

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:	17.11.20
HRA completion date:	17.11.20
Application reference:	F/20/88749
Application address:	Car Park and Land to the rear of 67a & 83 New Road, Netley, SO31 5BN
Application description:	Erection of 2no. 3 bed town houses and 6no. 2 & 3 bed bungalows with access from New Road.
Lead Planning Officer:	Andy Grandfield
Case Officer:	Clare Martin
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 a net increase of 8no. residential dwellings, 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. There have been other recent applications permitted in the locality. All schemes have mitigation measures secured, and with these mitigation measures in place for all approved schemes, there is not considered to be any likely significant in-combination impact. 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 1no. dwellings 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 a financial contribution based on the size of the residential unit proposed:

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

Based on the above scale, the required contribution for this development is £4,740.00, calculated on the basis of 4no. 2-bedroom dwellings and 4no. 3-bedroom dwellings

The adopted Eastleigh Borough Local Plan (2001 – 2011) pre-dates the Solent Recreation Mitigation Strategy. Policy 21.NC of the adopted Local Plan advised that development which is likely to adversely affect the integrity of a European nature conservation site will not be permitted. This policy was not saved due to protection afforded to European nature conservation sites under national planning policy. The Council has officially endorsed the Solent Recreation Mitigation Strategy at Cabinet on 15 February 2018. Whilst only moderate 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:

"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, to secure the appropriate full avoidance and mitigation package, contributions towards the Solent Recreation Mitigation Strategy are required to be secured ensuring that mitigation is calculated based on the size of each new dwelling. 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.

Without the security of the mitigation being provided through the upfront payment, a significant effect would remain likely. Providing such an upfront payment is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Nutrient neutrality:

The project being assessed would result in a net increase of 8no. dwellings which would be served by the Peel Common Waste Water Treatment Works, which ultimately feed into the Solent. A nutrient budget for the scheme has been produced in line with Natural England's published guidance with this demonstrating a net change in nitrogen load from the development of an additional 5.96kg/TN/year. This calculation is on the basis of 105 litres of water use per person per day which would be secured by way of a planning condition applied to new residential development by the local planning authority.

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 mitigation for this development will be through the applicant purchasing nitrate credits from the Eastleigh Borough Council nitrates mitigation scheme. Eastleigh Borough Council has 3633 credits (1 credit = 1 kilogram of nitrates per year), which are provided across 78.5 hectares of council-owned land. To date the nitrate credits being made available by Eastleigh Borough Council are all through the cessation of farming practices, although in future further credits may be generated from proactive interventions such as creation of wetland, planting of woodland, installation of nitrate retaining SUDs features, or similar.

Upon purchasing the credits, the applicant will receive a vesting certificate that will identify the nitrate credits that have been assigned to the development and a record of this investment is retained by the Council. In the event that Eastleigh Borough Council intends to issue planning permission, then the Council will ensure that the credits have been purchased before issuing the decision.

Where the Council proposes to use its own land holdings to offset development as mitigation with appropriate land management, the Council commits to the land being secured in perpetuity (i.e. 80 years). For those offsetting sites that are ultimately intended for development, the Council will ensure these will not be developed until equivalent mitigation that has been agreed with Natural England is provided and secured.

The Council as Competent Authority can ensure that this is delivered in accordance with the project and are satisfied that sufficient land is available to mitigate this impact.

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 on the European protected Solent SPA, SAC and Ramsar sites in the absence of avoidance and mitigation measures. The authority has concluded that the adverse effects arising from the proposal can be mitigated through a contribution towards the Solent Recreation Mitigation Strategy (SRMS) and the offsetting of the additional nitrogen loading from the new development against land elsewhere within the Borough which is within the control and ownership of the Council and will be secured in perpetuity as open space. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. 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 (February 2019).