

Habitat Regulation Assessment (HRA)

Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	29 th June 2020
HRA completion date:	29 th June 2020
Application reference:	F/20/87411
Application address:	Netley Central Sports Club, 24 Station Road, Netley Abbey, Southampton, SO31 5AF
Application description:	Construction of 2No.semi-detached four-bedroom dwellings...
Lead Planning Officer:	Andy Grandfield
Case Officer:	Craig Morrison
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC).
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in one residential dwelling, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area. The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant 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/SAC/Ramsar.

Recreational Disturbance

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England, approved Cabinet report dated 15 February 2018 endorsing the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Nutrient neutrality:

Additionally, there are existing evidence of high levels of nitrogen and phosphorous input into the Solent complex and that these nutrients are causing eutrophication at these designated sites. Natural England, through their published document 'Advice on achieving nutrient neutrality for new development in the Solent region for local planning authorities', have advised that the resulting effects arising from this eutrophication cause dense green mats of algae which are impacting on the Solent's protected habitats and bird species and that wastewater from housing development has been identified as contributing to these nutrient inputs.

There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.

Would the proposal lead to a likely significant effect on European site integrity? YES

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - 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. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Recreational Disturbance

The project being assessed would result in a net increase of one dwelling within 5.6km of the Solent SPAs. In line with the Council's Cabinet approval of a report endorsing the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Eastleigh Borough Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

The adopted Eastleigh Borough Local Plan (2001 – 2011) pre-dates the Solent Recreation Mitigation Strategy. Local Plan advised adversely affect the conservation site will not saved due to nature conservation policy. The Council has Recreation Mitigation Policy 21.NC of the adopted development which is likely to integrity of a European nature not be permitted. This policy was protection afforded to European sites under national planning officially endorsed the Solent Strategy at Cabinet on 15 February 2018. Whilst limited weight can be afforded to the emerging Eastleigh Borough Local Plan (2016 - 2036), Policy DM11 implements the Cabinet decision and sets out the Council's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

“The Council will work with PUSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement a strategic approach to the protection of European sites from the direct and indirect effects of development including recreational disturbance. Within Eastleigh Borough this will include: a. implementing the Solent Recreation Mitigation Strategy and contributions to recreation mitigation for the New Forest or alternative agreed approaches if required;”

Nonetheless, an upfront payment to secure the full avoidance and mitigation package set out in the Solent Recreation Mitigation Strategy will need to be secured prior to the occupation of any dwelling the subject of this planning application. Should the application be refused then the lack of mitigation shall form an additional reason for refusal to ensure that mitigation is secured through a subsequent appeal or later planning application.

Nutrient neutrality:

The project being assessed would result in a net increase of 2no. dwellings and would be served the Peel Common Waste Water Treatment Works. In line with the Natural England guidance on Nutrient Neutrality, a nutrient budget for the scheme has been produced with this demonstrating a

net change in nitrogen load from the development of an additional 1.41/TN/year. The impacts of this increase in nitrogen load are such that the development would have a likely significant effect on the Solent designated sites due to the increase in waste water. In order to be lawfully permitted, therefore, a package of avoidance and mitigation measures are required. The applicant has indicated that they intend to utilise the Hampshire and Isle of Wight Wildlife Trust Offsetting scheme which would remove and re-plant existing agricultural land in order to reduce the level of nutrients reaching The Solent from agricultural sources.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are partly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy (SRMS). The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of payment in line with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The LPA is satisfied that, subject to securing the removal of agricultural land to offset the increase in wastewater generated by the proposal, the development would not result in a likely significant effect on the above European and Internationally Protected Sites. This represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.