

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:	24/11/2022
HRA completion date:	24/11/2022
Application reference:	F/22/93876
Application address:	Bassett House, 36 Leigh Road, Eastleigh, SO50 9DT
Application description:	Conversion of existing offices to a Sui Generis HMO, including ground and first floor rear extensions and alterations to the roof, including raising the ridgeline and provision of dormers to provide second floor accommodation, together with ancillary amenity space, parking, bin and cycle storage.
Lead Planning Officer:	Nicholas Parker
Case Officer:	Gary Osmond
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 Maritime Special Area of Conservation (SAC). New Forest Special Protection Area 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 extensions and internal reconfiguration to provide a nine bedroom HMO in place of the existing office use, resulting in 1no. additional 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)?	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 approximately a 14km drive from the edge of the New Forest National Park but just within the 13.8km catchment zone. An Interim New Forest Recreation Mitigation strategy is being prepared in association with the Eastleigh Borough Local Plan 2016-2036 examination (June 2019) which recognises that the delivery of approximately 14,580 dwellings within c.20km of the New Forest is likely to have an adverse effect on the New Forest, through the increase in the number of visitors to the New Forest SPA/SAC/Ramsar in the presence of ground nesting birds which can easily be disturbed by people and dogs.

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.

Nutrient neutrality:

Additionally, there is 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 on the New Forest designated sites:

The project being assessed would result in an increase of 1 dwelling within approximately 14km (8.8 miles) drive of the edge of the New Forest National Park. Recent evidence in the form of the recent survey report carried out by Footprint Ecology (dated April 2020) identifies that the dog walking is the main activity in terms of the number of visits (55%). These visitors were typically

very local or local and visited regularly. Walking without a dog was identified as the next common activity (26%) with less frequent visits. The survey identified that 62% of all interviewees lived within 5km of the SPA/SAC boundary, and that 14km provides a 'good rule of thumb' for how far the majority of local visits originate from. At 14km from the edge of the SPA/SAC boundary, this site is located on the limit of distance that the majority of local visits originate from.

The application site is approximately 2.5km from Lakeside Country Park and 8km from Itchen Valley Country Park, which is soon to be improved as part of the Council's proposals for New Forest mitigation SANGS. These destinations will be more convenient for dog walkers and walkers and provide a good range of experiences, thereby providing an attractive alternative to driving to the New Forest.

Notwithstanding the above, Eastleigh Borough Council has developed an interim strategy using existing and future land acquisitions to provide further sites to mitigate the recreation impact on the New Forest from the increased number of visits from the occupiers of new residential development within Eastleigh borough to March 2027. It applies to development within the 13.8km catchment area, measured as a straight-line distance from the boundary of the New Forest protected sites.

Eastleigh housing growth will account for just over 20% of all planned new residential development between 5-14km from the New Forest protected sites. The interim strategy is therefore calculated based on a 20% contribution towards the total SANG required (equating to 1.6ha per 1,000 population). This results in a requirement of 21.7ha of SANG within Eastleigh borough. The SANG provision will include both new greenspace sites and improvements to increase the attractiveness and capacity of existing greenspaces throughout the year which can therefore function as SANG.

The SANG contribution will deliver a list of projects in the borough focused on improvements to Itchen Valley Country Park (IVCP). This is an existing open space at the centre of the borough with public access with the scope to significantly increase its capacity. This is through the extension into adjacent land and by improvements to the existing open space to make it more attractive for visitors who would otherwise visit the New Forest. It is anticipated that the projects will be in place by Summer 2023.

The Council is satisfied as competent authority that further mitigation will be in place prior to the occupation and is keeping a record of developments reliant on this strategy and their occupation dates. The mitigation, approved at Cabinet on the 24th March 2022, sets out an index-linked 1 April 2022 payment per dwelling at £1161, split 3 ways between a New Forest Ranger (£40), New Forest SANG (£1112) and New Forest SANG monitoring (£9), in this instance totalling £42.45 ranger payment, £1,180.07 for SANGS and £9.55 towards monitoring. These monies will be secured via S106 agreement or as an up-front payment prior to planning permission being granted.

Nutrient neutrality:

The project being assessed would result in a net increase of 1no. dwelling which would be served by the Chickenhall Lane 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. This demonstrating a pre-2025 phosphorus load of 0.11 kg TP/year and post-2025 phosphorus load of 0.07 kg TP/year to be mitigated and nitrogen load of 3.41 kg TN/year resulting from the development. This calculation is on the basis of a maximum of 120 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 phosphorous and 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.

Eastleigh Borough Council has an interim strategy to offset the impacts of nitrogen 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).

For this development, the mitigating land will be at the Horton Heath site which extends to 100ha in total. Its original land use is categorised as mixed use with a value of 28.3kg/TN/ha/yr. To provide offsetting land for nutrient mitigation, this land will be converted to the lower nitrogen input use of open space with a value of 5kg/TN/ha/yr, therefore providing a nitrogen reduction benefit of 23.3kg/TN/ha/yr. The area of land required to offset the budget of this development is 0.146 hectares, derived from dividing 3.41kg/TN/yr (nutrient budget for development) by 23.3kg/TN/yr (nitrogen reduction benefit rate). The Council as Competent Authority can ensure that this is delivered in accordance with the interim project and are satisfied that sufficient land is available to mitigate this impact.

Where the Council propose 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 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 HRA and may need their own bespoke mitigation.

In relation to phosphates, Eastleigh Borough Council has approved an interim Phosphate Mitigation Strategy to run alongside the existing nitrates mitigation strategy (Cabinet report available [here](#)), on which Natural England has now been formally consulted. This will initially use a combination of on-site mitigation through sustainable drainage solutions or creating credits by taking land out of agricultural use. However, it is recognised that these measures alone will not satisfy the projected need over the longer term. As such it is proposed to use funds raised through the sale of off-setting credits to create new wetland to remove nutrients through natural occurring processes as water flows through the wetland. They can be created within catchment areas to remove phosphates from surface water or stream flow. Alternatively, they can be created next to Wastewater Treatment Works to filter and treat water pollutants discharged.

Wetlands would be created and maintained in perpetuity. They need to be managed and maintained (including replacement of materials from time to time) in order to ensure that they continue to work effectively but have the potential to be a long-term solution to mitigate development within the borough.

Proposals to create new wetlands are being considered on three Council owned sites including sites next to Chickenhall Wastewater Treatment Works and within the One Horton Heath site. Before these can be brought forward as potential mitigation, further work is required including water quality monitoring, detailed design and the development of a business case. Funding for these initial investigations has been approved to prevent delay in getting the strategy up and running.

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 no additional impact on the European protected Solent SPA, SAC and Ramsar sites or The New Forest National Park. 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).