

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

PLEASE NOTE: Undertaking the HRA process is the responsibility of Arun District Council as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Council with the information that we require for this purpose. This template is to be used only for potential impacts on the Pagham Harbour SPA/Ramsar site.

This template is for use where an 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:	P/97/20/PL
Application address:	Land To North of Summer Lane, Pagham, PO21 4NG
Application description:	Residential development of 36 No. dwellings (net increase of 15 over current consent P/70/19/RES) including affordable housing (additional 5 units) with associated access, parking & landscaping.
Status of Application:	Undecided
Proximity to SPA/SAC/Ramsar. Is the application site:	Is within the 5km Zone of influence for Pagham Harbour SPA / Ramsar site. Is also approximately 480m from the 400m Zone of Influence for the same site.
Grid Ref: (if no address)	Not known
Planning Officer: Simon Davis	

Stage 1 - details of the plan or project	
1a) European site potentially impacted by planning application, plan or project: [if no, then record the evidence submitted as to why there is no mechanism of impact]	YES - recreational disturbance only
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? [if yes, then the applicant should have provided evidence and justification]	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	YES – In combination with the existing planning permission at the site for 90 dwellings.

developments), are there any other projects or plans that together with the planning application being assessed could affect the site? [Applicant to provide the information sufficient to allow an 'in combination' effect to be assessed]

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 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.

YES – Natural England Consultation response dated 27 November 2020 advises that the impact is from increased recreational disturbance. As mitigation measures cannot be considered at this stage, it must be concluded that the proposal will have a likely significant effect on the SPA(s) in combination with other residential development in the zones of influence.

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 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 applicant has provided a Shadow Habitat Regulations Assessment (SHRA) dated December 20.

The likely effectiveness and long-term financial robustness of the Pagham Joint Scheme of Mitigation has 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.

This application if approved will be subject to a S.106 Agreement which amongst other provisions will secure a contribution of £13,065 (15 x £871) towards the Pagham Access Management measures.

Recreational Disturbance

Part 1: Conservation objectives for the SPA 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 features, 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 Site)

- *Branta bernicla bernicla* Dark-bellied brent goose

Part 2: Assessment of Effects on Site Integrity

Assessment Matrix (Pagham Harbour SPA/Ramsar site)

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 arising from the extra 15 dwellings leading to increased disturbance. Also, in-combination effect together with the permission granted at the strategic site south of Summer Lane for 400 dwellings.	Pagham Joint Scheme of Mitigation (contribution of £13,065 secured by S.106) The scheme includes: • 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 recreational disturbance, its impacts on birds and wildlife-friendly ways to behave when visiting the coast and Pagham in particular.

				• 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). In addition, the original permission secured a 1.62ha area of public open space south of Summer Lane (Area of Natural Open Green Space - ANOGS) to mitigate the impact of recreational disturbance. This includes a walking route and dog walking areas. It connects to an existing Parish play area and is linked to the strategic site which will have its own open space provision. The ANOGS will include signage at the site entrance will Advertise open space attributes/walks as well as information on impacts to Pagham Harbour. Also, information packs will be provided to new residents. The ANOGS is in
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				addition to other smaller areas of POS on the site.
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	No loss of European Site habitat.	N/A. No impact so no mitigation necessary.
Loss of supporting habitat	Maintain or restore the extent and distribution of the habitats of the qualifying features.	All for Pagham Harbour SPA, Pagham Harbour Ramsar site	No loss of habitat for Dark Bellied Brent Geese as the site is already permitted for residential development and construction has commenced. When the original application (for 90 dwellings) was determined, the evidence stated that the <i>proposals do not include any land which could be classed as important supporting habitat for the SPA/Ramsar site ...the Development Proposals would not be likely to adversely affect the continued use of habitat both within and outside the SSSI/SPA/Ramsar site by Dark-bellied Brent Geese</i> . This position was accepted by Natural England at the time.	N/A. No impact so no mitigation necessary.
Water Quality issues due to capacity issues at the Pagham Waste-water Treatment Works (WwTW).	All	All for Pagham Harbour SPA, Pagham Harbour Ramsar site	Potential for in-combination impacts on capacity issues at Pagham WwTW Water pollution from toxic contamination (for example nitrates, phosphorus, and other nutrients), sedimentation and erosion can have significant adverse impacts on estuarine	A suitably worded condition to ensure that the additional units can only be connected to the foul network where Southern Water have the capacity to ensure no significant impacts on the European Sites from overloading of the scheme at Pagham

			habitats in the European Sites. Environment Agency data for Pagham Harbour under the Water Framework Directive is that the microalgae status for the harbour is borderline. In relation to impacts from Pagham WwTW, increases in nitrogen load from post treatment discharge has potential to have adverse impacts where the system is overloaded from too much demand. The Arun District Local Plan HRA (UEEC, 2017 & 2017a) states that the potential for impact is likely to be a relatively minor impact on site integrity as the WwTW contributes around 6% of the total nitrogen load. Sidlesham Sewage Treatment Works contributes 19% and 50% is from offshore waters, with the remainder from riverine diffuse sources.	WwTW, will provide committed avoidance/mitigation to ensure that the increase in units does not have an adverse impact on the integrity of the European Sites.
Air Pollution	All.	All for Pagham Harbour SPA, Pagham Harbour Ramsar site	The potential for indirect impacts from an increase in 15 units on site has been considered in combination with other development proposals around the SPA. Having regard to the Arun and Chichester District's HRAs for Local Plans, the levels of nitrogen deposition on the European Sites are below the most stringent critical loads. Both Local Plan HRAs do not find	N/A. No impact so no mitigation necessary.

			Likely Significant Effects of the plan period in-combination impacts from development proposals.	
Coastal Squeeze	All	All for Pagham Harbour SPA, Pagham Harbour Ramsar site	The scheme does not provide any impacts within 400m of the SPA and is at its closest point around 800m from the European Sites. Therefore, no coastal squeeze impacts such as rising sea levels are predicted. Development in both District Councils preserves the 400m principle for no development that could impact the European Sites. There is no likely significant effect predicted.	N/A. No impact so no mitigation necessary
Invasive non-native Species	Maintain or restore the extent and distribution of the habitats of the qualifying features.	All for Pagham Harbour SPA, Pagham Harbour Ramsar site	No harm to European Site habitat.	N/A. No impact so no mitigation necessary.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (Arun 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 Pagham Joint Scheme of Mitigation and together with those mitigation measures to be secured through conditions, Arun District Council concludes 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 sites.

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 (15/02/21):

“With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority’s appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority’s appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.”