

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:	01/12/2022
HRA completion date:	06/12/2022
Application reference:	H/22/93920
Application address:	Waters Edge, Lands End Road, Bursledon, SO31 8DN
Application description:	Construction of in-ground swimming pool with surrounding terrace and plant cupboard.
Lead Planning Officer:	Nicholas Parker
Case Officer:	Rachael Morris
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 Water Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Lincegrove and Hackett's Marsh Site of Special Scientific Interest (SSSI).
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 in-ground swimming pool with associated terrace and plant cupboard.
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)?	No.

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.

The application site is immediately adjacent to the River Hamble which forms part of the Solent Maritime SAC and is in proximity to Solent & Southampton Water Ramsar and SPA, Lincegrove and Hackett's Marshes SSSI.

While the application site itself has the potential to be functionally supporting habitat, it is unlikely to be used due to residential disturbance and the size of the lawned area, therefore no direct loss

of any habitat that could be considered functionally linked supporting habitat for any designated site is anticipated.

However, qualifying bird species present within the nearby functionally linked supporting habitat are susceptible to disturbance, resulting in avoidance behaviours such as flight which may in turn affect feeding behaviour and ultimately impact the birds' health and productivity. While it is noted that the birds frequenting the habitats near to the survey area are generally accustomed to activity levels from the marina, general public and the residential areas, the expected level of activity from the construction phase of the development is greater than what the birds are accustomed to. The proposed construction works will generate novel/unpredictable movements and noise that qualifying species, notably dark-bellied brent goose are unaccustomed too. This species is particularly sensitive to noise and has been shown to react to noise when roosting or loafing at a distance of 205m (Smit and Visser, 1993). Cutts et al. (2013) suggest that if geese are within 400m of works then consideration should be given to mitigation for visual disturbance. Therefore, in the absence of mitigation measures, construction work between the 1st October and the 31st March has the potential to adversely affect qualifying birds utilising the SPA and strategy sites.

The structures and trees associated with the properties to the south west of the site would screen any visual disturbance arising from the proposed construction activity on site, however, there are no features that would screen construction activity from the designated sites associated with the River Hamble to the north east. The introduction of noise disturbance from all construction activity on site has the potential to adversely affect birds utilising functionally linked supporting habitat within 400m of the application site.

Additionally, the River Hamble supports a range of habitats and species that are vulnerable to impacts arising from development such as disturbance and pollution during the construction and operational phases of a development. As such, the proposals have the potential to impact the abovementioned designated sites if appropriate pollution prevention measures are not implemented during the construction phase. The waste water arising from the pool system during its operational phase could have a negative impact on the water quality of the SAC, SPA and Ramsar if not managed appropriately.

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.

The following measures are proposed during the construction phase of the development:

- The applicant has stated that the existing retaining wall is of sufficient height to retain the relocated soil dug out to form the pool. Therefore, any run-off with elevated sediment loading should be minimal.
- The proposed pool will be hand-dug with no use of heavy machinery as this cannot access the site. Therefore, this method should avoid disturbance to overwintering birds

that feed and roost in the area, including the dark-bellied brent goose, as it is within the existing normal parameters of activity within the area.

- The key factor in safeguarding against water pollution during the construction phase will be the diligence of the site manager and operatives. Therefore, the site manager and all site operatives should be made aware of the presence of the River Hamble and should understand the requirement to ensure that construction works do not encroach into the river.
- Any temporary site compound set out for the storage of equipment, materials or machinery and cutting or mixing materials associated with the construction works should be located as far from the river as possible and not within 10m. All stockpiles of loose material should be covered to prevent run-off during periods of rain or wind dispersal of dust. Any temporary compound and all associated construction materials will be removed on completion of the works. This will be conditioned.
- Any construction lighting must be directed away from the River Hamble at all times. This will be conditioned.
- A timber escape ramp will be placed in any excavations overnight or when left for long periods of time. In addition, all pipework will be temporarily plugged/capped when left unattended. This is detailed in the submitted Construction Environment Management Plan.
- During excavations, soil will be sprayed with water to prevent wind pick-up. For stone cutting, a screened area will be erected, and water sprayed to prevent dust drifting. This is detailed in the submitted Construction Environment Management Plan.

When the pool is constructed and in use, the following discharge management will be carried out to ensure there is no likely significant effect on the SAC and SPA.

- Firstly, in regard to the drain-down of the water from the pool. The manufacturer, Electro Engineering, have stated that the device reduces the need for chemical usage but a small amount of liquid chlorine or active oxygen is still recommended. Regardless of if chemicals are to be added or not, the EA has said that the drained water must not pass through the existing wastewater treatment plant on site as the volume and nature of the water will potentially damage the treatment capabilities of the plant for its prime function to treat domestic wastewater. Therefore, the solution to this would be, prior to discharge, to leave the pool water to stand in situ for 3-5 days after the last application of any chemicals which will give time for any chemicals to deactivate. The water can then be drained and dissipated through the adjacent garden before draining into the Hamble and should not have an impact on the integrity of the SAC and SPA. This will be conditioned.
- Secondly, the filter backwash which is the wastewater generated by the cleaning of the filter (physical filtration) required upstream of the UV treatment device. Cleaning of the filter is a regular exercise (weekly or monthly). This backwash can be polluting as it accumulates pool dirt, cosmetic oils, other sediment etc and therefore needs to be disposed of correctly. Ideally this would be discharged to a foul sewer but there is not one within reasonable proximity to the property. Therefore, an alternative solution needs to be found. The applicant can apply to the EA for a permit to discharge but there is no guarantee a permit would be granted. The applicant would need to demonstrate that the discharge could be treated by the treatment system proposed (manufacturer or a drainage engineer specialist to provide this confirmation). Due to EA delays, it is recommended the applicant contacts the EA as soon as possible about this. However, as a temporary or alternative solution (if the discharge permit is not granted) the filter backwash can be stored, for example in a tank, and regularly collected from site by a licensed waste disposal company (e.g. a company which empties septic tanks). The applicant has confirmed that this is possible as this is a common procedure down Lands End Road, where there is no public sewers. This will ensure there is no adverse effect on the

integrity of the SAC and SPA. This method of disposal must continue indefinitely until an acceptable alternative is permitted.

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. 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 (July 2021).