

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:	12/10/2022
HRA completion date:	
Application reference:	F/22/93532
Application address:	PEMBERS HILL FARM, MORTIMERS LANE, FAIR OAK, EASTLEIGH, SO50 7EA
Application description:	Change of Use of Garage/Sales Office to Dwelling (Use Class C3) with vehicular access from Pembers Farm Avenue (access from Mortimers Lane to be stopped up)
Lead Planning Officer:	Nick Parker
Case Officer:	Dawn Errington
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:	River Itchen SAC, Solent and Southampton Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC), and New Forest SPA, SAC and Ramsar sites.
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 1 no. 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 protected sites and 13.8km of the New Forest protected sites is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the area. In addition, residential development across the Borough has the potential to contribute to an increase in nutrient levels (nitrogen and phosphates) within the European protected sites (River Itchen SAC and Solent Complex). 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:

Buffer zones of 5.6km of the European protected Solent Complex and 13.8km of the New Forest SPA, SAC and Ramsar sites have been designated, with development within these zones being identified as resulting in an increase in the human population and thus an increase in the level of recreation and disturbance of bird species for which these sites are designated. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the identified areas) 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. There is therefore the cumulative potential for future housing developments (which involve a net increase in dwellings) across the borough of Eastleigh to impact the status and distribution of key bird species and therefore act against the stated conservation objectives of these European sites.

As the application site lies outside of these buffer zones there are no likely significant effects in this particular respect and this is screened out.

Nutrient neutrality:

Additionally, there is existing evidence of high levels of nitrogen and phosphorous input into the River Itchen SAC and the Solent Complex and that these nutrients are causing eutrophication at these designated sites. Natural England, through their recently updated guidance on development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites, 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 River Itchen SAC and Solent Complex and the features for which they are designated, therefore acting against the stated conservation objectives of the European sites.

Whilst the site does not lie within the surface water catchment of the River Itchen, foul drainage routes via Chickenhall WWTP and it is necessary therefore to **screen in impacts** on water quality and pollution on the Solent and Southampton Water SPA into the Appropriate Assessment

There are no other potentially significant effects

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:

Not applicable due to site being situated outside of the designated zones of impact for the Solent Complex and New Forest SPA, SAC and Ramsar sites.

Nutrient neutrality:

The project being assessed would result in a net increase of 1 no. dwelling which would be served by the Chickenhall Water Treatment Works which feed into the River Itchen and 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 3.16kg/TN/year and a phosphates load of 0.11kg/TP/year. This calculation is on the basis of 120 litres of water use per person per day, although water usage would be secured by way of a planning condition at 110 litres pp/day applied to new residential development by the local planning authority.

The impacts of this increase in nitrogen loading 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.

Eastleigh Borough Council has adopted an interim strategy to offset the impacts of nitrogen and phosphates loading from new development through the taking of land within the Borough, which is within the control and ownership of the Council, out of agricultural use (high intensity) and placing this into a lower intensity use (open space). The applicant is proposing to utilise the Council's adopted schemes to offset the impacts of their development and the requisite mitigation measures will be secured through the use of a planning condition which will ensure that this mitigation is in place prior to the development being brought into use.

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

proposals for the Horton Heath offsetting parcels will also be subject to HRAs and may need their own bespoke mitigation.

For this development, the Council as Competent Authority can ensure that the required mitigation is delivered in accordance with the adopted interim mitigation strategy and projects 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 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 the offsetting of the additional nitrogen and phosphates 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. Water use is controlled by condition.

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.