

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:	27/01/2023
HRA completion date:	27/01/2023
Application reference:	X/22/94365 (extension of temporary permission ref. F/22/92732)
Application address:	Netley Waterside House, Abbey Hill, Netley Abbey, SO31 5FA
Application description:	Variation of condition 2 to extend time limit of planning permission F/22/92732 for temporary change of use to House of Multiple Occupation (HMO) (sui generis) for up to 20 persons for a further period of 6 months.
Lead Planning Officer:	Andy Grandfield
Case Officer:	Rebecca Altman
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); Solent and Southampton Water SPA and Ramsar site; Portsmouth Harbour SPA and Ramsar site; Chichester and Langstone Harbours SPA and Ramsar site; Solent and Dorset Coast SPA; and Solent and Isle of Wight Lagoon SAC. New Forest SPA.
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 the temporary change of use to a HMO, 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. There have been other recent applications permitted in the locality. All schemes have mitigation measures secured to protect the integrity of the protected areas, and with these mitigation measures in place for all approved schemes, there is not considered to be any likely significant in-combination impact.

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 / occupation 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.

The proposed development is also within the 13.8km catchment zone for the New Forest SPA, measured across Southampton Water, and it has been identified that new housing development has the potential to result in increased recreational pressure on the SPA predominantly from dog walking. The Council has developed an interim strategy using existing and future land acquisitions to provide local sites to mitigate the recreational impact on the New Forest.

There is, therefore, the cumulative potential for future housing developments (or other developments that result in a net increase in occupants) across the borough of Eastleigh to impact these European sites.

Nutrient neutrality:

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 has 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 (or other development resulting in a net increase in occupants) 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.

Local Planning Authority comment

The proposal is to extend the time period for a temporary change of use of a respite centre to a house in multiple occupation for up to 20 persons. The temporary permission was originally granted in June 2022 for a period of 6 months and the current application seeks a further 6 month extension

to that permission. The 20 persons occupying the building during the temporary period would be 'guardians', providing security for an otherwise vacant building pending redevelopment. A separate planning application for the construction of a new respite centre was granted planning permission in August 2022 but has not yet commenced (ref. F/22/92347).

The applicants provided a nitrogen budget calculation with the new respite centre planning application, which confirmed that the building previously accommodated up to 39 residents and 21 live in staff/ volunteers. As the authorised use of the building remains as a respite centre, it could lawfully be occupied as such at any time. The proposal to temporarily allow the building to be occupied by 20 persons would therefore not increase its level of occupancy. The 20 person maximum occupancy would be secured by condition.

It is therefore the LPAs view that the temporary change of use to HMO for 20 persons would not result in any increase in recreational pressure or nitrogen output.

Would the proposal lead to a likely significant effect on European site integrity? NO

(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.

See Section 2.

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 not have a likely significant effect on the protected sites.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with the 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.