

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:	15/3/23
HRA completion date:	15/3/23
Application reference:	V/23/94837
Application address:	59 LEIGH ROAD, EASTLEIGH, SO50 9DF
Application description:	Section 77 Application: to approve the nutrients contribution for the approved prior notification application PN/22/93831 for the change of use of the ground floor and the rear of the first floor of the building into 2no. one bed dwellings (internal alterations only). The first -floor office unit at the front of the building is not affected by this application. =
Lead Planning Officer:	Nick Parker
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). 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 a net increase of 2no. 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 the SPA catchment areas is considered to contribute towards an impact on integrity of the designated sites. 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 (New Forest):

The proposed development is within the 13.8km catchment zone for the New Forest National Park measured across Southampton Water. An Interim New Forest Recreation Mitigation strategy has been prepared and approved by Cabinet on the 24th March 2022, with an update approved at the Policy and Performance Scrutiny Panel on 24th November 2022, 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.

Recreational disturbance (Solent SPAs/Ramsar sites):

The proposed development is outside of the 5.6km catchment zone from the Solent SPA/ Ramsar Sites. Therefore, no mitigation is required for increased recreational disturbance on the Solent SPA/ Ramsar Sites.

Nutrient neutrality:

While the site is outside of the Itchen SPA, it uses the Chicken Hall Lane waste water treatment works that discharges into the Itchen SPA.

There is existing evidence of high levels of nitrogen and phosphorous input into the Solent complex, and River Itchen, SPA's, which cause 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 2 dwellings within approximately 15km (15 minutes drive) drive of the edge of the New Forest National Park via the M27. Evidence in the form of the 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 25km from the edge of the SPA/SAC boundary, this site is located well outside the distance that the majority of local visits originate from.

The site is also approx. 12km of the new Windhover Meadows Country Park currently under construction and being created as New Forest mitigation SANGS, as well as a short distance from Lakeside Country Park, Manor Farm Country Park and Itchen Valley Country Park. 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 the Policy and Performance Scrutiny Panel on the 24th November 2022, sets out a payment per dwelling at £2,220, split 4 ways between a New Forest

Ranger (£41.07), New Forest SANG (£1968.24), New Forest SANG monitoring (£9.13) and Commercial Risk (£201.84). This will be secured by S106 legal agreement.

Nutrient neutrality:

The project being assessed would result in a net increase of 2no. dwellings which would be served by the Chicken Hall 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 6.31/TN/year and a net change in phosphates load from the development of an additional 0.23/TN/year (pre-2025) and 0.14/TN/year (post-2025).

The impacts of this increase in nitrogen and phosphates 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 nitrogen mitigation for this development will be through the applicant purchasing the credits from the Eastleigh Borough Council nitrates mitigation scheme. Eastleigh Borough Council has spare credits (1 credit = 1 kilogram of nitrates per year), which are provided across council-owned land.

The phosphates mitigation for this development will be through the applicant purchasing credits from the Eastleigh Borough Council phosphates mitigation scheme. The amount of Phosphate credits has been taken from Farmscoper work conducted in 2021 by Hilson Moran. This work was peer reviewed and confirmed by Dr Richard Gooday of ADAS. From the Farmscoper results, 0.02kg/P/ha/yr has been deducted to reflect background Phosphate load from greenspace and/or woodland in accordance with Natural England's March 2022 guidance.

To date the nitrate and phosphates 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, which have been assigned to the development and a record of this investment is retained by the Council. The purchase of credits is then secured by condition.

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.

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 and New Forest Recreation impacts 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).