

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

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the Qualifying Body to provide the Competent Authority with the information that they require for this purpose.

Neighbourhood Plan:	Selsey Neighbourhood Plan
No houses indicated by Local Plan for Neighbourhood Plan Area:	None specified
No houses proposed by the Neighbourhood Plan:	None
Will the Neighbourhood Plan result in a net increase in residential development?	NO - Policy 004 allocates a site at Home Farm for temporary accommodation for agricultural workers only.
Status of Neighbourhood Plan:	Examination
Is the plan area within 5.6km radius of Chichester and Langstone Harbours SPA / Solent Maritime SAC?	NO
Is the plan area within 3.5km of Pagham Harbour SPA?	YES (130m to the south of Pagham Harbour SPA/Ramsar)
Is the plan area within 400m of any other European Protected site?	YES (adjacent to proposed Solent and Dorset Coast SPA)
Are any allocations within the Plan Area, within any of the above zones of influence for a SPA/SAC/Ramsar site?	NO but see reference to Policy 004 above) However, the Plan Area is located adjacent to the European sites.
Lead Planning Officer: Tracey Flitcroft, Principal Planning Officer	

Stage 1 - details of the plan or project	
Is a European site potentially impacted by the plan: Chichester and Langstone Harbours SPA / Solent Maritime SAC	NO (no mechanism of impact because it is outside the zone of influence for recreational disturbance)
Pagham Harbour SPA/Ramsar	YES (recreational disturbance)

Solent and Dorset Coast pSPA	Potential (adjacent to the pSPA)
Medmerry Compensatory Habitat (not a European Protected Site, but treated as if it is one in planning policy)	Potential (adjacent to the Compensatory Habitat)
Other than for allocations / policies where recreational disturbance is the only mechanism of impact (where the impact is always in combination with other residential developments), are there any other plans that together with the neighbourhood plan being assessed could affect the site? (Qualifying Body to provide details to allow an 'in combination' effect to be assessed)	NO

Stage 2 - HRA screening assessment

Test 1: the significance test – The Qualifying Body to provide evidence so that a judgement can be made as to whether there could be any likely significant impacts of the plan on the site conservation objectives of the SPA/SAC/Ramsar.

Note: Following the recent CJEU “Sweetman II” ruling, account may no longer be taken of any avoidance and mitigation measures as part of the neighbourhood plan at this stage of HRA. For plans where recreational disturbance is the only mechanism of impact, Natural England’s advice is that such plans without mitigation will have a likely significant effect on the SPAs in combination with other residential development in the zones of influence. Therefore such plans, even where compliance with Local Plan policies 50 and 51 will ensure mitigation is delivered, will progress to Stage 3.

Pagham Harbour SPA/Ramsar:

Recreational disturbance: Likely Significant Effect without mitigation from Policy 004 for temporary accommodation for agricultural workers (in combination effect with other plans and projects).

Continue this issue to stage 3 as per the note above.

Loss of supporting habitats outside the boundary of the site for qualifying species *Branta bernicla bernicla* (Dark-bellied brent goose): No likely significant effect due to the only allocation at Home Farm (for temporary agricultural workers) being on an area of existing hardstanding not usable by this species. Screened out - no further assessment required.

Water quality impacts: No likely significant effect as the plan does not allocate additional housing so will not alter the situation with regard to Sidlesham Waste Water Treatment Works. Screened out – no further assessment required.

Solent and Dorset Coast pSPA

As the Selsey NP does not include policies that would increase waterborne recreation (disturbance of foraging terns) or fishing effort (loss of food for terns), there is no pathway for impact on the pSPA. Screened out – no further assessment required.

Medmerry Compensatory Habitat:

Direct loss of habitats: No likely significant effect as no sites are allocated for development so no pathway for impact

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the competent authority must be satisfied that adequate mitigation is in place to allow the NP to be made. Other than for Bird Aware Solent and the Joint Pagham Scheme of Mitigation, the competent authority must also be satisfied that all details of the mitigation, including any long term management, maintenance and funding of any solution have been provided.

The likely effectiveness and long-term financial robustness of both Bird Aware Solent and the Joint Pagham Scheme of Mitigation have already been examined by Natural England, so the Selsey Neighbourhood Plan does not need to provide any additional evidence on these aspects. Instead evidence should be submitted that mitigation contribution payments will be made as set out in local plan policies:

Section 1: supporting text

Conservation objectives for the site:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the Selsey Neighbourhood Plan 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

Catalogue of 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)

Catalogue of Qualifying Features for Pagham Harbour Ramsar site:

Criterion 6 – Internationally important population of wintering dark-bellied brent goose

Section 2: Assessment Matrix (Pagham Harbour SPA/Ramsar)

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	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/Ramsar (see catalogue above)	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased	Chichester and Arun Joint Scheme of Mitigation (Bird Aware Pagham). The scheme includes: • Provision of 1.5FTE Visitor Experience officer (VEO)

combination with other plans and projects)			disturbance.	<p>post at RSPB Pagham. The role of the VEO will be to educate and inform visitors and the surrounding community about 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/Ramsar	No. Direct effect, however development within the zone of influence but outside the boundary of the SPA will not lead to loss of habitat, either alone or in combination	N/a. No impact so no mitigation can be provided.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion

The Selsey Neighbourhood Plan is not likely to have a significant effect on the following sites:

- Solent and Dorset Coast pSPA

- Medmerry Compensatory Habitats

for the reasons given in Stage 2 above. These sites are screened out for further assessment under the Habitats Regulations.

Pagham Harbour SPA/Ramsar:

The Selsey Neighbourhood Plan will have a likely significant effect in combination with other proposals in the zone of influence on the Pagham Harbour SPA/Ramsar.

However, having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contributions to the Bird Aware Pagham schemes, Chichester District Council concludes that with mitigation the Selsey Neighbourhood Plan will not have an Adverse Effect on the Integrity of Pagham Harbour SPA and Ramsar site.

Having made this appropriate assessment of the implications of the Selsey Neighbourhood Plan for Pagham Harbour SPA/ Ramsar and, in view of those sites' conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the Selsey Neighbourhood Plan under regulation 105 of the Conservation of Habitats and Species Regulations 2017.

Natural England Officer:

Summary of Natural England's comments:

The Solent and Dorset Coast pSPA is important for foraging terns. As the Selsey NP does not include policies that would increase waterborne recreation (disturbance) or fishing effort (loss of food), there is no pathway for impact on the pSPA. Therefore, NE's advice is that there is not likely to be a significant effect from the NP on the pSPA.

The NP does not allocate any net new housing, but has one policy relating to agricultural workers accommodation (which recognises the need to minimise recreational disturbance). Therefore, NE agrees with the assessment that, without mitigation for recreational disturbance, there is likely to be a significant effect on Pagham Harbour, in combination with other plans or projects. We agree that there are no other likely significant effects.

Chichester DC has measures in place to manage potential recreational disturbance through an agreed strategic solution which we consider to be ecologically sound. Therefore, NE agrees with the conclusion of the Appropriate Assessment of the Selsey NP, that the mitigation measures included in the Bird Aware Pagham scheme are sufficient to conclude there will be no adverse effect on the integrity of the Pagham Harbour SPA.

Natural England has no further comments to make. We agree with the conclusions of the HRA, i.e. that the mitigation measures outlined are sufficient to avoid an adverse effect on the integrity of Pagham Harbour SPA/Ramsar.

Alison Giacomelli

Sussex and Kent Area Team

27 February 2019

Does the Selsey Neighbourhood Plan require amending as a result of Natural England's comments?

NO

If 'YES', what needs to change?

