

'Shadow' Habitats Regulations Assessment Report



**South of Saltmarsh and North of Oysters,
Hayling Island
16th July 2025**



**Tyler
Grange**

TG Report No. 13956_R08_AP

Project No:	Report No.	Date	Revision
13956	R08	16th July 2025	-
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Summary

- S.1. This report has been prepared by Tyler Grange Group Ltd in relation to the proposed developments at two parcels of land known as Land North of Oysters (1.24 ha) (planning reference: APP/21/01350) and Land South of Saltmarsh Lane (approximately 2.52 ha) (planning reference: APP/21/01351), hereinafter referred to as 'the Sites'. The report is to inform planning applications for the proposed residential development and associated infrastructure, hereinafter referred to as 'the proposed developments'.
- S.2. This report uses available data to examine likely effects of the proposed developments on National Sites Network sites; it sets out a 'shadow' Habitats Regulations Assessment (SHRA), containing information relevant to stages 1 (Screening) and 2 (Appropriate Assessment) which will ultimately allow the competent authority (Havant Borough Council) to carry out the required Habitats Regulations Assessment (HRA).
- S.3. The following seven National Sites Network sites (NSNSs)¹ were identified within 10 km of the site:
- Chichester and Langstone Harbours SPA;
 - Chichester and Langstone Harbours Ramsar;
 - Solent Maritime Special Area of Conservation (SAC);
 - Solent & Isle Of Wight Lagoons SAC;
 - Portsmouth Harbour SPA;
 - Portsmouth Harbour Ramsar; and
 - South Wight Maritime SAC.
- S.4. The Solent & Isle Of Wight Lagoons SAC and the South Wight Maritime SAC were scoped out prior to the screening stage due to their respective distance from the Sites and a lack of tangible effect pathways. The other five NSNSs are assessed in detail in **Section 3: Screening** (HRA Stage 1).
- S.5. **Section 3: Screening** (HRA Stage 1) identifies Likely Significant Effects (LSEs) from the proposed developments on the five NSNSs in the absence of mitigation. The LSEs identified for further assessment at HRA Stage 2 (Appropriate Assessment) relate to recreational disturbance, loss or disturbance to functionally linked land and increased nitrate release to the NSNSs. No other LSEs are considered to occur as a result of the proposed developments.
- S.6. **Section 4: Shadow Appropriate Assessment** (HRA Stage 2) details appropriate mitigation required in order to avoid an adverse effect on integrity on the NSNSs in relation to the effect pathways listed above in perpetuity. Mitigation includes payment of established tariffs in relation to increases in recreation from residential development, purchase of nutrient credits from a suitable provider, installation of fencing along the boundaries of the Sites to minimise public access to adjacent off-site land and implementation of a Brent Goose and Wader mitigation strategy produced by Tyler Grange (reference: **13956/R07i**). The strategy has been shared with Tristan

¹ For the purposes of this report, 'NSNSs' includes Ramsar sites



Norton, Principal Ecologist at HBC who has confirmed agreement with the approach which is noted to be "*reasonable and proportionate*" (Consultation Response dated 22/05/2025, available on HBC planning portal).

- S.7. It is considered that, following the implementation of the aforementioned mitigation measures, which are expected to be controlled via appropriately worded planning conditions and/or a Section 106 agreement, no adverse effects on the integrity of any NSNS will occur as a result of the proposed developments. This sHRA report is therefore considered to provide sufficient information to enable the competent authority to complete HRA and conclude that no adverse effect on integrity of any NSNS will occur.



Section 1: Introduction and Site Context

Introduction

- 1.1. The subject of this 'shadow' Habitats Regulations Assessment (sHRA) report relates to the proposed development of two parcels of land known as Land North of Oysters (application reference: APP/21/01350), shown in **Figure 1.1**, and Land South of Saltmarsh Lane (application reference: APP/21/01351), shown in **Figure 1.2**, hereafter referred to collectively as 'the Sites'. Where discussed separately the sites are referred to as 'The Land North of Oysters Site' and 'Land South of Saltmarsh Lane Site'.



Figure 1.1: Boundary of the Land South of Saltmarsh Lane Site (Google Maps® 2025)





Figure 1.2: Boundary of the Land North of Oysters Site (Google Maps® 2025)

- 1.2. Although the Sites are subject to two separate planning applications, the applications were submitted simultaneously and the Sites are in close proximity to each other with the same potential pathways for likely significant effects. Therefore, this sHRA report considers both Sites jointly. The proposals are for residential development and associated infrastructure at the Sites, hereinafter referred to as 'the proposed developments'.
- 1.3. An assessment, to set out the ecological baseline of the Sites and identify any ecological considerations, was completed in 2021 and updated in 2025. This is reported in Ecological Impact Assessment (EclA) reports for the Sites (references: **13956_R05a_16072025** and **13956_R06a_16072025**) prepared by Tyler Grange Group Ltd, hereinafter referred to as 'the EclA reports'. A brent goose and wader mitigation strategy report for the sites has also been prepared by Tyler Grange Group Ltd (reference: **13956/R07i**), hereinafter referred to as 'the mitigation strategy'. The EclAs and the mitigation strategy should be read in conjunction with this sHRA report.
- 1.4. Relevant planning policy and legislation with regard to this sHRA can be found in **Appendix 1**. Full methodology can be found in **Appendix 2**.

Site Context

- 1.5. The Land South of Saltmarsh Lane Site extends to approximately 2.52ha and comprises arable land, which has been partially converted from grazing paddocks. The field boundaries are formed of a mix of trees, hedgerows, scrub along ditches and back garden fences. Existing habitats are shown in **Figure 1.3** below. This Site forms site H34D in the Solent Waders and Brent Goose Strategy 2024² as a Low Use Site as shown in **Figure 1.5** below.

² Whitfield, D. and Marceau, T., (2024) Solent Waders and Brent Goose Strategy. Curdridge: Hampshire and Isle of Wight Wildlife Trust.



- 1.6. Public access is possible to the Land South of Saltmarsh Lane Site informally from the adjacent Hayling Billy Trail which runs along the western boundary of the site, through gaps in the hedgerow/treeline.

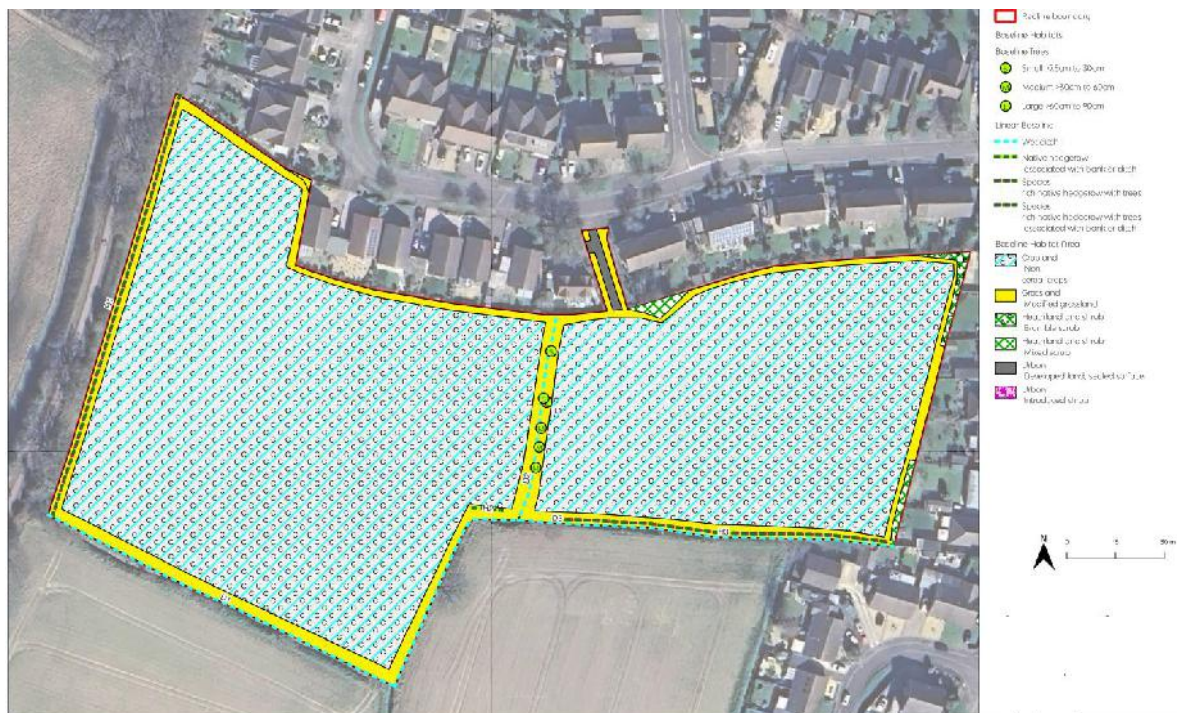


Figure 1.3: Baseline Habitats at the Land South of Saltmarsh Lane Site (reference: 13956_R06a_160725)

- 1.7. The Land North of Oysters Site extends to 1.24 ha of currently arable land, with new development to the south, existing development to the east, arable land to the north and a belt of trees to the west. Existing habitats are shown in **Figure 1.4** below. The Site forms part of site H34E in the Solent Waders and Brent Goose Strategy 2024² as a Secondary Support Area as shown in **Figure 1.5** below. Additional planning context for the Land North of Oysters Site is provided within the Brent Goose and Wader Mitigation Strategy produced by Tyler Grange (reference: **13956/R07i**) with regard to a previous application in 2014 (reference: APP/13/00639).
- 1.8. There is evidence of the Land North of Oysters Site being accessed informally, by members of the public and dog walkers from an existing development to the south known as 'the Oysters' and there is informal access to the site from the Hayling Billy Trail through gaps in the western boundary hedgerow.



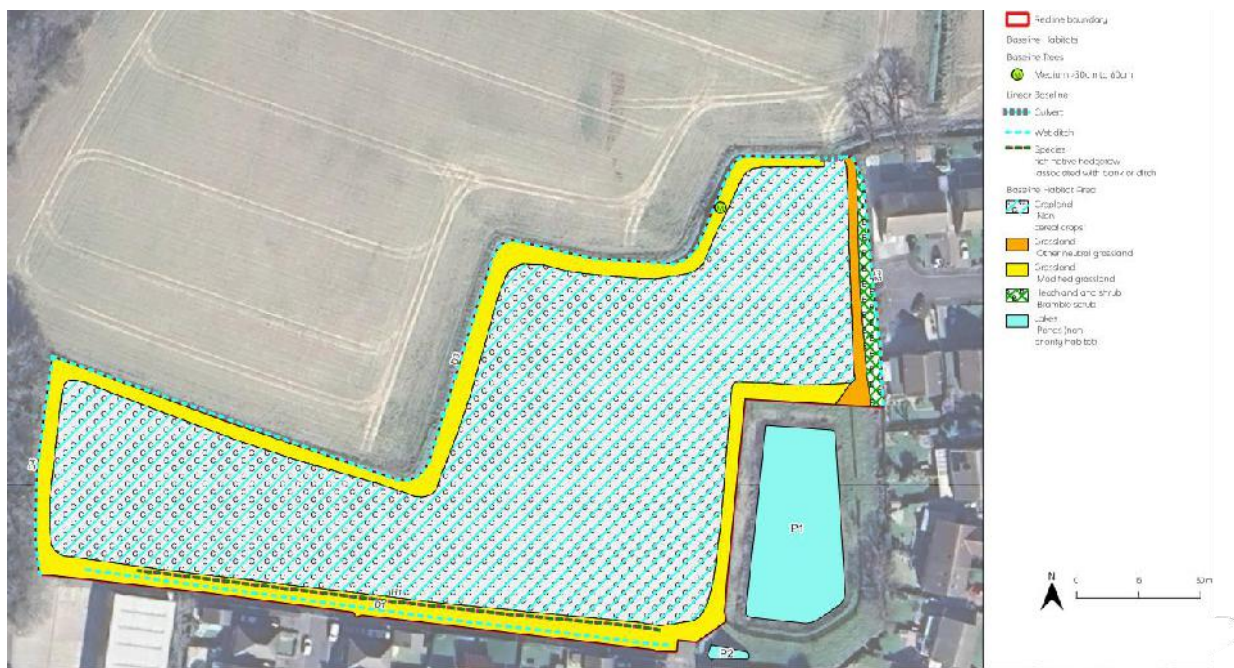


Figure 1.4: Baseline Habitats at the Land North of Oysters Site (reference: 13956_R05a_160725)



Figure 1.5: Site H34D and H34E within the Solent Waders and Brent Goose Strategy 2024²



Purpose

- 1.9. The purpose of this report is to examine likely effects of the development alone and in combination with other developments on National Sites Network sites (NSNSs)³. It sets out a 'shadow' HRA report which, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'), provides information for the competent authority⁴, HBC, to complete HRA.

Quality Control

- 1.10. All ecologists at Tyler Grange Group Ltd are members of the Chartered Institute of Ecology and Environmental Management (CIEEM) or acting under the supervision of staff that are members of CIEEM, and abide by the Institute's Code of Professional Conduct.

³ It is acknowledged that NSNSs do not include Ramsars. However, for ease of reference for the purposes of this report, the term 'NSNSs' includes Special Protection Areas (SPAs), potential SPAs (pSPAs), Special Areas of Conservation (SACs), candidate SACs (cSACs) and Ramsars.

⁴ The Habitats Regulations define a 'competent authority' as including any Minister of the Crown, government department, statutory undertaker, public body of any description or persons holding public office, or any person exercising those functions (regulation 7(1)).



Section 2: NSNSs Relevant to the Site

- 2.1. The closest NSNSs to the sites are Chichester and Langstone Harbours Special Protection Area (SPA) and Chichester and Langstone Harbours Ramsar, which are located approximately 0.2 km west of the Sites at the closest point. All NSNSs identified within 10 km of the Sites, their qualifying features and conservation objectives are set out in **Table 2.1** below and shown on the NSNSs Plan (reference: **13956/26**).



Table 2.1: NSNSs Within 10 km of the Sites

NSNS Name	Distance and Direction from the Sites	Reason for Designation
Chichester and Langstone Harbours SPA	0.2 km west	<p>Article 4.1 Qualification: During the breeding season the area regularly supports:</p> <ul style="list-style-type: none"> • Little tern <i>Sterna albifrons</i> (Eastern Atlantic - breeding), 4.2% of the GB breeding population 5 year mean, 1992-1996; • Common tern <i>Sterna hirundo</i> (Northern/Eastern Europe - breeding), 0.3% of the GB breeding population 5 year mean, 1992-1996; and • Sandwich tern <i>Sterna sandvicensis</i> (Western Europe/Western Africa), 0.2% of the GB breeding population 5 year mean, 1993-1997. <p>Over winter the area regularly supports:</p> <ul style="list-style-type: none"> • Bar-tailed godwit <i>Limosa lapponica</i> (Western Palearctic - wintering), 3.2% of the GB population 5 year peak mean 1991/92-1995/96. <p>Article 4.2 Qualification: Over winter the area regularly supports:</p> <ul style="list-style-type: none"> • Northern pintail <i>Anas acuta</i> (North-western Europe), 1.2% of the population in Great Britain 5 year peak mean 1991/92-1995/96; • Northern shoveler <i>Anas clypeata</i> (North-western/Central Europe), 1% of the population in Great Britain 5 year peak mean 1991/92-1995/96;



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> Eurasian teal <i>Anas crecca</i> (North-western Europe), 0.5% of the population 5 year peak mean 1991/92-1995/96; Wigeon <i>Anas penelope</i> (Western Siberia/North-western/North-eastern Europe), 0.7% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Ruddy turnstone <i>Arenaria interpres</i> (Western Palearctic - wintering), 0.7% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Western Siberia/Western Europe), 5.7% of the population 5 year peak mean 1991/92-1995/96; Sanderling <i>Calidris alba</i> (Eastern Atlantic/Western & Southern Africa -wintering), 0.2% of the population 5 year peak mean 1991/92-1995/96; Dunlin <i>Calidris alpina alpina</i> (Northern Siberia/Europe/Western Africa), 3.2% of the population 5 year peak mean 1991/92-1995/96; Ringed plover <i>Charadrius hiaticula</i> (Europe/Northern Africa - wintering), 3% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Red-breasted merganser <i>Mergus serrator</i> (North-western/Central Europe), 3% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Eurasian curlew <i>Numenius arquata</i> (Europe - breeding), 1.6% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Grey plover <i>Pluvialis squatarola</i> (Eastern Atlantic - wintering), 2.3% of the population 5 year peak mean 1991/92-1995/96;



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> Shelduck <i>Tadorna tadorna</i>, (North-western Europe), 3.3% of the population in Great Britain 5 year peak mean 1991/92-1995/96; and Redshank <i>Tringa totanus</i> (Eastern Atlantic - wintering), 1% of the population 5 year peak mean 1991/92-1995/96. <p>Article 4.2 Qualification: an internationally important assemblage of birds</p> <p>Over winter the area regularly supports:</p> <p>93230 waterfowl, (5 year peak mean 1991/92-1995/96) Including:</p> <ul style="list-style-type: none"> Dark-bellied brent goose; Shelduck; Wigeon; Teal; Northern pintail; Shelduck; Red-breasted merganser; Ringed plover;



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> • Grey plover; • Sanderling; • Dunlin; • Bar-tailed godwit; • Eurasian curlew; • Redshank; and • Ruddy turnstone.
Chichester and Langstone Harbours Ramsar	0.2 km west	<p>Ramsar criterion 1 qualification: 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.</p> <p>Ramsar criterion 5 qualification: Assemblages of international importance: Species with peak counts in winter: 76480 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 qualification: Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> • Ringed plover, 853 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9-2002/3)



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> Black-tailed godwit <i>Limosa limosa islandica</i>, 906 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9-2002/3) Common redshank, 2577 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3) <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> Dark-bellied brent goose, 12987 individuals, representing an average of 6% of the population (5 year peak mean 1998/9-2002/3) Common shelduck, 1468 individuals, representing an average of 1.8% of the GB population (5 year peak mean 1998/9-2002/3) Grey plover, 3043 individuals, representing an average of 1.2% of the population (5 year peak mean 1998/9-2002/3) Dunlin, 33436 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9-2002/3)
Solent Maritime Special Area of Conservation (SAC)	0.2 km west	<p>Annex I habitats that are a primary reason for selection:</p> <ul style="list-style-type: none"> Estuaries; Spartina swards <i>Spartinion maritimae</i>; and Atlantic salt meadows <i>Glauco-Puccinellietalia maritimae</i>. <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection:</p> <ul style="list-style-type: none"> Sandbanks which are slightly covered by sea water all the time;



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide; • Coastal lagoons; • Annual vegetation of drift lines; • Perennial vegetation of stony banks; • <i>Salicornia</i> and other annuals colonizing mud and sand; and • "Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes"). <p>Annex II species present as a qualifying feature, but not a primary reason for site selection:</p> <ul style="list-style-type: none"> • Desmoulin's whorl snail <i>Vertigo moulinsiana</i>
Solent & Isle Of Wight Lagoons SAC	4.7 km north-east	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Coastal lagoons.
Portsmouth Harbour SPA	7.2 km north-west	<p>Article 4.2 Qualification: Over winter the area regularly supports:</p> <ul style="list-style-type: none"> • Dark-bellied brent goose (Western Siberia/Western Europe), 0.9% of the population 5 year peak mean 1991/92-1995/96;



NSNS Name	Distance and Direction from the Sites	Reason for Designation
		<ul style="list-style-type: none"> Dunlin (Northern Siberia/Europe/Western Africa), 1% of the population in Great Britain 5 year peak mean 1991/92-1995/96; Black-tailed godwit (Iceland - breeding) 0.4% of the population in Great Britain 5 year peak mean 1991/92-1995/96; and Red-breasted merganser (North-western/Central Europe), 0.9% of the population in Great Britain 5 year peak mean 1991/92-1995/96.
Portsmouth Harbour Ramsar	7.2 km north-west	<p>Ramsar criterion 3 qualification: The intertidal mudflat areas possess extensive beds of eelgrass <i>Zostera angustifolia</i> and <i>Zostera noltei</i> which support the grazing dark-bellied brent geese populations. The mud-snail <i>Hydrobia ulvae</i> is found at extremely high densities, which helps to support the wading bird interest of the site. Common cord-grass <i>Spartina anglica</i> dominates large areas of the saltmarsh and there are also extensive areas of green algae <i>Enteromorpha spp.</i> and sea lettuce <i>Ulva lactuca</i>. More locally the saltmarsh is dominated by sea purslane <i>Halimione portulacoides</i> which gradates to more varied communities at the higher shore levels. The site also includes a number of saline lagoons hosting nationally important species.</p> <p>Ramsar criterion 6 qualification: Qualifying Species/populations (as identified at designation): Species with peak counts in winter:</p> <ul style="list-style-type: none"> Dark-bellied brent goose, 2105 individuals, representing an average of 2.1% of the GB population (5 year peak mean 1998/9-2002/3)
South Wight Maritime SAC	9.0 km south	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> Reefs; Vegetated sea cliffs of the Atlantic and Baltic Coasts; and Submerged or partially submerged sea caves.



- 2.2. The Solent & Isle Of Wight Lagoons SAC is located approximately 4.7 km north-east of the Sites. Habitats within the Sites are not considered to be functionally linked to this SAC. There are no terrestrial habitat or hydrological linkages between the Sites and the SAC. No tangible effect pathway is considered to exist between the Solent & Isle Of Wight Lagoons SAC and the development. Furthermore, South Wight Maritime SAC is located approximately 9.0 km south of the Sites. This is a large marine SAC adjacent to the Isle of Wight and, given the nature of the proposed developments and the significant distance between the Sites and this SAC, no tangible effect pathways are considered to exist. Therefore, these two SACs have been scoped out of further consideration and is not discussed further in this report. All other NSNSs listed in **Table 2.1** above are scoped in for further assessment and are discussed further in **Section 4**, due to their proximity to the Sites and/or their association with mobile species which may utilise the Sites.

Conservation Objectives

- 2.3. Conservation objectives are set out by Natural England to help public bodies comply with the law and to protect NSNSs.
- 2.4. Conservation objectives for the NSNSs are set out below in **Table 2.2**. Although Ramsars do not have specific conservation objectives, it is generally taken that the conservation objectives for SPAs are also applicable to the associated Ramsar. Therefore, both SPAs and Ramsars are listed jointly in **Table 2.2**.

Table 2.2: Conservation Objectives Associated With Each NSNS

Site Name	Conservation objectives
Chichester and Langstone Harbours SPA ⁵ and Ramsar	<p>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:</p> <ul style="list-style-type: none"> • 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.
Portsmouth Harbour SPA ⁶ and Ramsar	

⁵ Natural England (2014) European Site Conservation Objectives for Chichester and Langstone Harbours SPA (UK9011011), [Online] Available at: <https://publications.naturalengland.org.uk/publication/5789102905491456> [Accessed: 21/05/2025]

⁶ Natural England (2014) European Site Conservation Objectives for Portsmouth Harbour SPA (UK9011051), [Online] Available at: <https://publications.naturalengland.org.uk/publication/4857883850178560> [Accessed: 21/05/2025]



Site Name	Conservation objectives
Solent Maritime SAC ⁷	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species; • The structure and function (including typical species) of qualifying natural habitats; • The structure and function of the habitats of qualifying species; • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; • The populations of qualifying species; and • The distribution of qualifying species within the site.

⁷Natural England (2014) European Site Conservation Objectives for Solent Maritime SAC (UK0030059), [Online] Available at: <https://publications.naturalengland.org.uk/publication/5762436174970880> [Accessed: 21/05/2025]



Section 3: Screening (HRA Stage 1)

- 3.1. The aim of this HRA Screening section is to establish whether the proposed developments are likely to have a Likely Significant Effect (LSE) on nearby NSNSs.
- 3.2. To inform this stage, the following has been completed:
- Identification of NSNSs scoped in for screening (**Section 2**), hereafter referred to as 'the NSNSs';
 - Identification of conservation objectives of each NSNS (**Section 2**);
 - Identification of potential LSEs on NSNSs or their qualifying features in light of the NSNS's conservation objectives (**Section 3**); and
 - Identification of whether any element of the development will have a likely significant effect on any feature or interest, either alone or in combination with other projects / plans (**Section 3**).



Potential LSEs

Disturbance to Qualifying Features Within the NSNSs

- 3.3. Due to the distance between the Sites and the NSNSs (0.2 km at the closest point), no LSEs are anticipated in relation to visual or noise disturbance from within the Sites on qualifying features located within the NSNSs during construction or operation of the proposed developments.
- 3.4. Due to the nature of the proposed developments resulting in an increase in residential units, there is potential for increases in recreation to the NSNSs. This increase in recreation could lead to increased visual and noise disturbance to qualifying bird species of the NSNSs. It has been identified following research coordinated by the Solent Forum during 2009-2013⁸, that recreational pressure on the NSNSs around the Solent has the potential to cause an LSE from any increase in residential developments within 5.6 km of the NSNSs⁹. Therefore, given LSEs have been identified from residential development and the Sites lies within the 5.6 km zone of influence to NSNSs as identified within the Bird Aware Solent Revised Strategy⁹, an LSE is considered to occur in the absence of mitigation as a result of the proposed developments. Therefore, recreational effects are discussed further in **Section 4: Appropriate Assessment (HRA Stage 2)**, along with mitigation.
- 3.5. No tangible effect pathways are considered to exist in relation to disturbance to invertebrates or plant species which are qualifying species of the Ramsars. Therefore, no LSEs are anticipated in relation to qualifying invertebrates or plant species.

Loss of or Damage to Habitats Within the NSNSs

- 3.6. Due to the distance between the Sites and the NSNSs (0.2 km at the closest point) and there being no direct land take and no terrestrial habitat or hydrological linkage between the Sites and the NSNSs, no LSEs related to direct loss or damage to habitats within the NSNSs from the Sites during construction or operation are anticipated.
- 3.7. Due to the nature of the development, the potential for increases in recreation to the NSNSs to occur, which may lead to increased erosion or other damage to habitats within the NSNSs is considered. However, as recreation has already been identified to have an LSE in **paragraph 3.4** above and will be fully mitigated, this is discussed no further here and is discussed in detail in **Section 4: Shadow Appropriate Assessment (HRA Stage 2)**.
- 3.8. It is known that nitrates discharged into watercourses which flow into The Solent are partly responsible for eutrophication¹⁰. Eutrophication is known to cause significant effects on NSNSs by lowering oxygen levels in water which adversely affects habitat suitability for invertebrates and reduces foraging opportunities for qualifying bird species which may rely

⁸ Bird Aware (2017) Solent Recreation Mitigation Strategy, [Online] Available at: https://www.southampton.gov.uk/media/y0rd1s3f/solent-recreation-mitigation-strategy_tcm63-398270.pdf [Accessed: 21/05/2025]

⁹ Bird Aware (2024) Bird Aware Solent Revised Strategy, [Online] Available at: <https://birdaware.org/solent/about-us/our-strategy/revised-strategy-2024/> [Accessed: 21/05/2025]

¹⁰ Havant Borough Council (Year unknown) A better future for all, [Online] Available at: <https://www.havant.gov.uk/media/8321/download?inline=> [Accessed: 16/07/2025]



on invertebrate food sources. Whilst the majority of nitrates entering The Solent are derived from current and historical agricultural sources, new housing developments have been deemed to result in an increased load on existing Wastewater Treatment Works, resulting in increased nitrates being discharged into watercourses and ultimately entering aquatic habitats within NSNSs downstream, in this case those associated with the Solent¹¹. Eutrophication is increased plant growth which reduces the oxygen content in water and occurs when an excessive amount of nutrients within a water body are present. This process makes it difficult for aquatic insects or fish to survive, in turn removing a food source from the food cycle.

- 3.9. HBC have issued a "Position Statement and Mitigation Plan for Nutrient Neutral Development"¹¹. The position statement sets out that proposed developments with a net gain in overnight accommodation will be required to demonstrate nutrient neutrality. If a development is shown not to be neutral, mitigation measures will be required.
- 3.10. Nutrient Neutrality Reports have been completed for the Sites and these have been updated in 2025 (Ominia, 2025, references: A12468/250425/L1.2 and A12467/250417/L1.2). As set out within the reports, Natural England's methodology and calculator were used, alongside HBC's occupancy calculator to identify the potential of the proposed developments to increase the nitrate load within the catchment of coastal NSNSs. The results of the calculations demonstrated that, in the absence of mitigation, the proposed development at the Land North of Oysters Site has the potential to increase the Nitrate Load within the catchment by up to 5.00 kg/TN/year and the proposed development at the Land South of Saltmarsh Land has as specified within the Solent Nutrient has the potential to increase the Nitrate Load within the catchment by up to 17.96 kg/TN/year.
- 3.11. Natural England, and HBC have stated¹¹ that if a development is calculated to have a nitrate surplus, then mitigation measures will be required to achieve nutrient neutrality. Therefore, in the absence of mitigation, an LSE on the NSNSs is considered to occur. Mitigation measures to achieve nutrient neutrality and avoid an adverse effect on integrity of NSNSs are discussed in **Section 4: Shadow Appropriate Assessment (HRA Stage 2)**.
- 3.12. Given the distance between the Site and the NSNSs and a sufficient drainage strategy including sustainable urban drainage systems (SuDS), no pollutant run-off is expected to reach the habitats of the NSNSs during construction and operation.
- 3.13. No LSEs are anticipated in relation to changes in air quality due to the distance between the Site and the NSNSs within an existing urban context in addition to the relatively small-scale nature of the proposed developments. Increases in traffic are considered to be minimal in the context of the existing traffic on road networks close to the NSNSs. Therefore, a detailed air quality assessment was not considered necessary.

Loss, Damage or Disturbance to Functionally Linked Habitat

- 3.14. The Land South of Saltmarsh Lane Site forms site H34D in the Solent Waders and Brent Goose Strategy² as a Low Use Site (see **Figure 1.5**), indicating a functional linkage between the Site

¹¹ Havant Borough Council (2024) Position Statement and Mitigation Plan for Nutrient Neutral Development, [Online] Available at: <https://www.havant.gov.uk/media/9586/download?inline> [Accessed: 21/05/2025]



and the NSNSs of the Solent. No presence or absence data was returned in the background records check from Hampshire Biodiversity Information Centre in 2021 or 2025 during an update search, with the only records returned being of seven lapwing from 2009. Lapwing is not a qualifying feature of the NSNSs relevant to this report. However, it is acknowledged that lapwing are listed as a wading bird considered within the Solent Waders and Brent Goose Strategy¹².

- 3.15. The Land North of Oysters Site is part of site H34E in the Solent Waders and Brent Goose Strategy² as a Secondary Support Area (see **Figure 1.5**), indicating a functional linkage between the Site and the NSNSs of the Solent. H34E includes a central field between the Land North of Oysters Site and the Land South of Saltmarsh Lane Site. No recent presence or absence data was returned in the background records check from Hampshire Biodiversity Information Centre in 2021 or 2025 during an update data search, with only historic records of 200 brent geese in 2012, 200 brent geese in 2011 and 70 brent geese in 2007 returned.
- 3.16. No brent geese or other qualifying features of the SPAs were identified utilising the Sites during wintering bird surveys completed during the winter seasons of 2011/12, 2012/13, 2015/2016, 2017/2018, 2018/2019 and 2020/2021. Full methodology and results of wintering bird surveys is presented within the EclA reports (references: **13956_R05a_16072025** and **13956_R06a_16072025**).
- 3.17. Both Sites are small, irregularly shaped with tight boundaries that restrict sight-lines for brent geese, and both Sites are likely to be subject to dog walking disturbance. Therefore, the suitability of the Sites for brent geese, which prefer open habitat with clear sight-lines¹³, is considered to be limited.
- 3.18. An absence of records of brent geese or waders on the Sites in the last circa thirteen years and the limited suitability of the Sites for such qualifying bird species indicates that the Sites are no longer functioning as functionally linked habitat for the NSNSs of the Solent. This is considered likely to be due to the limited sight-lines, management as agricultural land and existing disturbance at the site. Therefore, it is considered unlikely that an LSE related to the loss of functionally linked habitat would occur in the absence of mitigation. However, given the historic data from the Sites which suggests a previous functional link and acknowledgement to the numerous areas of land identified in the Solent Waders and Brent Goose Strategy² which are known to function as a whole across the Solent in providing a resource for brent geese and waders, an LSE due to a loss of functionally linked habitat is assumed in the absence of mitigation on a precautionary basis. Mitigation measures are therefore provided in **Section 4**.
- 3.19. Furthermore, disturbance to any brent geese or waders which may utilise the remaining area of H34E which lies between the Land North of Oysters Site and the Land South of Saltmarsh Lane Site (hereafter 'the central field') during operation of the proposed developments is possible in the absence of mitigation. A naturalised buffer zone including wildflower

¹² Whitfield, D. and Marceau, T., (2024) Solent Waders and Brent Goose Strategy Appendix I – List of Wading Birds, [Online] Available at: <https://solentwbgs.wordpress.com/wp-content/uploads/2025/04/solent-waders-brent-goose-strategy-2024.pdf> [Accessed: 08/07/2025]

¹³ SW&BGS Steering Group (2024) Solent Waders and Brent Goose Strategy Guidance on Mitigation and Off-setting Requirements, [Online] Available at: <https://solentwbgs.wordpress.com/wp-content/uploads/2025/04/swbgs-mitigation-guidance-2024.pdf> [Accessed: 15/07/2025]



grassland, tree and hedgerow planting has been incorporated into the design along both the northern boundary of the Land North of Oysters Site and the southern boundary of the Land South of Saltmarsh Lane Site to provide appropriate landscaping and visual amenity for the Sites. These buffer zones are shown on the Landscape Strategy Plans appended to the LVIA reports which were submitted with the planning applications (references: **13956/R03a** and **13956/R04**). will provide a visual screen between the central field and the Sites. It is noted that the central field is surrounded by residential dwellings to the east and south and the Hayling Island Billy Trail to the west and it is therefore subject to existing disturbance. However, a potential LSE has been raised in communication with Tristan Norton, Principal Ecologist at HBC, regarding the potential for residents and dogs to access H34E in the absence of a permanent barrier (Consultation Response dated 22/05/2025, available on HBC planning portal). Therefore, an LSE in relation to disturbance from increased public access to H34E is assumed and further measures are discussed in **Section 4**.

Stage 1 (Screening) Conclusion

- 3.20. It is concluded that, in the absence of mitigation, LSEs in relation to increased recreational disturbance to NSNSs and functionally linked habitat, loss of functionally linked habitat and nutrient discharge may occur on the NSNSs.
- 3.21. Mitigation measures and the potential for adverse effects on integrity of the NSNSs are discussed in **Section 4**.



Section 4: Shadow Appropriate Assessment (HRA Stage 2)

Introduction

- 4.1. Following the assessment provided in **Section 3: Screening** (HRA Stage 1), the need for HRA Stage 2, Appropriate Assessment has been identified in relation to LSEs on the five NSNSs identified due to loss of and potential disturbance to possible functionally linked habitat, increases in recreational pressure on the NSNSs and nutrient discharge to habitats of the NSNSs.
- 4.2. Relevant information to inform an Appropriate Assessment is given below. This information includes an assessment of potential adverse effects on integrity of NSNSs, both alone and in combination with other developments, considering descriptions of the NSNSs' respective qualifying features and conservation objectives (as set out in **Section 2**), as well as appropriate mitigation measures.

Information to Inform an Appropriate Assessment

The Proposed Developments Alone

Loss of Functionally Linked Habitat

- 4.3. Although no usage of the Sites by qualifying bird species of the relevant NSNSs has been recorded for many years, it is acknowledged that both Sites are considered to be functionally linked to the NSNSs of the Solent within the Solent Waders and Brent Goose Strategy² on a precautionary basis. Therefore, loss of habitats within the Sites would reduce the total available area for brent geese and wading birds identified in the Strategy.
- 4.4. To mitigate for the loss of functionally linked habitat, an off-site mitigation area has been identified at an existing 'Core Area' (part of area H50C) within the Solent Waders and Brent Goose Strategy². This mitigation area is currently subject to high levels of disturbance from an existing dog walking business, with a long grass sward and open boundaries in some areas meaning the area is not currently able to support brent geese and waders associated with the relevant NSNSs. This area is therefore not considered to be functioning as a 'core area' for brent geese as set out in the Solent Waders and Brent Goose Strategy². Therefore, a mitigation strategy has been produced by Tyler Grange (reference: **13956/R07i**) which details measures to enhance the mitigation area for brent geese and waders including removal of the dog walking business, restricting public access and long-term management of the habitats within the mitigation area to enhance their suitability for brent geese and waders. This approach to mitigation and the mitigation strategy have been approved by Tristan Norton, Principal Ecologist at HBC.
- 4.5. It is considered that adherence to the mitigation strategy can be controlled by an appropriately worded planning condition. The mitigation area is considered to provide an



additional resource to brent geese and waders that is not currently available, thereby mitigating for the loss of the habitats within the Sites and providing an additional resource. Therefore, following implementation of the mitigation strategy, it is considered that no adverse effect on integrity of any NSNS will occur as a result of the loss of functionally linked habitat within the Sites.

Disturbance To Functionally Linked Habitat

- 4.6. Disturbance to the central field (H34E in the Solent Waders and Brent Goose Strategy²) between the Land North of Oysters Site and the Land South of Saltmarsh Lane Site from residents and dogs within the Sites has been identified as an LSE in the absence of a permanent barrier (see paragraph 3.19). Therefore, it has been confirmed that a permanent barrier will be installed along the northern boundary of the Land North of Oysters Site and along the southern boundary of the Land South of Saltmarsh Lane Site to prevent increased public access outside of the sites and onto the central field.
- 4.7. It is considered that, following discussion with Tristan Norton, Principal Ecologist at HBC, a permanent barrier, along with the vegetative screening already proposed along these boundaries, will prevent access into the central field and therefore any brent geese or waders that may utilise this area in future will not be subject to increased disturbance from the Sites. Given this, in addition to the lack of records of qualifying birds being recorded within this central field, it is considered that no adverse effect on the integrity of any NSNSs will occur as a result of increased public access to the central field from the Sites.

Recreation

- 4.8. The following mitigation is proposed to ensure potential effects on integrity of NSNSs identified in **Section 2** are avoided in relation to increased recreation within the NSNSs associated with the proposed developments.
- 4.9. The Solent Revised Mitigation Strategy (SRMS)⁹ identifies a sliding scale of financial contribution for new residential development within 5.6 km of the SPAs and Ramsars. The contribution is calculated on the number of bedrooms per individual dwelling and **Table 4.1** sets out the rates presented by HBC at the time of writing, applicable to permissions granted on or after 1 April 2025 (increasing from April 2026)¹⁴.

Table 4.1: SRMS Financial Contributions for New Residential Development 2025/2026

Number of bedrooms	Amount	5% monitoring fee	Administration fee	Total
1	£482	£24.10	£25	£531.10
2	£696	£34.80	£25	£755.80
3	£907	£45.35	£25	£977.35
4	£1067	£53.25	£25	£1,145.25

¹⁴ Havant Borough Council (2025) Bird Aware Solent Revised Strategy, [Online] Available at: <https://www.havant.gov.uk/planning-services/planning-policy/community-infrastructure-levy-cil/section-106-legal-agreements-3> [Accessed: 21/05/2025]



5+	£1251	£62.55	£25	£1,338.55
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- 4.10. The financial contributions from new residential dwellings will contribute to a variety of mitigation measures, as set out within the SRMS, to ensure no adverse effects on integrity of the NSNSs in the Solent area will occur.
- 4.11. The applicant acknowledges that payment of the necessary financial contributions will be required in order to discharge conditions at the reserved matters stage, prior to works commencement. This is expected to be controlled by an S106 agreement.

Nutrient Discharge

- 4.12. As an LSE was identified from the proposed developments alone in the absence of mitigation due to increases in nutrient discharge. It is not considered possible to avoid or mitigate for this within the Sites. Therefore, the following paragraphs detail appropriate off-Site mitigation to ensure the proposed developments do not results in an adverse effect on the integrity of any NSNS.
- 4.13. In 2023, eight catchments in the UK were awarded grant funding to deliver locally-led nutrient mitigation schemes, including the Solent and River Itchen catchments. Developments can be considered 'nutrient neutral' where they can demonstrate that they will cause no overall increase in nutrient pollution affecting NSNSs. Suitable mitigation measures might include constructed wetlands, changes in land management, or retrofitting Sustainable Urban Drainage systems within the catchment of the affected NSNSs.
- 4.14. As set out within the Nutrient Neutrality Reports (references: A12468/250425/L1.2 and A12467/250417/L1.2), contact has been made with providers of off-site nutrient mitigation schemes offering credits within the East Hampshire Rivers area. These schemes were contacted for availability, financial information and to draw up draft contracts where possible. This work identified at least six providers able to supply the required credits to offset the nutrient discharge associated with the proposed developments, the details of which are set out below in **Table 5.2**.

Table 5.2: Nutrient Neutrality Credit Scheme Providers and Costs

Name of Scheme	Cost per credit (excluding VAT)
Bishops Waltham	£3,000
Peel Common, Budds Farm	£3,500
Peel Common, Budds Farm, Ashlett Creek	£4,250.00
Peel Common, Budds Farm, Ashlett Creek, Slowhill Copse	£2,500.00



Peel Common, Budds Farm, Ashlett Creek	£3,250.00
Subbington	£2,500

- 4.15. Given the availability of credits and as the need to purchase sufficient credits is expected to be controlled by an appropriately worded planning condition or Section 106 agreement, it is considered that the proposed developments will achieve nutrient neutrality and therefore an adverse effect on integrity of NSNSs in relation to nutrient discharge will be avoided.

The Proposed Developments In-Combination

- 4.16. It is considered that the LSEs identified in **Section 3** will be fully mitigated, as set out above, in relation to the project alone. It is expected that the mitigation measures set out will be secured in perpetuity via appropriately worded planning conditions and/or a Section 106 agreement.
- 4.17. Other plans or projects which may result in LSEs on NSNSs of the Solent in relation to recreation and increased nutrient discharge are obliged to ensure proportionate mitigation is completed as set out above. Therefore, no adverse effect on integrity is considered to occur when considering the proposed developments in combination with other plans or projects.

Stage 2 (Shadow Appropriate Assessment) Conclusion

- 4.18. It is concluded that, given the implementation of suitable mitigation, as identified above and controlled via suitably worded planning conditions or Section 106 agreement, no adverse effect on integrity of any NSNSs will occur as a result of the proposed developments. Therefore, assessment at further HRA stages (Stages 3 and beyond) is not considered necessary.
- 4.19. It is considered that the information provided within this section provides sufficient information to enable HBC to complete HRA Assessment of the proposed developments.



Section 5: Conclusions

- 5.1. Five NSNSs were considered for potential LSEs at the screening stage (**Section 3**). LSEs were identified on these NSNSs in the absence of mitigation in relation to loss of and disturbance to functionally linked habitat, recreation and nutrient discharge. No other LSEs are anticipated.
- 5.2. A suitable off-site mitigation area has been identified which is considered to sufficiently mitigate for the loss of assumed functionally linked habitat within the Sites. Measures to establish and manage the mitigation area in the long-term are detailed within a mitigation strategy (reference: **13956/R07i**). Compliance with this mitigation strategy is expected to be controlled via a suitably-worded planning condition. On-site measures including a fence to prevent public access to the central field between the Sites will be incorporated into a LEMP which could also be controlled via a suitably-worded planning condition
- 5.3. Established mitigation schemes are in place within the locality of the Sites in relation to increases in recreation and nutrient discharge associated with residential developments. Compliance with these schemes is expected to be controlled by suitably worded planning conditions or a Section 106 agreement.
- 5.4. Following establishment of the off-Site mitigation area, payment of the costs of the mitigation schemes proportionate to each Site and completion of any necessary legal agreements, it is concluded that no adverse effect on the integrity of any NSNS will occur as a result of the proposed developments.
- 5.5. The information provided in this sHRA report, as well as the other relevant documents referenced throughout, is considered to provide the competent authority with sufficient information to complete an Appropriate Assessment with the assurance that no adverse effects on integrity will occur on NSNSs as a result of the proposed developments and further HRA stages are not required.



Appendix 1: Legislation and Planning Policy

Relevant National Legislation and Policy

- A1.1. The European Council Directive on the Conservation of National Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive' (Council Directive 92/43/EEC), provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2017 (as amended), and has incorporated protections for NSNSs.
- 5.6. It should be noted that the UK's departure from the European Union (EU) does not alter the implementation of this legislation in the UK at the time of writing. Section 6 of the EU (Withdrawal) Act 2018 (as amended) requires retained EU law such as the Conservation of Habitat and Species Regulations 2017 (as amended) to be interpreted in line with "retained case law" which includes retained EU case law.
- 5.7. NSNSs comprise:
- Special Areas of Conservation (SACs) and candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive; and
 - SPAs and potential SPAs (pSPAs), classified under the Wild Birds Directive (Directive 2009/147/EC).
- 5.8. Wetlands of international importance (known as Ramsar sites or 'Ramsars') designated under the Convention on Wetlands of International Importance are not part of the National Site Network. However, all Ramsars in the UK are protected in the same way as SACs and SPAs and therefore, for the purposes of this report, the term 'NSNSs' refers to Ramsars in addition to SACs and SPAs as listed above
- 5.9. Under the Habitats Regulations, competent authorities are required to consider impacts of any plans / projects which are likely to have LSEs on NSNSs - either alone or in-combination with other plans / projects. The assessment of the potential effects is termed an HRA, which is split into four stages, as described below, and shown in **Figure 2.1**:
- Stage 1 is a screening stage to determine if the development is likely to have an LSE on an NSNS. If an LSE is determined, appropriate assessment, Stage 2, is required;
 - If required, Stage 2 refers to an appropriate assessment which is used to determine whether the project will adversely affect the integrity of any given NSNS(s) (through also considering proposed avoidance and mitigation measures), in view of their conservation objectives. Conservation objectives specify the overall target for an NSNS's qualifying features (habitats and species / populations listed in Annex I and II) in order for that feature to be maintained or restored, to reach favourable conservation status;
 - Stage 3 is triggered if significant adverse effects are identified in Stage 2 that cannot be avoided or mitigated. This stage requires alternative options to be examined to avoid significant impacts on NSNSs; and



- If it is deemed that the project should proceed for Imperative Reasons of Overriding Public Interest (IROPI), Stage 4 comprises an assessment of compensatory measures which would be required.

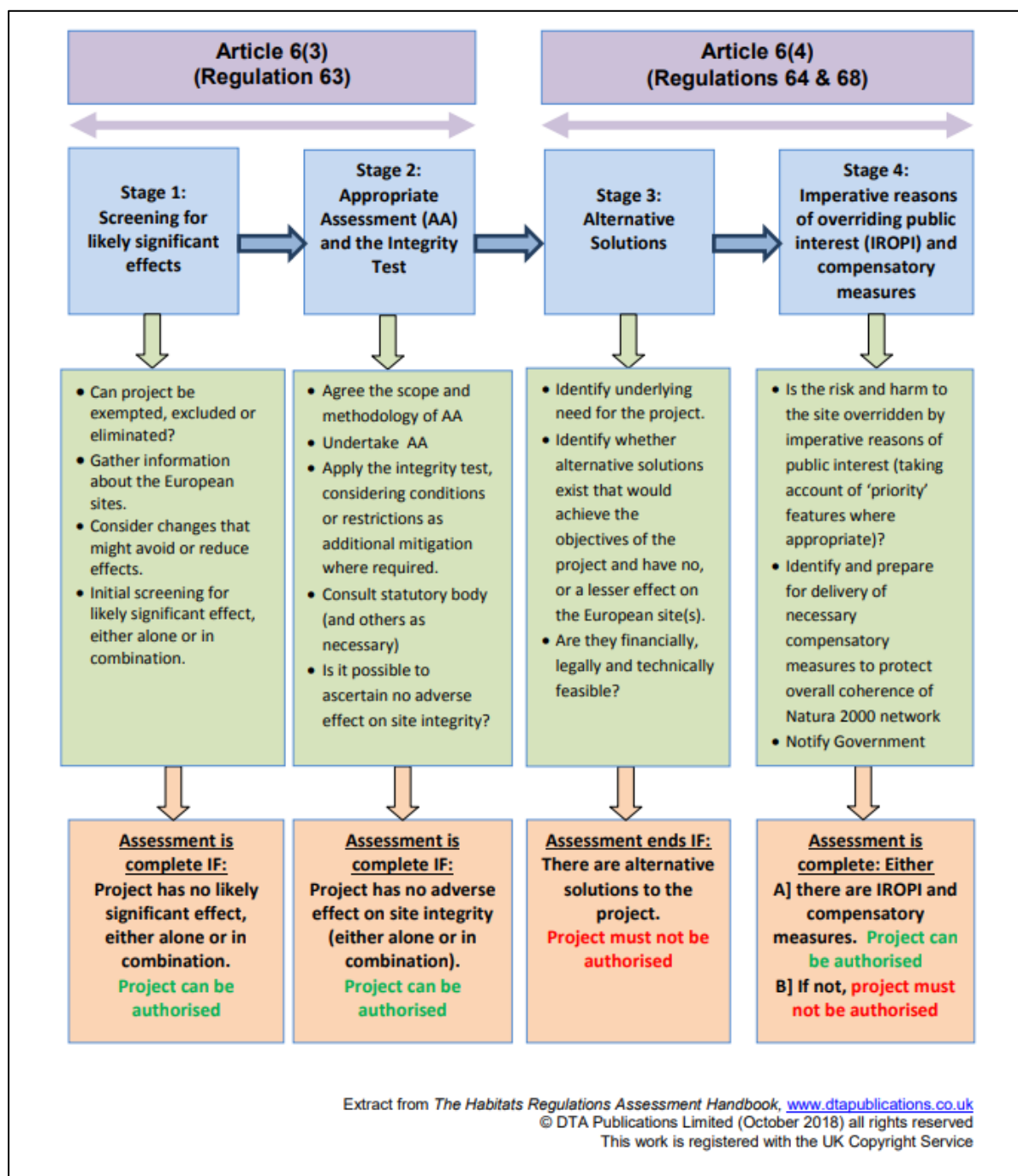


Figure 2.1: HRA Stages (reproduced from DTA 2018¹⁵)

- 5.10. The responsibility of undertaking appropriate assessment, if required, lies with the competent authority who is responsible for granting consent for the development - in this case, it is assumed that this will be HBC. However, it is the applicant's obligation to provide information

¹⁵ DTA publications (2018) HRA handbook [online] available at: <https://www.dtapublications.co.uk> [Accessed: 22/06/2023]



to the competent authority to enable them to undertake the assessment. In this case, the applicant is Hayling Island Builders.

National Planning Policy

National Planning Policy Framework (NPPF), December 2024

- A1.2. The NPPF was published in December 2024 and sets out the Government's planning policies for England and how these should be applied. It replaces the previous NPPF originally published in March 2012 and most recently in December 2023.
- A1.3. Section 15 of the NPPF (paragraphs 187 to 195) considers the conservation and enhancement of the National environment.
- A1.4. Paragraph 187 states that planning and decisions should contribute to and enhance the National and local environment by:
- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from National capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate; and*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs”*
- A1.5. Paragraph 188 states that plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of National capital at a catchment or landscape scale across local authority boundaries.
- A1.6. Paragraph 192 states that in order to protect and enhance biodiversity and geodiversity, plans should:
- a) *“Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity¹⁶; wildlife corridors and stepping stones*

¹⁶ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.



that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation¹⁷; and

- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

A1.7. When determining planning applications, Paragraph 193 states that local planning authorities should apply the following principles:

- a) “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons¹⁸ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

A1.8. As stated in paragraph 194 the following should be given the same protection as habitats sites:

- a) “potential Special Protection Areas and possible Special Areas of Conservation;*
- b) listed or proposed Ramsar sites¹⁹; and*
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

A1.9. Paragraph 195 states that

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other

¹⁷ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

¹⁸ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

¹⁹ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.



plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

Relevant Local Planning Policy

- 5.11. The HBC is working on a new Local Plan to replace the Core Strategy and Allocations Plans. However, the following policies are currently in place at the time of this report being written. Local planning policy relevant to the HRA Appropriate Assessment of the development is summarised below.

Havant Borough Local Plan (Core Strategy) (2011)

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

- A1.1 “Planning permission will be granted for development that:
- a. *Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.*
 - b. *Protects and where possible enhances the borough’s statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.*
 - c. *Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map): (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International]. (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National]. (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (b) above [Local].*
 - d. *Protects and where appropriate enhances the borough’s statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.*
 - e. *Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.*
 - f. *Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.*



- g. *Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.*
- h. *Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.*
- i. *Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.*
- j. *Protects the best and most versatile agricultural land that has the greatest potential for local food security.*
- k. *Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research."*

Havant Borough Local Plan (Allocations) (2014)

Policy DM23 Sites for Brent Geese and Waders

- A1.2 *"Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas, identified on the Policies Map. Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations.*
- A1.3 *Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.*
- A1.4 *Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.*
- A1.5 *Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance."*

Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development



- A1.6 *"Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in combination effect of net additional dwellings. This mitigation can be provided through:*
- a. A financial contribution.*
 - b. A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.*
 - c. A combination of measures in (a) and (b) above. Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.*
- A1.7 *The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures."*

Havant Borough Local Plan (Submission version) (2021)

- A1.8 The Havant Borough Local Plan was submitted for examination to the Secretary of State for Housing Communities and Local Government on 12 February 2021. As a result this is not currently adopted.

E14 | The Local Ecological Network

International Nature Conservation Designations

- A1.9 *"Development which has the potential to have an impact on an international nature conservation designation will be subject to a Habitats Regulations Assessment and, if necessary, an Appropriate Assessment, to determine the potential for likely significant effects. Development that is likely to have an adverse effect, either alone or in combination with another project/plan, on the integrity of an international site will not be permitted unless it can be demonstrated that:*
- a. Necessary avoidance or mitigation is secured such that in combination with other development there will be no adverse effects on the integrity of the designated sites; or;*
 - b. There are no alternative sites for the proposal, there are reasons of overriding public benefit/interest and compensatory provision is secured."*

E15 | Protected Species

- A1.10 *"Development proposals which are likely to affect protected species, and/or their supporting habitats, must undertake appropriate surveys to establish their presence/likely absence. In*



using the findings of such surveys, proposals should, in the first instance, avoid an impact on a protected species. If this is not possible proposals should mitigate and compensate. Planning permission will only be granted where:

- a. A Mitigation Plan, or if this is not possible a Compensation Plan, is provided to the satisfaction of the Council; and*
- b. A Monitoring and Review Plan is put in place."*

E16 Recreation impact on the Solent European Sites

A1.11 "Planning permission will be granted for new dwellings and/or overnight accommodation that mitigates the likely significant effect on the Solent European Sites. This mitigation can be provided through either:

- a. A financial contribution consistent with the Solent Recreation Mitigation Strategy (SRMS); or*
- b. A developer provided package of measures associated with the proposed development supported by evidence that it will avoid or mitigate any likely significant effect; or*
- c. A combination of measures in (a) and (b) above.*

A1.12 Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be a likely significant effect on the Solent European Sites either alone or in combination with other plans or projects."

EX1 | Water Quality impact on Solent European Sites

A1.13 "New dwellings and/or development resulting in a net gain in overnight accommodation which would cause a likely significant effect on the designated sites will need to provide a nutrient budget. Planning permission will only then be granted if a mitigation package is provided which will remove the likely significant effect. This mitigation can be provided through either:

- a. A financial contribution towards the Council's strategic mitigation package, Land at Warblington Farm; or*
- b. A developer provided package of measures associated with the proposed development supported by evidence that it will avoid or mitigate any likely significant effect on the Solent European Sites; or*
- c. A combination of measures in (a) and (b) above. Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be a likely significant effect on the Solent European Sites either alone or in combination with other plans or projects."*



E17 | Solent Wader and Brent Goose feeding and roosting sites

- A1.14 *"Development proposals on, or adjacent to, sites which are used by Solent waders and/or Brent Geese will be assessed in line with the appropriate regulations. These proposals will, therefore, require a project level Habitats Regulations Assessment and, if necessary, an Appropriate Assessment. The Council will consider the Solent Waders and Brent Goose (SWBG) Strategy and the latest survey data when making such an assessment."*

Core Areas and Primary Support Areas

- A1.15 *"Development proposals, other than on those sites specifically allocated in this Plan, which would involve the loss of all or part of a Core Area or Primary Support Area, will be refused."*

Secondary Support Areas

- A1.16 *"Development proposals on Secondary Support Areas will only be permitted where either:*
- a. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or*
 - b.*
 - c. Where it can be demonstrated that criterion g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy."*

Low Use

- A1.17 *"Development proposals on Low Use Sites will only be permitted where:*
- a. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and National England; or*
 - b. A financial contribution is provided consistent with the SWBG Strategy."*

Candidate Sites

- A1.18 *"Development proposals on Candidate Sites will only be permitted where:*
- a. One or two-consecutive years' survey is undertaken to determine the classification of the site; and*
 - b. Once the classification of the site is established, the above requirements are met according to the status of the site."*

Indirect Effects

- A1.19 *"Development proposals adjacent to sites used by SWBG will only be permitted where access and disturbance to the adjacent SWBG site is prevented. This can either be achieved by*



avoiding development close to the adjacent SWBG site, or by providing a package of avoidance and/or mitigation measures which are agreed with the Council."

Delivery and Management of Replacement Habitat

- A1.20 *"Where suitable replacement habitat is required to offset the loss or damage to a SWBG site, the replacement land will need to be provided prior to commencement of development.*
- A1.21 *The land for replacement habitat should be within the locality of the site and managed in a suitable condition for SWBG prior to the loss or damage to the SWBG area being proposed for development. The land should be secured and managed through an agreed costed Habitat Management and Monitoring Plan in perpetuity."*



Appendix 2: Methodology

Data Search and Initial Scoping

- 5.12. An initial data search was completed, to include NSNSs, with full methodology provided in the EclA reports (references: **13956_R05a_16072025** and **13956_R06a_16072025**). An search radius of 10 km was used as a basis for identifying NSNSs that may be affected by the proposed developments using available background data. Additional consideration was also made for NSNSs outside of this radius that may also be affected (i.e. where known LSEs exist at a landscape-level or where habitat connectivity exists).
- 5.13. The data search was followed by a scoping exercise to establish which identified NSNSs may be affected by the proposals, to be considered within **Section 3: Screening** (HRA Stage 1). NSNSs were brought forward for screening assessment where a tangible effect pathway was considered to exist, for example, habitat connectivity between the Site and the NSNS or associated functionally linked land, close proximity of an NSNS or functionally linked land which may be vulnerable to pressures associated with the proposed developments. Where no tangible effect pathway was found to exist, an NSNS was scoped out of the assessment. The results of this scoping exercise are presented in **Section 3**.

HRA Stage 1: Screening

- A2.1. Screening aims to determine if the proposed development may have an LSE on any NSNSs. An effect is considered 'likely significant' if, in the absence of mitigation, it cannot be excluded based on objective information and it might undermine an NSNS's conservation objectives.
- A2.2. To assess whether LSEs may occur, the following information is provided:
- Identification of relevant NSNSs and their respective qualifying features (presented in **Section 2: NSNSs Relevant to the Site**);
 - Identification and understanding of the conservation objectives the identified sites (presented in **Section 2: NSNSs Relevant to the Site**);
 - Where relevant, an estimation of the likely magnitude, duration, location and extent of effects on NSNSs if any are anticipated (presented in **Section 3: Screening** (HRA Stage 1)); and
 - Identification of whether any element of the proposed developments will have an LSE on any qualifying feature, either alone or in-combination with other projects and plans (presented in **Section 3: HRA screening** (Stage 1)).
- A2.3. This assessment has been informed by thorough review of the proposed developments (set out in **Section 1: Introduction**), nutrient neutrality reports prepared by Omnia (references: A12468/250425/L1.2 and A12467/250417/L1.2) and other reporting completed by Tyler Grance including a Brent Goose and Wader Mitigation Strategy (reference: **13956/R07i**) and EclAs (references: **13956_R05a_16072025** and **13956_R06a_16072025**) for the Sites. In addition, the following resources were reviewed to inform this report:



- The Habitats Regulations 2017 (as amended);
- UK government guidance on the use of Habitats Regulations Assessment²⁰;
- Joint Nature Conservation Committee for citations of NSNSs and associated conservation objective and site improvement plan documents for SPAs and SACs²¹;
- Natural England's web resources for conservation objectives and site improvement plan documents²²;
- Ramsar Sites Information Service²³ for Ramsar Information Sheets;
- Multi-Agency Geographic Information for the Countryside (MAGIC) interactive maps for locations of statutory sites within a 10 km search radius of the Sites²⁴; and
- Havant Borough Local Plan and emerging Local Plan (see **Appendix 1**).

A2.4. In order to establish the NSNSs which may be affected by the proposed developments, a 10 km search radius was used from the Site boundaries in the first instance. This was then followed by a review of the local planning policy to establish if any NSNSs within the wider area are known to be affected by projects or plans further afield, which it was found they are not.

A2.5. Caselaw relating to HRA, namely the Court of Justice of the European Union (CJEU) ruling in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta* stipulates that *"in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site"*²⁵. Hence it is not acceptable for the Stage 1 screening assessment to rely on avoidance or reduction (mitigation) measures. Therefore, if it cannot be concluded that there will be no LSE in the absence of mitigation measures at the screening stage, HRA Stage 2 (Appropriate Assessment) is required.

A2.6. The proposed developments is considered alone and in combination with other plans or projects where relevant.

HRA Stage 2: Appropriate Assessment

A2.7. Where LSEs are likely, or it is uncertain if there would be significant effects, an Appropriate Assessment is required. The scope and approach of the Appropriate Assessment should be agreed with the competent authority.

²⁰ Department for Environment, Food & Rural Affairs, Natural England, Welsh Government and Natural Resources Wales (2023) Habitats regulations assessments: protecting a European site, [Online] Available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#appropriate-assessment> [Accessed: 08/07/2025]

²¹ JNCC (2020) Joint Nature Conservation Committee for citations of internationally designated sites, [Online] Available at: <https://jncc.gov.uk/our-work/uk-protected-areas/> [Accessed: 29/04/2025]

²² Natural England (2025) Conservation objectives European Sites: London and South East, [Online] Available at: <https://publications.naturalengland.org.uk/category/6528471664689152> [Accessed: 08/07/2025]

²³ Ramsar Sites Information Service (2005) Information Sheet on Ramsar Wetlands, Thames Estuary and Marshes, [Online] Available at: <https://rsis.ramsar.org/RISapp/files/RISrep/GB1025RIS.pdf> [Accessed: 29/04/2025]

²⁴ Natural England (2025) MAGIC website, [Online] Available at: <https://magic.defra.gov.uk/> [Accessed: 08/07/2025]

²⁵ Court of Justice of the European Union (CJEU) (2018) Judgement of 12.4.2018 - Case C-323/17 *People Over Wind and Sweetman*



A2.8. In this case, two Discretionary Advice Service (DAS) requests were issued to National England (NE) in February and again in June 2023. NE initially replied (7th March 2023) advising that a consultation response would not be provided due to a lack of capacity/resources. NE responded to the second attempt to secure pre application consultation on 15th June 2023, advising that the proposed developments lay outside the remit of the DAS, which is focussed *“on cases that have the potential (in National England’s opinion), to have a substantial impact on designated sites e.g. SSSI or European/International sites”*.

A2.9. To complete an Appropriate Assessment, the competent authority must assess whether the LSEs identified during Stage 1 will have an adverse effect on the integrity of any NSNSs. An adverse effect on integrity is defined as:

“the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the level of populations for the species for which it was classified.”²⁰

A2.10. Measures to mitigate the potential for an adverse effect on integrity of NSNSs must be considered at this stage. An adverse effect on an NSNS could occur if a proposal could, for example:

- *“destroy, damage or significantly change all or part of a designated habitat*
- *significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats*
- *harm the site’s ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site*
- *harm the site’s ecological function, or its ability to survive damage, and reduce its ability to support a designated species*
- *change the site’s physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site’s hydrology*
- *restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds*
- *prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site’s conservation objectives”²⁰*

A2.11. It must be possible to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before the proposal can be permitted to proceed.

A2.12. To carry out appropriate assessment and apply the integrity test, the following must be considered:

- *“the ecological requirements, conservation objectives and the current conservation status (if known) of the site’s designated features that might be affected by the proposal*
- *each potential effect on the European site, including the risk of combined effects with other proposals, and how they might impact on the site’s conservation objectives*
- *the scale, extent, timing, duration, reversibility and likelihood of the potential effects*



- *how certain you are of the effects occurring*
- *mitigation measures that have been proposed or conditions you can attach to avoid or limit the effects*
- *how confident you can be that mitigation measures will be effective over the whole lifetime of the proposal - for example, the effects of construction, operation and decommissioning"²⁰*

A2.13. The shadow Appropriate Assessment section within this report (**Section 4**) aims to provide sufficient information on the above to enable the competent authority to complete an Appropriate Assessment. The proposed developments are considered alone and in combination with other plans or projects where relevant.

Limitations and Assumptions

A2.14. It is acknowledged that mitigation strategies which are relevant to the Sites, such as the Solent Waders and Brent Goose Strategy², cover NSNSs which lie outside of a 10 km radius from the Sites. While consideration has been given to NSNSs outside of a 10 km radius, these NSNSs are not specifically detailed within this report given the relatively small-scale nature of the proposed developments and the significant distance to these NSNSs. However, all LSEs and any appropriate mitigation required for closer NSNSs within the Solent will also apply to the more distant NSNSs and therefore this is not considered to place a limitation on the conclusions of this report.

A2.15. It is acknowledged that the planning applications for both Sites are, at the time of writing, awaiting determination at the outline stage. No significant changes to the proposals that will affect the conclusions of this sHRA are anticipated. However, should any changes be made to the proposals following outline planning approval, this sHRA will be revised accordingly.



Plans:

Plan 1: NSNSs Plan **13956/P26**

