

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:	14/01/2022
HRA completion date:	14/01/2022
Application reference:	F/21/90322
Application address:	Land Rear of Oakfields, Winchester Road, Fair Oak
Application description:	Erection of 8no. dwellings with parking, landscaping and associated works (amended description)
Lead Planning Officer:	Nick Parker
Case Officer:	David Huckfield
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 8no. 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)?	No. The housing development is not within 5.6km of the Solent SPAs and so is not considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.

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):

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 a defined catchment zone 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. The proposed development is NOT within the 13.8km catchment zone measured across Southampton Water.

Recreational disturbance (Solent SPAs/Ramsar sites):

In accordance with advice from Natural England and the approved Cabinet report dated 15 February 2018 endorsing the Solent Recreation Mitigation Strategy, a net increase in housing development 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. The proposed development is NOT within the 5.6km zone of impact of the collectively known European designated areas Solent SPAs/Ramsar sites.

Nutrient neutrality:

There is existing evidence of high levels of nitrogen 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.

Without mitigation, the proposals have the potential to impact upon the designated site in this respect.

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.

Nutrient neutrality:

The project being assessed would result in a net increase of 8no. dwellings which would be served by the Chickenhall 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 23.1kg/TN/year. This calculation is on the basis of 110 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 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.

The mitigation for this development will be through the applicant purchasing nitrate credits using the Council's nitrates mitigation scheme. Eastleigh Borough Council has 3633 credits (1 credit = 1 kilogram of nitrates per year), which are provided across 78.5 hectares of council-owned land. To date the nitrate 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. In the event that Eastleigh Borough Council intends to issue planning permission, then the Council will ensure that the credits have been purchased before issuing the decision.

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 the use of the Council's Nitrate Mitigation Scheme as set out above. 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).