

Appendix 3 - Standardised HRA pro-forma

Habitats Regulation Assessment – [insert application number]

Introduction

1. The purpose of this HRA is to consider which applications are scoped in requiring further assessment by the competent authority via an Appropriate Assessment (AA). This HRA will only consider the issues surrounding the generation of nitrates as a consequence of developments resulting in additional population growth as set out in Natural England's letter to Local Planning Authorities on the matter dated 16th March 2022 (Appendix 1). Where a scheme may have other potential impacts with regards to the SPA a more in depth HRA will be required.

Nutrient Neutrality

2. As a consequence of the advice from Natural England it is recognised that the Teesmouth and Cleveland Coast SPA is in an unfavourable condition due to excessive nutrients, in this case nitrates, and therefore a HRA is required to assess whether in scope developments would have a significant impact either individually or in-combination with other projects or plans. Where a proposal cannot be screened out as not having a Likely Significant Effect at this stage an AA will be required. For the purposes of developments within Middlesbrough the competent authority/LPA will use the Nutrient Neutrality calculator as produced by Natural England to undertake the AA.

In scope Developments

3. A plan or project will be relevant and have the potential to affect the water quality of the designated site where:
 - It creates a source of water pollution (e.g. discharge, surface run off, leaching to groundwater etc) of either a continuous or intermittent nature or has an impact on water quality (e.g. reduces dilution); and,
 - There is hydrological connectivity with the designated site i.e. it is within the relevant surface and/or groundwater catchment; and,
 - The designated sites interest features are sensitive to the water quality pollutant/impact from the plan/project.
4. Having regard to the above and the advice from Natural England it is considered that those developments that involve the creation of overnight accommodation are considered to be in scope. The competent authority/LPA has determined that the following types of development are therefore in scope and subject to further assessment:
 - New homes (all forms of dwelling)
 - Student accommodation
 - Care homes
 - Tourist accommodation
 - Tourist attractions
5. The only exceptions to the above is where it can be demonstrated that either of the following apply
 - The proposed development is of a smaller scale (in terms of population increase) and therefore impact than either the existing/permitted use of the site; or
 - The proposal is intended to accommodate solely the population of Tees Valley Catchment, and it can be clearly demonstrated that as a consequence the proposal will not give rise to a population increase within the catchment.

Assessing impact/scope – occupancy rates

6. For those proposals in scope and in assessing whether a proposal is in scope, with the exception of the following types of development the occupancy rates to be utilised is 0.6¹ persons per dwelling. The only exceptions are as follows:

Type of development	Occupancy rate
Student accommodation	0.6 person per bed space (This is to reflect the specific nature of these types of accommodation)
HIMO	
Care Home	
Tourism Accommodation	To be determined based upon individual circumstances/nature of development

The Proposal

7. The application being considered is:

Application No: [insert text]

Description: [insert text]

Location: [insert text]

A location plan is attached as Appendix 2

Assessment

8. The existing/permitted use of the site is a [insert text]. The proposed use will lead to an increase in population and will have a greater impact with regards to nitrate generation/pollution over and above the existing use. As such a Likely Significant Effect cannot be ruled out. Appropriate Assessment is required to assess the impact of the proposed development.

Appropriate Assessment

9. Utilising the Nutrient calculator produced by Natural England identifies that the development would generate [insert text] Kg TN/year.

Proposed Mitigation

10. For the proposed development to be considered acceptable it is necessary for the applicant to demonstrate that they are capable of mitigating the impacts of the development. To date the applicant has not provided any details of potential mitigation measures

¹ Derived from the document 'Reviewing the Evidence on Population Growth Resulting From Provision of New Homes in Middlesbrough' November 2022

Conclusions

11. The proposed development will have an unacceptable impact in terms of nitrate generation/pollution and as the applicant has been unable to demonstrate any mitigation the scheme will have a Likely Significant Effect. On this basis the scheme should be considered unacceptable.