:	Old Allotment Site Newells Lane West Ashling West Sussex PO18 8DD
Application description:	Use of land for the stationing of 1 no. caravan/mobile home for residential purposes, together with the formation of hardstanding.
Status of Application:	Pending Decision
Proximity to SPA/SAC/Ramsar. Is the application site:	<p>A) Within the 5.6km Zone of influence for Chichester and Langstone Harbours SPA / Ramsar site YES</p> <p>B) Within the 3.5km Zone of influence for Pagham Harbour SPA / Ramsar site NO</p> <p>C) Within the Chichester Harbour Fluvial Catchment YES</p> <p>D) Served by a WwTW that discharges to Chichester Harbour NO</p>
Grid Ref: (if no address)	

Stage 1 - details of the plan or project

1a) European site potentially impacted by planning application, plan or project:	YES
1b) If YES to question (1a) then is the planning application, project or plan directly connected with or necessary to the management of the site?	NO
1c) If NO to question (1b) then other than for applications where recreational disturbance is the only mechanism of impact (where the impact is always in combination with other residential developments), are there any other projects or plans that together with the planning application being assessed could affect the site?	NO

Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant is 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.

Following a recent CJEU ruling, we can no longer take into account any avoidance and mitigation measures as part of the application at this stage of HRA. 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. Therefore such applications, even where a payment to a scheme of mitigation is proposed, will progress directly to Stage 3.

For applications in categories C and/or D above (potential for nutrient impact), the applicants must provide a nutrient budget for the proposal using the standard Natural England Methodology to be found at <https://www.push.gov.uk/wp-content/uploads/2020/03/Advice-on-Achieving-Nutrient-Neutrality-for-New-Development-in-the-Solent-Region-March-2020.pdf>

If the budget figure is negative no mitigation is required for nutrient impacts and the proposal can be screened out of further assessment on nutrient aspects. If the nutrient budget is positive, proceed to Stage 3. **Neutral (Due to woodland planting).**

For other applications does the evidence submitted show a likely significant effect, without mitigation measures (either alone or in-combination with other plans or projects) **YES**

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – 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. Other than for Bird Aware Solent and the Pagham Joint Scheme of Mitigation, the Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

The likely effectiveness and long-term financial robustness of both Bird Aware Solent and the Pagham Joint Scheme of Mitigation have already been examined by Natural England, so the applicant does not need to provide their own evidence base on these aspects. Instead evidence should be submitted that a mitigation contribution payment has either:

- been made to the appropriate scheme through a Unilateral Undertaking
- or will be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

Recreational Disturbance

Section 1: Supporting text

Conservation objectives for the SPA site(s)

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 Wild Birds Directive, 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 (Chichester and Langstone Harbours SPA):

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A048 *Tadorna tadorna*; Common shelduck (Non-breeding)

A050 *Anas penelope*; Eurasian wigeon (Non-breeding)

A052 *Anas crecca*; Eurasian teal (Non-breeding)

A054 *Anas acuta*; Northern pintail (Non-breeding)

A056 *Anas clypeata*; Northern shoveler (Non-breeding)

A069 *Mergus serrator*; Red-breasted merganser (Non-breeding)

A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A144 *Calidris alba*; Sanderling (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)

A160 *Numenius arquata*; Eurasian curlew (Non-breeding)

A162 *Tringa totanus*; Common redshank (Non-breeding)

A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)

A191 *Sterna sandvicensis*; Sandwich tern (Breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Qualifying features (Chichester and :Langstone Harbours Ramsar Site)

- *Branta bernicla bernicla*, Dark-bellied brent goose
- *Charadrius hiaticula*, Ringed plover
- *Pluvialis squatarola*, Grey plover
- *Calidris alpina*, Dunlin
- *Limosa limosa* Black-tailed Godwit

Qualifying Features (Pagham Harbour SPA)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A151 *Philomachus pugnax*; Ruff (Non-breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Qualifying Features (Pagham Harbour Ramsar Site)

- *Branta bernicla bernicla* Dark-bellied brent goose

Section 2 Assessment of Effects on Site Integrity

Assessment Matrix (Chichester and Langstone Harbours SPA/Ramsar site – Recreational Disturbance)

Identification of the potential effects and their impacts on the Conservation Objectives

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
Decrease in survival rates and populations of over-wintering birds due to increase in disturbance, caused by increasing human population (in combination with other plans and projects)	Maintain or restore the population of each of the qualifying features. Maintain or restore the distribution of the qualifying feature within the site.	All for Chichester and Langstone Harbours SPA and Chichester and Langstone Harbour Ramsar Site	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased disturbance	Bird Aware Solent Strategy The Strategy proposes:- • a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc.; • communications, marketing and education initiatives; • initiatives to encourage responsible dog walking; • preparation of codes of conduct

				for a variety of coastal activities; <ul style="list-style-type: none"> • 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;
Direct loss of habitat	Maintain or restore the extent and distribution of the habitats of the qualifying features.	All for Chichester and Langstone Harbours SPA and Chichester and Langstone Harbour Ramsar Site.	No. Direct effect, however development within the zone of influence but outside the SPA boundary will not lead to loss of habitat, either alone or in combination.	N/a. No impact so no mitigation can be provided.

Assessment Matrix (Pagham Harbour SPA/Ramsar site and Medmerry Compensatory Habitat – Recreational Disturbance)

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
Decrease in survival rates and populations of over-wintering and breeding birds due to increase in disturbance, caused by increasing human population (in combination with other plans and projects)	Maintain or restore the population of each of the qualifying features. Maintain or restore the distribution of the qualifying feature within the site.	All for Pagham Harbour SPA and Pagham Harbour Ramsar Site	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased disturbance.	Pagham Joint Scheme of Mitigation The scheme includes: <ul style="list-style-type: none"> • Provision of 1.5FTE Visitor Experience officer (VEO) post at RSPB Pagham. The role of the VEO will be to educate and inform visitors and the surrounding community about

				<p>recreational disturbance, its impacts on birds and wildlife-friendly ways to behave when visiting the coast and Pagham in particular.</p> <ul style="list-style-type: none"> • Provision of general 'Dog Initiatives' – a broad range of measures (jointly with Bird Aware Solent) to encourage responsible dog ownership at the coast and visits to alternative dog –friendly sites. • Independent monitoring surveys (every two or three years).
Direct loss of habitat	Maintain or restore the extent and distribution of the habitats of the qualifying features.	All for Pagham Harbour SPA, Pagham Harbour Ramsar site and all habitats at Medmerry Compensatory Habitat.	No. Direct effect, however development within the zone of influence but outside the SPA or compensatory habitat boundaries will not lead to loss of habitat, either alone or in combination	N/a. No impact so no mitigation can be provided.

Nutrient Neutrality

Section 1: Supporting text

Conservation objectives for the Solent Maritime SAC

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Qualifying Features for Solent Maritime SAC

Note: not all of these features will be found within Chichester Harbours SSSI

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- Annual vegetation of drift lines
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Coastal lagoons*
- *Spartina* swards (*Spartinion maritima*). (Cord-grass swards)
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide. (Intertidal mudflats and sandflats)
- Perennial vegetation of stony banks. (Coastal shingle vegetation outside the reach of waves)
- *Salicornia* and other annuals colonising mud and sand. (Glasswort and other annuals colonising mud and sand)
- Sandbanks which are slightly covered by sea water all the time. (Subtidal sandbanks)
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes). (Shifting dunes with marram)

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Desmoulin's whorl snail *Vertigo moulinsiana*

Assessment Matrix (Solent Maritime SAC – Nutrient inputs)

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
There are high levels of nitrogen and phosphorus input to this water environment with sound evidence that these nutrients are causing eutrophication within the SAC. These nutrient inputs currently mostly come either from agricultural	Maintain or restore the structure and function (including typical species) of qualifying natural habitats Maintain or restore the supporting	Estuaries, Mudflats and Sandflats, and Sandbanks (where present in Chichester Harbour)	Yes. Without mitigation to achieve nutrient neutrality, eutrophication will increase, leading to further decline in the quality and function of the	The calculations provided which have been undertaken using the Calculator Tool provided by NE confirm the proposed development would be neutral. The scheme incorporated the use of a highly efficient Premier Tech Aqua PTP which has been

<p>sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species. Any new development that increases nitrogen inputs will exacerbate an already unfavourable condition assessment.</p>	<p>processes on which qualifying natural habitats and the habitats of qualifying species rely</p> <p>Maintain or restore the extent and distribution of qualifying natural habitats</p>		<p>qualifying habitats. This has the potential to then impact on the protected species of the SPA</p>	<p>evidenced to removes 88.6% of the nitrogen from the waste water, with the removal of the change from an allotment/ mixed use/ grazing land to a site with a green space and proposed planting of trees around the boundary will result in a reduction in nitrogen loading that will more than account for additional nitrate load from the proposed development.</p>

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (Chichester District Council) in consultation with Natural England)

Conclusion:

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through:

the secured contribution to the Bird Aware Solent scheme, and by permanently converting agricultural and other land (with higher nitrogen loading), as detailed above, both of which to be secured via S106 legal agreement or planning condition.

Chichester District Council concludes that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017

Natural England Officer:

Summary of Natural England's comments:

Version	Date completed	Delegated sign off / Committee approval
Draft AA issued for NE comment	13/11/2023	
Evidence of Payment provided		
Final Assessment signed off		