

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.

Stage 1 - Details of the plan or project	
Neighbourhood Plan:	Westbourne Neighbourhood Plan (2017 – 2029)
No houses indicated by Chichester Local Plan for the Neighbourhood Plan Area:	25
No houses proposed by the Neighbourhood Plan:	<p>Total of 28</p> <ul style="list-style-type: none"> • Land to the West of Monk's Hill – 6 dwellings • Land at Long Copse Lane – 16 dwellings (Permission granted in December 2015, under construction) • Land adjacent to Chantry Hall, Foxbury Lane – 6 dwellings <p>No further pitches for Gypsies and Travellers are allocated.</p>
Will the Neighbourhood Plan result in a net increase in residential development?	Yes
Other than residential development, what other key policy areas does the plan cover?	<p>The plan seeks to ensure that Westbourne can evolve and remains a vibrant community including preventing the loss of facilities and supporting the provision of new. It protects local distinctiveness, important local views, heritage and a number of local gaps. The plan requires proposals to demonstrate how they improve the biodiversity of a site and identifies the many key features of the local biodiversity network.</p> <p>With the exception of the housing allocations and housing policy there are no other policies within the plan likely to directly lead to an increase in residential accommodation including accommodation for tourism.</p>
Status of Neighbourhood Plan:	Examination
European site potentially impacted - Is the plan area within:	<p>Yes it lies within the 5.6km radius of Chichester Harbour SPA</p> <p>No</p> <p>No</p>
<ul style="list-style-type: none"> • 5.6km radius of a Chichester and Langstone Harbours SPA • 3.5km of Pagham Harbour SPA • 6.5km or 12km of Ebernoe Common SAC / The Mens SAC / Singleton and Cocking Tunnels SAC 	

<ul style="list-style-type: none"> 400m or 5km of Wealden Heaths Phase 2 SPA 	No
Are any allocations within any of the above zones of influence?	Yes all the allocations are within the identified zone of influence of Chichester and Langstone Harbours SPA.
Are there any other projects or plans that together with the plan / application being assessed could affect the site?	<p>Yes</p> <ul style="list-style-type: none"> All new housing development, be that delivered through planning applications or the preparation of Neighbourhood and Local Plans within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area. South Downs National Park Local Plan (now at Examination) (in particular Core Policy SD 10: International Sites). The National Park designation covers part of the Parish. In addition the allocated sites are just outside the Singleton and Cocking SAC 12,000m zone of influence identified in that plan. Solent Recreation Mitigation Partnership Solent Mitigation Strategy which sets out the strategic measures required to mitigate any net increase in residential development.
Lead Planning Officer: Valerie Dobson (Principal Planning Officer)	

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 potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

The proposed allocations are within 5.6km of the Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Chichester District Local Plan Policy 50 and 51 and the Solent Recreation Mitigation Strategy, a net increase in housing development within this area is likely to result in impacts to the integrity of those sites as a result of increased recreational disturbance in combination with all other local plan and neighbourhood plans in the 5.6km zone of influence.

Development within the 5.6km zone will increase the human population and therefore the potential to increase the level of recreation and disturbance on bird species. The impacts of recreational disturbance both at the site and in combination with other development in the area can cause important habitat to be unavailable for use. Birds can be displaced by such activities and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately the impact of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Following the recent CJEU “Sweetman II” ruling, Local Authorities can no longer take into account any avoidance and mitigation measures, already agreed, at this stage of HRA. For plans where recreational disturbance is the only mechanism of impact, Natural England’s advice is that without mitigation they are likely to have a 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, must progress to Stage 3

(Appropriate Assessment).

For other potential mechanisms of impact, including on the Ramsar habitat features of intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes, (e.g. direct loss of habitat, water runoff etc.) does the evidence submitted show a likely significant effect, without mitigation measures (either alone or in-combination with other plans or projects)? **No and there is no loss of Ramsar habitat, either direct or indirect through water quality impacts.**

Stage 2 Conclusion - Would the proposal lead to likely significant effects on the integrity of a European Site? **Yes**

(If yes, continue to Stage 3)

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 AA to be carried out. Other than for Bird Aware Solent and the Joint Pagham Scheme of Mitigation, the competent authority must also be satisfied that all details which demonstrate any long term management, maintenance and funding of any solution have been provided.

The reasons for the designation of the Chichester and Langstone Harbours SPA / Ramsar are as follows:

The SPA is designated for:

- Internationally important wintering populations of dark-bellied brent goose, pintail, shoveler, teal, wigeon, ruddy turnstone, sanderling, dunlin, ringed plover, bar-tailed godwit, whimbrel, red-breasted merganser, grey plover, shelduck, common redshank.
- Internationally important breeding population of little tern, common tern and sandwich tern.
- Over winter the area regularly supports: 93230 waterfowl

The Ramsar site is designated for the following criterion:

- Two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. The site includes intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes.
- Assemblages of international importance: Species with peak counts in winter: 76480 waterfowl
- The following species/populations occurring at levels of international importance: Ringed plover, Black-tailed Godwit, Common redshank
- Species with peak counts in winter: Dark-bellied Brent Goose, Common Shelduck, Grey plover, Dunlin
- Species regularly supported during the breeding season: Little tern

The site conservation objectives are:

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)

Assessment Matrix (Chichester and Langstone Harbours SPA/Ramsar)

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/Ramsar.	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:- <ul style="list-style-type: none"> • 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/Ramsar.	No, development within the zone of influence but outside the SPA boundary will not lead to loss of habitat, either alone or in combination. (Direct Effect)	N/a. No impact so no mitigation can be provided.

Relevant Mitigation Measures

Chichester District Council and the South Downs National Park Authority along with other Authorities within the zone of influence adopted the Solent Recreation Mitigation Strategy in 2018. The SRM 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. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, developers can make financial contributions towards implementing the Bird Aware Solent Strategy, see <http://www.birdaware.org/article/28101/Developer-contributions> for further details. A legal agreement is necessary to secure the mitigation package. As long as that legal agreement is secured at the time of permission being granted, the proposed development will not affect the status and distribution of key bird species and therefore act against the conservation objectives of the sites.

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 Westbourne Neighbourhood Plan will have a likely significant effect in combination with other proposals in the zone of influence on the following sites:

- Chichester and Langstone Harbours SPA/Ramsar /

However, having considered the mitigation measures to be provided in-perpetuity through the secured contributions to the Solent Recreation Mitigation Strategy, Chichester District Council concludes that the Westbourne Neighbourhood Plan **will not lead to any significant or adverse effects on the integrity of the Chichester and Langstone Harbours SPA / Ramsar Site.**

Having made this assessment and having consulted Natural England and fully considered any

representation received from them (see below), the authority may now agree to the Westbourne Neighbourhood Plan under the Conservation of Habitats and Species Regulations 2017.

Natural England Officer:

Summary of Natural England's comments:

Natural England agrees with the conclusion of the Appropriate Assessment, that the Neighbourhood Plan will not have an adverse effect on the integrity of the Chichester and Langstone Harbours SPA/Ramsar site.

Alison Giacomelli
Lead Adviser
18 February 2019

Does the Westbourne Neighbourhood Plan require amending as a result of Natural England's comments? No

If 'YES', what needs to change?