

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:	BR/190/20/OUT
Application address:	26 Burnham Avenue, Bognor Regis
Application description:	Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/49/19/OUT).
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)
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 –

Recreational disturbance considered to be the only mechanism of impact.

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)

N/A

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 a residential dwelling and garden. Land not suitable/likely to provide habitat for Dark-bellied Brent Geese.

In addition, no likely significant effect due to contamination of the water supply/water pollution, given the existing residential use of the land.

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 (SMM) tariff. A Section 106 legal agreement with Heads of Terms to include payment of £871 per dwelling as a SMM tariff would be required. No S106 has been completed/signed by the applicant.
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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:

Given the lack of a S106 legal agreement signed by the applicant to secure appropriate mitigation measures through a SMM financial contribution, Arun District Council conclude that, without this mitigation, and in combination with other plans or projects, the planning application would 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 determine 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:

Comments provided by Natural England, under separate email document, dated 1/12/20.