

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 applicant to provide the Competent Authority with the information that they require for this purpose. This template is to be used only for Chichester and Langstone Harbours SPA and/or Pagham Harbours SPA.

Application reference:	BE/81/20/OUT
Application address:	Chalcroft Nursery, Chalcroft Lane, PO21 5TS
Application description:	Outline application with some matters reserved for the development of 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.
Status of Application:	Pending Consideration
Proximity to SPA/SAC/Ramsar:	Within the 5km Zone of influence for Pagham Harbour SPA/Ramsar YES
Lead Planning Officer:	Amy Myer

Stage 1 - details of the planning application, plan or project	
European site potentially impacted by planning application, plan or project:	YES (recreational disturbance and water pollution/quality)
Is the planning application, project or plan directly connected with or necessary to the management of the site?	NO
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?	YES

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/Ramsar.
Following the 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 avoidance/mitigation measures, 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.

YES

For other applications, where recreational disturbance is not the only mechanism of impact, does the evidence submitted show a likely significant effect, without mitigation measures (either alone or in-combination with other plans or projects)

YES

Are there any potential issues that have been screened out from further assessment?

YES - no likely significant effect due to loss of functionally linked land for Dark-bellied Brent Geese. The current application site consists brownfield land with evidence of waste materials/land contamination. Land not suitable/likely to provide habitat for Dark-bellied Brent Geese.

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 Appropriate Assessment to be made. Other than for the Joint Pagham 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 the Joint Pagham Scheme of Mitigation have already been assessed through the examination of the Arun Local Plan 2018, taking account of Natural England's advice, 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

Part 1: Conservation objectives for the 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 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 species; and
- The distribution of the qualifying features within the site.

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):

A046a *Branta bernicla bernicla* - Dark-bellied Brent goose (Non-breeding)
A157 *Limosa Islandica*; Black-tailed godwit (Non-breeding)

Part 2; Appropriate Assessment Matrix (Pagham Harbour 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
Increase in recreational disturbance, caused by increased human population (in combination with applications, plans and projects) resulting in decrease in survival rates and populations of birds.	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.	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed due to increased recreational disturbance from increased numbers of visitors.	Joint Pagham Scheme of Mitigation The Scheme proposes:- 1.Provision of 1.5 x FTE Visitor Experience Officer to advise visitors on recreational disturbance, its impacts, and ways to behave in wildlife friendly ways 2. General dog initiatives to encourage responsible dog walking at the coast and use of alternative dog-friendly sites 3. Monitoring schemes to check effectiveness of scheme Payment of strategic access management and monitoring (SAMM) tariff. A Section

				106 legal agreement is being prepared and the Heads of Terms will include payment of £871 per dwelling as a S106 tariff. This S106 agreement will be signed prior to the grant of any planning permission. The applicant has also provided an HRA and sets out a number of mitigation measures which includes: • Payment of a developer contribution towards a strategic level mitigation / avoidance strategy for the SPA.
Land contamination/ construction impacts resulting in water pollution and impact water quality.	Maintain and restore the extent and distribution of the habitats of the qualifying features; Maintain and restore the supporting processes on which the habitats of the qualifying features rely; Maintain or restore the population of each of the qualifying features.	All for Pagham Harbour SPA.	Yes. Direct impact. Without mitigation, extent of habitats may be reduced, supporting processes may be disrupted, bird populations would be reduced and/or re-distributed due to increased water pollution and impact on water quality.	Requires pre-commencement land remediation planning conditions to remediate the land from contamination prior to development. Requires Construction/Demolition Management Plan (CMP) to be secured by planning condition prior to commencement of works to manage pollution. The applicant has also provided an HRA and sets out a number of mitigation

	Maintain or restore the distribution of the qualifying feature within the site.			measures which includes: • Monitoring particulate levels throughout the construction phase to ensure they do not exceed recommended guidelines; • Undertaking standard industry avoidance practices to mitigate potential impacts on the designated site and to ensure that surface and groundwater contamination are avoided; • Preparing an Environmental Construction Management Plan which will include measures to ensure impacts on off-site habitats and features are avoided, including the provision of spill kits, use of interceptors / bunds, safe storage protocols for chemicals, a scheme for disposal of contaminated waters, and measures to control the emission of dust, dirt or harmful particulates; • The provision of SuDS to manage water discharge into the SPA; These measures set out in the HRA can be secured by planning condition.
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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:

Having considered the proposed mitigation and avoidance measures to be provided in perpetuity (through the secured SAMM contribution to the Joint Pagham Mitigation Scheme and through the use of planning conditions to secure land remediation, a Construction/Demolition Management Plan and the mitigation measures set out in the applicant's HRA), Arun District Council conclude that, with mitigation, and in combination with other plans or projects, the planning application 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 planning application for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the planning application under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Natural England Officer:

Summary of Natural England's comments:

As per separate letter from Natural England dated 28th September 2020

Alison Giacomelli
Natural England
Sussex and Kent Area Team