

**CHALLONER HOUSE, 175 WINCHESTER ROAD,
CHANDLERS FORD, HAMPSHIRE**

**SHADOW HABITATS REGULATIONS
ASSESSMENT**

Final Document

February 2023

Preliminary Ecological Appraisals • Protected Species Surveys and Licensing • NVC • EclA • HRA • Management Plans
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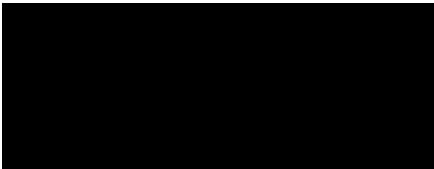
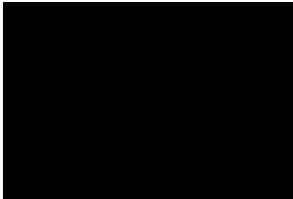
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ECOSA Quality Assurance Record

This report has been produced in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Report Writing 2017 (CIEEM, 2017).

Description:	Shadow Habitats Regulation Assessment
Produced For:	Barchester Healthcare Limited
Issue:	Final
Report Reference:	22.0183.0002.D0
Date of Issue:	7 th December 2022
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1.0 INTRODUCTION

1.1 Background

Ecological Survey & Assessment Limited (ECOSA) have been appointed by Barchester Healthcare Limited to undertake a Shadow Habitats Regulations Assessment to support a planning application for the redevelopment of Challoner House, 175 Winchester Road, Chandlers Ford, Hampshire SO53 2DU (hereafter referred to as the site).

The purpose of this Shadow Habitats Regulations Assessment (HRA) is to provide sufficient information for the Local Planning Authority, as a competent authority, to conclude whether the proposals will lead to Likely Significant Effects on any European designated sites.

1.2 The Site

The site is located in Chandlers Ford, Hampshire, centred on National Grid Reference (NGR) SU 4425 2139 (**Map 1**).

The site covers approximately 0.5 hectares and comprises an operational care home building, grounds and car parking situated off Winchester Road. The boundaries of the site are formed by residential development to the north and east, Winchester Road to the south-west and the grounds of the King Rufus pub and restaurant to the south-east.

The wider area is dominated by the residential development of Chandlers Ford with the M3 motorway some 600 metres to the east and areas of woodland beyond.

1.3 Aims and Scope of Report

This Shadow Habitats Regulations Assessment Report aims to assess the Likely Significant Effects of the proposals upon International and/or European sites and their qualifying features, to inform a competent authority undertaking a Habitats Regulations Assessment. The objectives of this assessment are:

- Identify any aspects of the proposed development that would have a Likely Significant Effect on European designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of National Planning Policy, Ramsar sites¹), either in isolation or in-combination with other plans and projects. In addition, it is a matter of UK Government policy that possible SACs (pSACs) and potential SPAs (pSPA) are considered; and

¹ Wetlands of International Importance designated under the Ramsar Convention 1979

- To advise on appropriate mechanisms for delivering mitigation where such effects are identified.

A detailed description of the Habitats Regulations Assessment process is provided in **Appendix 1** and the relevant planning policy context for this assessment is provided in **Appendix 2**.

1.4 Site Proposals

The proposals entail the removal of the existing conservatory from the western corner of the building and the construction of a ten-bedroom extension to the existing care home.

The appraisal is based on the Proposed Site Plan produced by Harris Irwin Architects, dated 19th August 2022 (Drawing No. 3307-HIA-ZZ-XX-DR-A-0102) (**Appendix 3**).

2.0 ASSESSMENT METHODS

2.1 Introduction

This section presents the methodology employed during the Shadow Habitats Regulation Assessment.

2.2 Habitats Regulations Assessment Methodology

Guidance on HRA screening methodology comprises Planning for the Protection of the National Site Network: Appropriate Assessment guidance (DCLG, 2006) and Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland (David Tyldesley and Associates, 2012). These documents have been used for the purpose of this exercise, along with supporting guidance (Infrastructure Planning Commission, 2011). This HRA exercise has been completed in the following stages:

- European Sites have been identified which may be impacted by the development;
- The vulnerabilities and potential development effects, both alone and in combination have been established;
- The development proposals have been screened for likelihood of significant effect on those European Sites; and
- Measures are introduced to avoid any identified likely significant effect which have been considered as part of the Appropriate Assessment.

The results of the Screening exercise are presented in Section 3.0, including details of the geographical scope of the assessment, the particular characteristics of the European sites within that area and consideration of how the proposed works may affect those European Sites. The outcomes from this process were used to populate Screening Matrices to determine Likely Significant Effects. The template for the matrices has been taken from the HRA Stage 1: Screening Matrices' template provided with Planning Inspectorate Advice Note 10 (Planning Inspectorate, 2017). Screening Matrices are presented in **Appendix 4**. Following the completion of the screening exercise the Appropriate Assessment is detailed in Section 4.0.

2.3 Consultation Resources

This report has involved consultation of the following resources to identify designated sites and their features that may be affected by the proposed works:

- Multi-Agency Geographic Information for the Countryside (MAGIC) (DEFRA, 2022);

- Nutrient Neutrality – A Summary Guide (Natural England, 2022);
- Natural England advice letter for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites (Natural England, 2022b).

2.3.1 Identifying Source-Receptor Pathways

The Stage 1 Screening assessment used the ‘source-receptor pathway’ approach to identify European sites to be considered in Screening. The assessment identified potential sources of effects arising from the project along with potential pathways to European site features along which such effects might progress. To determine whether a potential source and pathway were relevant to a European site, the geographical location and nature of the receiving environment were considered, including whether the site would cross or lie adjacent to, upstream or downstream of, a watercourse or water body designated as a European site.

An appraisal of the European site’s ecology and specific vulnerability to the anticipated level and nature of the effect was conducted. Consideration was given to the potential for more complex pathways that might link a receptor to an impact source, including indirect linkages. This included qualifying species of European sites that are mobile, and which could be present outside European sites but within functionally linked land. Also considered were habitats and species within the European sites that are not qualifying features but where implications to them are liable to affect the conservation objectives of the site. This approach is consistent with the ruling in *Holohan v An Bord Pleanala* (C-461/17).

Source-receptor pathways identified as being relevant to this development are presented in **Table 1**. Each source-receptor pathway is assigned a Zone of Influence based on specific project activities (see **Table 1**).

2.3.2 Identification of Project Activities with Potential for Likely Significant Effects

All project activities were assessed for their potential to lead to Likely Significant Effects. The following criteria were considered when reviewing the proposed activities for Likely Significant Effects:

- Size, scale and area of the works as they relate to land-take;
- Extent of physical changes that could arise from proposed activities;
- Resource requirements (e.g. water abstraction); and
- Emissions and waste (disposal to land, water or air).

Each activity was assessed for its potential to generate Likely Significant Effects using the criteria described in **Table 1**.

Table 1. Source-Receptor Pathways and Potential Effects

Impact Phase	Category	Potential Effect
Construction	Physical disturbance	▪ Direct habitat loss or degradation (e.g. through pollution events) ▪ Disturbance of substrates (e.g. increased sediment loading)
	Non-physical disturbance	▪ Noise and visual disturbance from construction traffic, plant, machinery and personnel during construction
	Hydrological changes	▪ Pollution of surface and groundwater (e.g. accidental spillages during construction)
	Air quality changes	▪ Air emissions associated with vehicular traffic and plant during construction ▪ Release of dust during construction
	Ground contamination	▪ Pollution of soils ▪ Changes to soil chemistry (e.g due to the introduction of new materials such as aggregate for temporary construction compounds, cement used during construction activities)
	Invasive non-native species	▪ Introduction or spread of invasive non-native species (INNS) (e.g due to plant movements or ground/riverbed disturbance)
Operation	Hydrological changes	▪ Changes to surface water levels and flows (e.g. changes to surface drainage) ▪ Changes to groundwater levels and flows (e.g. due to inadequate soil restoration) ▪ Changes to water chemistry, including changes in nutrient levels (eutrophication) and turbidity
	Recreational Pressure	▪ Increased residential population causing disturbance to protected species ▪ Trampling causing soil compaction and erosion ▪ Increased nutrient enrichment via dog fouling

2.3.3 In Combination Scope

The impacts and effects of any plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European

sites in question. In practice, 'in combination assessment' is of greatest importance when a plan or project would otherwise be screened out because the individual contribution is inconsequential.

For the purposes of this assessment, it has been determined that, due to the nature of the identified impacts, the key plans and projects that are likely to result in 'in-combination' effects with the proposed development relate to other residential developments (or those with new overnight accommodation) that fall within the catchment of any river that flows into the Solent (Natural England, 2022).

3.0 SCREENING

3.1 Introduction

This section details the process for screening for likely significant effects and a discussion of the findings to establish how the likely significant effect outcome was determined.

3.2 Relevant European Sites

The European sites identified as relevant to this Shadow HRA are as follows:

- Solent and Dorset Coast SPA (5.8 kilometres south)
- Solent and Southampton Ramsar site (8.2 kilometres south)
- Solent and Southampton Water SPA (8.2 kilometres south)
- Solent Maritime SAC (9.7 kilometres south-west)

The development site lies within the catchment of the Solent designated sites.

The Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC site boundaries have been mapped in relation to the development site (shown in **Map 1**). The catchment of the Solent (which is the Zone of Influence identified for this assessment) and location of the development site are shown in **Map 2**.

3.3 Characteristics of the European Sites

A summary of qualifying features of the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC can be found in the Stage 1 Screening Assessment Matrices in **Appendix 4**.

3.4 Potential Effects on European Sites

Details of the potential effects on the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC and the associated Zone of Influences are summarised in **Table 2**. Those which are relevant to the proposed development are then discussed in further detail below.

Table 2. Impact Categories and Potential Effects

Impact Phase	Category	Potential Effect	Zone of Influence
Construction	Physical disturbance	- Direct habitat loss or degradation (e.g. through pollution events) - Disturbance of substrates (e.g. increased sediment loading)	Direct habitat loss only likely to be significant within the European Site or within functionally linked land. Effects of habitat degradation likely to be significant where there is direct hydrological connectivity between the boundary of the project and the European site and its qualifying features.
	Non-physical disturbance	Noise and vibration disturbance from construction traffic, plant, machinery and personnel during construction	Effects likely to be significant within 100 metres of the construction area (RPS, 2018).
	Hydrological changes	Pollution of surface and groundwater (e.g. accidental spillages during construction)	Effects likely to be significant where there is direct hydrological connectivity between the boundary of the project and the European site and its qualifying features.
	Air quality changes	- Air emissions associated with vehicular traffic and plant during construction - Release of dust during construction	Dust effects for ecological receptors during the construction phase are assessed up to 50 metres from the project boundary (IAQM, 2014).
	Ground contamination	- Pollution of soils - Changes to soil chemistry (e.g. due to the introduction of new materials such as aggregate for temporary construction compounds, cement used during construction activities)	Assuming standard pollution prevention measures are implemented, effects would only likely be experienced within the project footprint and at the source, unless there are direct hydrological pathways.
	Invasive non-native plant species	Introduction or spread of invasive non-native species (INNS) (e.g. due to plant movements or ground/riverbed disturbance)	Effects likely to be significant where there is direct hydrological connectivity between the boundary of the project and the European site and its qualifying features or where plant movement or earth is redistributed off site.

Impact Phase	Category	Potential Effect	Zone of Influence
Operation	Hydrological changes	- Changes to surface water levels and flows (e.g. changes to surface drainage) - Changes to groundwater levels and flows (e.g. due to inadequate soil restoration) - Changes to water chemistry, including changes in nutrient levels (eutrophication) and turbidity	Effects from changes to surface and ground water levels would likely be significant where there is direct hydrological connectivity between the boundary of the project site and the European site and its qualifying features. Effects of changes in water chemistry (e.g. eutrophication from nutrient loading) are assessed where the site falls within river or surface water catchments that flow into, or are part of a European site.
	Recreational Pressure	- Increased residential population causing disturbance to protected species - Trampling causing soil compaction and erosion - Increased nutrient enrichment via dog fouling	Effects from recreational pressure are assessed within a 5.6 kilometre catchment of the Solent designated sites based on visitor surveys and relevant mitigation strategies (Bird Aware Solent, 2017).

3.4.1 Construction Phase

Physical Disturbance

The development site does not lie within the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA or Solent Maritime SAC or within functionally linked land. There is also no direct hydrological connectivity between the boundary of the development site and the European sites and their qualifying features (see **Table 2**). As such, this source-receptor pathway is screened out.

Non-Physical Disturbance

The Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC are not within 100 metres (RPS, 2018) of the development site (the Zone of Influence for this source-receptor pathway) (see **Table 2**). As such, this source-receptor pathway is screened out.

Hydrological Changes

There is no direct hydrological connectivity between the boundary of the development site and the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC and their qualifying features (see **Table 2**). As such, this source-receptor pathway is screened out.

Air Quality Changes

The Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC are not within 50 metres (IAQM, 2014) of the development site (the Zone of Influence for this source-receptor pathway) (see **Table 2**). As such, this source-receptor pathway is screened out.

Ground Contamination

The development site does not lie within the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC. There is also no direct hydrological connectivity between the boundary of the development site and the European sites and their qualifying features (see **Table 2**). As such, this source-receptor pathway is screened out.

Invasive Non-Native Species

There is no direct hydrological connectivity between the boundary of the development site and the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC. Additionally, there will be no plant movement or earth redistribution off site (see **Table 2**) and no invasive species were recorded on site. As such, this source-receptor pathway is screened out.

3.4.2 Operational Phase

Hydrological Changes

The proposals will result in increased waste-water discharge due to addition of a ten-bedroom extension to the existing care home and as a result, higher levels of nitrogen entering the Solent. Increased levels of nitrogen entering the Solent as a result of waste-water discharge can severely threaten the qualifying habitats of the designated sites as well as their associated species by causing eutrophication, leading to algal blooms. This can result in an increase in dead organic matter accumulating on sediments which deplete oxygen concentration in the water; impacting aquatic species and those that feed on them.

Natural England guidance (Natural England, 2022) has been used to calculate the likely nitrogen output as a result of the development. This is presented within the Nitrogen Budget Calculator (**Appendix 5**) and summarised below.

Stage 1 – Nutrient loading from additional wastewater

The development proposals will result in an additional 10 single rooms with overnight accommodation within the new care home extension. The rest of the existing care home is already operational and is therefore not considered within the budget calculation. Each room has an occupancy rate of one and a water usage of 120 litres water per person per day, based on guide figures issued by Natural England. The

receiving wastewater treatment works (WwTW) that the development will drain into is the Chickenhall Eastleigh WwTW. The Nitrogen (N) permit for the Chickenhall Eastleigh WwTW is 25 mg TN/litre.

It has been calculated that the additional population of 10 will result in an additional 1,200 litres of wastewater per day and consequently an annual wastewater TN (Total Nitrogen) load of 10.96 kg TN/year. This is assuming one occupant per single room.

Stage 2 – Nutrient loading from current land use

The development site lies within the Itchen operational catchment, the soil drainage associated with the predominant soil type has been identified as ‘impeded drainage’ and the annual average rainfall likely to be received by the development site is 700.1-750 millimetres (National River Flow Archive, 2022). It has been identified that the development site does fall within a Nitrate Vulnerable Zone (NVZ).

The current land use comprises 0.5 hectares of residential urban land. This was determined during a Preliminary Ecological Appraisal (PEA) survey undertaken by ECOSA in October 2022 (ECOSA, 2022). This land use equates to a total annual nitrogen nutrient export of 6.75 kg TN.

Stage 3 – Nutrient loading from future land use

The proposals for the new extension to the existing care home will mean the land use remains the same; residential urban land. Again, this land use equates to a total annual phosphorous nutrient export of 6.75 kg TN. As such, there is no change in nitrogen loading as a result land use.

Stage 4 – Nutrient budget calculation

The final stage automatically calculates the results from stage 1-3. The total nitrogen mitigation required to achieve nutrient neutrality is 13.15 kg TN/year (see **Appendix 5** for the full Nitrogen Budget Calculation).

Based on the above, in the absence of mitigation, this project alone may lead to **a likely significant effect** on the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC as a result of this source-receptor pathway.

Recreational Pressure

The development site does not lie within 5.6 kilometres of the Solent European sites (the Zone of Influence for this source-receptor pathway) (see **Table 2**). As such, this source-receptor pathway is screened out.

3.5 Conclusion

It has been determined that the proposals alone have the potential to lead to **likely significant effects** on the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC. This is as a result of an increase in nitrogen loading from additional residents. As such, it has not been necessary to undertake an in-combination assessment at Screening Stage.

In accordance with current case law (People Over Wind and Peter Sweetman v Coillte Teoranta - Case C323/17, 2018) it is not possible to consider proposed mitigation measures as part of the Screening Stage of Habitats Regulation Assessment. Therefore, an Appropriate Assessment is required.

4.0 APPROPRIATE ASSESSMENT

4.1 Introduction

The section presents the Appropriate Assessment and sets out relevant mitigation in order to address the likely significant effects identified as part of the screening stage.

4.2 Summary of Likely Significant Effects

The potential likely significant effects identified as part of the screening process comprise hydrological changes during the operational phase.

4.3 Proposed Mitigation

4.3.1 Operational Phase

Hydrological Changes

In response to the impact of nitrogen loading in the Solent and to help ensure that developments achieve nitrate neutrality, Eastleigh Borough Council has put a scheme in place so that developers can offset excess nitrogen outputs against Council-owned land through the purchase of nitrate credits. To date the nitrate credits being made available by Eastleigh Borough Council are all through the cessation of farming practices.

Eastleigh Borough Council currently presides over 238 hectares of mitigation land, worth a total of 11,354 credits (1 credit = 1 kilogram of nitrates per year). The cost per credit is £3,000 (plus VAT) with an additional cost for legal and administrative costs.

For the Challoner House development, it is proposed that credits will be purchased by the developer from Eastleigh Borough Council. The total nitrogen mitigation required to achieve nitrate neutrality for Challoner House is 13.15 kg TN/year, therefore 13.15 credits will be purchased. It is anticipated that a pre-start or Grampian condition relating to nitrates will be recommended once planning permission is granted.

4.4 Conclusion

Following the implementation of the mitigation measures set out in this section and the Appropriate Assessment undertaken, it is concluded that the proposed development will have a neutral impact on the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC. Therefore, there will be **no adverse effects** on the integrity of European sites.

5.0 CONCLUSION

The screening stage of the Shadow Habitats Regulation Assessment concluded that, unmitigated, there would be a likely significant effect as a result of the proposed development on the Solent and Dorset Coast SPA, Solent and Southampton Water Ramsar site/SPA and Solent Maritime SAC. The unmitigated likely significant effects would result from hydrological changes, in the form of increased nitrate levels, during the operational phase as a result of increased wastewater output. Therefore, suitable mitigation measures have been proposed and an Appropriate Assessment undertaken.

Following the incorporation of appropriate mitigation comprising the purchase of nitrate neutrality credits from Eastleigh Borough Council, it has been concluded that there would be no adverse impact on European site integrity.

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Map 1 Site Location in relation to the Solent European sites

Map 2 Site Location in relation to the Solent Catchment

Appendix 1 Habitats Regulations Assessment Process

Introduction

This section provides an outline of the Habitats Regulations and the Habitats Regulations Assessment process.

The Habitats Regulations

The Conservation of Habitats and Species Regulations 2017 (as amended), hereafter referred to as ‘the Habitats Regulations’, is a piece of national legislation which was originally derived from the European Union’s Habitats Directive (92/43/EEC) and Wild Birds Directive (2009/147/EC). Following the United Kingdom’s withdrawal from the European Union and the end of the transition period on 31st December 2020, these two directives are no longer legally binding on the United Kingdom. Therefore, the legislation on which HRA process is based is set out within the Conservation of Habitats and Species Regulations 2017 (as amended). However, it is also important to note that under s6(3) of the EU (Withdrawal Act) 2018 (as amended) retained EU law (such as the Conservation of Habitat and Species Regulations 2017) is to be interpreted in line with “retained caselaw” which includes retained EU caselaw. Therefore, any EU caselaw prior to the UK’s withdrawal from the European Union remains relevant for the purposes of Habitats Regulations Assessments.

The aim of this legislation to is protect and maintain a National Site Network (formally known within the UK as Natura 2000) which includes all existing SACs and SPAs (designated before 31st December 2020) and any new SACs and SPAs designated under the Habitats Regulations.

Regulation 63 of the Habitats Regulations sets out that where a plan or project is being proposed which is likely to have a significant effect on a site within the National Site Network the competent authority must undertake an Appropriate Assessment in light of the site’s conservation objectives. A competent authority is in practice the decision maker which undertakes, gives consent, permission or other authorisation for such a plan or project. The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site. However, the onus is on the applicant for any consent or authorisation to provide such information that the competent authority requires in order to undertake the assessment.

Where an Appropriate Assessment has been carried out and any proposed avoidance or mitigation measures anticipated are unable to reduce the potential effect, so it is no longer significant, or if uncertainty remains over the significant effect, consent will only be granted if:

- There are no alternative solutions;
- There are imperative reasons of over-riding public interest for the development;
and

- Compensatory measures have been secured.

National Site Network

Types of sites considered in the Habitats Regulation Assessment process are detailed in **Table 3**. This report considers SPAs, SACs and, as a matter of National Planning Policy, Ramsar sites². In addition, it is a matter of UK Government policy that possible SACs (pSACs) and potential SPAs (pSPA) are considered. For the purposes of this report these sites are collectively referred to as the National Site Network and individually referred to as European sites.

Table 3: National Site Network considered in HRA

Designation Type	Origin	Description
Special Protection Area (SPA)	EU Birds Directive	Strictly protected sites classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory bird species.
Potential SPA (pSPA)	EU Birds Directive	Sites that are proposed as SPAs but have yet to be formally classified. These sites are assessed within HRA in accordance with National Planning Policy.
Special Area of Conservation (SAC)	EU Habitats Directive	Strictly protected sites forming part of a national network of important high-quality conservation sites that will make a significant contribution to conserving the habitat types and species identified in Annexes I and II of the Directive (as amended). The listed habitat types and species are those considered to be most in need of conservation at a national level (excluding birds).
Possible SAC (pSAC)	EU Habitats Directive	Sites that are proposed as SACs and have been submitted but have yet to be formally designated. These sites are assessed within HRA in accordance with National Planning Policy.
Ramsar site	Ramsar Convention	Internationally important wetland habitats are recognised under the Ramsar Convention, with Ramsar sites overlying SPA classifications and SAC designations. While the criteria differ from those of SPAs and SACs, the criteria for Ramsar sites are equally significant in terms of maintaining the ecological integrity of the site. Ramsar designated sites are not part of the National Site Network (although by proxy they relate to the same sites). However, they are assessed within HRA in accordance with National Planning Policy

Conservation Objectives

SPAs and SACs

Each SPA and SAC has set conservation objectives defining what constitutes a favourable conservation status of each primary qualifying feature. These are set out by Natural England

² Whilst Ramsar sites are not protected under the Habitats Regulations National Planning Policy is to subject them to the same HRA process as if National Site Network sites

and describe the targets to be met in order for the feature to qualify as 'favourable'. Conservation objectives vary from site to site but follow the same general principles:

- To avoid deterioration of the qualifying habitats and the habitats of qualifying species;
- To avoid significant disturbance of qualifying species;
- To ensure the integrity of the site is maintained; and
- To ensure that the site makes a full contribution to achieving the favourable conservation status of each of the qualifying features.

The aims are broadly to maintain or restore the structure, function, extent, distribution and supporting processes of qualifying natural habitats and habitats of qualifying species, and to maintain or restore the populations and distribution of qualifying species.

Ramsar Sites

While Ramsar sites lack set conservation objectives, the correlation between Ramsar qualifying criteria and SAC/SPA qualifying features is such that the objectives of SPAs and SACs negate the need for separate objectives. For sites that are designated both as an SPA/SAC and a Ramsar site, the conservation objectives of SPAs and SACs incorporate the designated features of the Ramsar site.

Conservation Status

Conservation status of a habitat is taken to be (European Economic Community (EEC), 1992): *'The sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species'*.

Species conservation status is defined as:

'The sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations'.

Favourable conservation status of a site is defined as when (McLeod, 2005):

'Its natural range and areas it covers within that range are stable or increasing; the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable'.

The National Site Network has associations with, or are overlaid by, Sites of Special Scientific Interest (SSSIs). SSSIs are assessed on the basis of their condition at the time of the most

recent assessment survey in order to determine whether the site meets its objectives. The assessment of SSSIs draws upon recent and historic condition assessments, capable of establishing whether a site or component unit is *declining* or *recovering*. It should be noted that European sites often have one or more component SSSIs, any potential impacts to which, or any implications of current condition may also impact the condition of the European site.

European sites are assessed in more depth, on the basis of their conservation status, including an assessment of the presence of specific structure and functions required for its long-term maintenance. It also takes account of whether these necessary structures and functions are likely to persist into the future.

Habitat Regulations Assessment Process

The four stages of HRA (Infrastructure Planning Commission, 2011) are detailed in **Table 4**. If the proposed development cannot be screened out as being unlikely to lead to significant effects, then Appropriate Assessment (AA) is required which will include detailed analysis of identified likely significant effects in order to develop appropriate mitigation that will enable the Local Planning Authority (LPA) in their role as ‘competent authority’ to conclude that no adverse effect on the integrity of European sites will result. In certain circumstances, a proposal that has failed the integrity test can be allowed to go ahead. This is known as a derogation and combines stages 3 and 4 of the process. The proposal must pass all three of the legal tests for a derogation to be granted: 1. There is no feasible alternative solution that would be less damaging; 2. The proposal needs to be carried out for imperative reasons of overriding public interest (IROPI); and 3. The necessary compensatory measures can be secured.

Table 4: HRA screening process

Stage	Description
Stage 1 Screening	The process to identify the likely impacts of a project upon a European site, either alone or in combination with other plans and projects, and consider whether there is a Likely Significant Effect.
Stage 2 Appropriate Assessment	The consideration of the impacts on the integrity of the European site, either alone or in combination with other plans and projects, with regard to the site’s structure and function and its conservation objectives. Where there are adverse impacts, an assessment of mitigation options is carried out to determine adverse effect on the integrity of the site. If these mitigation options cannot avoid adverse effects, and that there will an adverse effect on site integrity, then development consent can only be given if stages 3 and 4 are followed.
Stage 3 Assessment of Alternative Solutions	Examining alternative ways of achieving the objectives of the project to establish whether there are solutions that would avoid or have a lesser effect on European sites.

Table 4: HRA screening process

Stage	Description
Stage 4 Imperative Reasons of Overriding Public Interest (IROPI)	This is the assessment where no alternative solution exists and where adverse impacts remain. The process to assess whether the development is necessary for IROPI and, if so, the potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European site.

The Habitats Regulations apply the precautionary principle to SACs, SPAs and Ramsar sites. This means that it is presumed that a likely significant effect may occur unless it can be demonstrated with a sufficient level of confidence that it will not.

Throughout this document the phrase Habitats Regulations Assessment (HRA) has been used to refer to the overall process required, while Appropriate Assessment (AA) is used for the specific stage of the process in which it is necessary to determine in more detail adverse effects on the integrity of European sites and mitigation required. The need for HRA and AA is set out within Article 6.3 of the EC Habitats Regulations 1992, and transposed into British law by the Conservation of Habitats and Species Regulations 2017. The ultimate aim of the Regulations is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Habitats Regulations, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.

Habitats Directive 1992

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”

Conservation of Habitats and Species Regulations 2017 (as amended)

“A competent authority, before deciding to ... give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site ... must make an appropriate assessment of the implications for the site in view of that sites conservation objectives ... The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.

Screening

The first stage of any Habitats Regulations Assessment is a Likely Significant Effect test which is a high-level risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

“Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”

Likely Significant Effect

The process will firstly involve identifying any effects on the ecological functionality of National Site Network sites likely to arise from the proposed development, either alone or in combination with other development projects in the area.

These effects would be considered significant if they undermine any of the National Site Networks site’s conservation objectives.

The likelihood of each significant effect is then determined. A likely effect is defined as one which cannot be ruled out based on the objective information available.

A European Court of Justice ruling (People Over Wind and Peter Sweetman v Coillte Teoranta - Case C323/17, 2018) has determined that it is not sufficient to screen out projects that include mitigation if that mitigation would not form part of the plan or project were it not for the consideration of the conservation objectives of National Site Network sites. In other words, the project must be screened on its own merits and if mitigation would be required to prevent Likely Significant Effects on European sites then this must be subject to full Appropriate Assessment. With regard to those European sites where it is considered not possible to ‘screen out’ the project without detailed appraisal, it is necessary to progress to the later Appropriate Assessment stage to explore the adverse effects and devise mitigation.

In Combination

HRA takes into account the impacts of proposals both in their own right and in combination with other developments in the vicinity. It is possible for a proposed development to have a de minimus³ impact when taken in isolation, but in conjunction with other proposed development projects it may contribute to a likely significant effect. This is known as an ‘in combination’ effect. In accordance with a statement made by Advocate-General Eleanor Sharpston in a European Court of Justice ruling (Peter Sweetman and Others v An Bord Pleanála – Case C258/11, 2013), where a development project has a neutral effect or no appreciable effect alone, an in-combination assessment is not required.

Likewise, where it has been concluded at screening stage that there is a risk of likely significant effects, or where a likely significant effect has been identified, an in-combination assessment is not required and an Appropriate Assessment should be undertaken.

Where it has been determined at screening stage that there is a risk of a de minimis or appreciable adverse effect alone, an in-combination assessment is required.

³ Too small to be meaningful or taken into consideration on its own.

Appropriate Assessment

An Appropriate Assessment is required when HRA screening of the proposals and the in-combination assessment cannot rule out the possibility that a European site's conservation objectives will be undermined, because of one or more likely significant effects.

Integrity

An effect that directly or indirectly affects a European site's qualifying features resulting in harm to the ecological structure and functioning of the site, its supporting processes and/or adversely affects the site's ability to meet conservation objectives would be considered an adverse effect on the integrity of the site. Site integrity is defined as (Jones, 2002):

'The coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

Appendix 2 Planning Policy Context

Introduction

This section summarises the national and local planning policy in relation to Habitats Regulations Assessment and European sites within England and the Eastleigh Borough Council administrative area.

National Policy

The National Planning Policy Framework (NPPF) sets out the government's requirements for the planning system in England. The original document was published in 2012 with the most recent revised NPPF published in July 2021. A number of sections of the NPPF are relevant when taking into account development proposals and the environment.

A number of principles are set out in Paragraph 180, including that where harm cannot be adequately avoided then it should be mitigated for, or as a last resort, compensated for. Where impacts occur on nationally designated sites, the benefits must clearly outweigh any adverse impact and incorporating biodiversity in and around developments should be encouraged. Paragraph 181 also sets out that potential SPAs, SACs and listed or proposed Ramsar sites or sites acting as compensation for SPAs, SACs and Ramsar sites, should receive the same protection as habitat sites.

As set out within Paragraph 11 of the NPPF *“Plans and decisions should apply a presumption in favour of sustainable development”*. However, Paragraph 182 goes on to state that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

Local Policy

The Eastleigh Borough Local Plan 2016-2036 was adopted on 25th April 2022. It sets out the policies and plans to guide future development to 2036 and replaced the 'saved' policies in the Adopted Local Plan 2001-2011. Two policies are relevant to this assessment:

- **Policy DM10: Water and Waste Water**

This policy states that where new water supply or waste water infrastructure is required or proposed, the development will be phased alongside the provision of infrastructure to ensure compliance with the Habitats Regulations; that there is no deterioration of the status of water bodies; and the avoidance or mitigation of any other adverse impacts.

- **Policy DM11: Nature Conservation**

This policy states that developments should seek to protect, conserve and enhance international, national and local nature conservations designations and networks of natural habitats. A 'project level' Habitats Regulations Assessment will be required where there are likely significant effects on international or European nature conservation sites. In particular, reference is made to the Solent, the New Forest and the River Itchen designated sites.

Appendix 3 Site Proposals



NOTES

All dimensions are in millimetres unless stated otherwise.

Drawings are not to be scaled for Construction purposes.

This drawing is to be read in conjunction with all other relevant drawings and specifications.

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New retaining wall

New refuse and recycling store

New parking arrangement
(Spaces 5m x 2.5m)

New retaining wall

Cycle parking

Thick red line denotes site boundary

-- Existing Tree RPA's
-- Removed Trees

P4	20/11/22	Parking Adjustments	AB	ID
P3	19/08/22	Minor Adjustments	AB	ID
P2	16/08/22	First Draft	AB	ID
P1	08/07/22	Drawing in Progress	SL	ID
Rev	Date	Description	Drawn By	Checked By

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Challoner House Care Home,
Eastleigh,
SO53 2DU
Client: Barchester

Drawing Title:
Proposed Site Plan

For Planning

100 Project Number	3307	Scale of A1	1:200	Assembly	D0
Project	Originator	Volume	Level	Type	Revision
3307	HIA	ZZ	XX	DR	A - 0102

0102 Proposed Site Plan

Appendix 4 Stage 1 Screening Assessment Matrix

Matrix Key:

Yes = likely significant effect cannot be excluded

No = likely significant effect can be excluded

(a) = justification supporting conclusion

N/A = feature is not vulnerable to the effect pathway

Table 5. Solent and Southampton Water SPA Screening Matrix

Site Name and Reference: Solent and Southampton Water SPA (UK9011061)									
Site Area: 5,401.12 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
Common Tern <i>Sterna hirundo</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Little Tern <i>Sterna albifrons</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Mediterranean Gull <i>Larus melanocephalus</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)

Site Name and Reference: Solent and Southampton Water SPA (UK9011061)									
Site Area: 5,401.12 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
Roseate Tern <i>Sterna dougallii</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Sandwich Tern <i>Sterna sandvicensis</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> (overwintering)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Black-tailed Godwit <i>Limosa limosa islandica</i> (overwintering)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Ringed Plover <i>Charadrius hiaticula</i> (overwintering)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Teal <i>Anas crecca</i> (overwintering)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Waterbird assemblage	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)

Justification for supporting conclusions:

- (a) This pathway of impact is unlikely to lead to Likely Significant Effects on this qualifying feature either because the feature is not present within the ZOI or because the habitats within the working areas are not suitable for supporting the feature. Therefore, this pathway of impact with regards to this qualifying feature has been screened out.
- (b) The proposals will result in increased waste-water discharge from the site because there will be a net increase in residents. Research has shown that an increase in nitrogen loading leads to eutrophication of the habitats within the Solent, causing habitat degradation and impacting its qualifying features.
- (c) Where it has been concluded at screening stage that there is a risk of likely significant effects, or where a likely significant effect has been identified, an in-combination assessment is not required and an Appropriate Assessment should be undertaken.

Table 6. Solent and Southampton Water Ramsar Site Screening Matrix

Site Name and Reference: Solent and Southampton Water Ramsar Site (965)									
Site Area: 5,415 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes (Construction)	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
Ramsar criterion 1 Site contains representative, rare or unique wetland types - The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)
Ramsar criterion 2	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)

Site Name and Reference: Solent and Southampton Water Ramsar Site (965)									
Site Area: 5,415 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes (Construction)	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
Site supports vulnerable, endangered, or critically endangered species or threatened ecological communities - The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.									
Ramsar criterion 5 Site regularly supports 20,000 or more waterbirds - The site supports internationally important bird assemblages. Species with peak counts in winter: 51,343 waterfowl (5 year peak mean 1998/99-2002/2003)	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)
Ramsar criterion 6 Site regularly supports 1% of the individuals in a population of one	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)

Site Name and Reference: Solent and Southampton Water Ramsar Site (965)									
Site Area: 5,415 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes (Construction)	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
species/subspecies of waterbirds - Qualifying Species/populations occurring at levels of international importance: Species with peak counts in spring/autumn: - Ringed plover, Europe/Northwest Africa: 397 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3) Species with peak counts in winter: - Dark-bellied brent goose, 6,456 individuals, representing an average of 3% of the population (5 year peak mean 1998/9-2002/3)									

Site Name and Reference: Solent and Southampton Water Ramsar Site (965)									
Site Area: 5,415 hectares									
Distance to Site: 8.2 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes (Construction)	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
- Eurasian teal <i>Anas crecca</i>, NW Europe: 5,514 individuals, representing an average of 1.3% of the population (5 year peak mean 1998/9-2002/3) - Black-tailed godwit, Iceland/W Europe: 1,240 individuals, representing an average of 3.5% of the population (5 year peak mean 1998/9-2002/3)									

Justification for supporting conclusions:

- This pathway of impact is unlikely to lead to Likely Significant Effects on this qualifying feature either because the feature is not present within the Zol or because the habitats within the working areas are not suitable for supporting the feature. Therefore, this pathway of impact with regards to this qualifying feature has been screened out.
- The proposals will result in increased waste-water discharge from the site because there will be a net increase in residents. Research has shown that an increase in nitrogen loading leads to eutrophication of the habitats within the Solent, causing habitat degradation and impacting its qualifying features.

- (c) Where it has been concluded at screening stage that there is a risk of likely significant effects, or where a likely significant effect has been identified, an in-combination assessment is not required and an Appropriate Assessment should be undertaken.

Table 7. Solent and Dorset Coast SPA Screening Matrix

Site Name and Reference: Solent and Dorset Coast SPA (UK9020330)									
Site Area: 88,980.55 hectares									
Distance to Site: 5.8 kilometres south									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
Common Tern <i>Sterna hirundo</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Little Tern <i>Sterna albifrons</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)
Sandwich Tern <i>Sterna sandvicensis</i> (breeding)	N/A	No (a)	N/A	N/A	N/A	No (a)	Yes (b)	No (a)	No (c)

Justification for supporting conclusions:

- (a) This pathway of impact is unlikely to lead to Likely Significant Effects on this qualifying feature either because the feature is not present within the Zol or because the habitats within the working areas are not suitable for supporting the feature. Therefore, this pathway of impact with regards to this qualifying feature has been screened out.
- (b) The proposals will result in increased waste-water discharge from the site because there will be a net increase in residents. Research has shown that an increase in nitrogen loading leads to eutrophication of the habitats within the Solent, causing habitat degradation and impacting its qualifying features.
- (c) Where it has been concluded at screening stage that there is a risk of likely significant effects, or where a likely significant effect has been identified, an in-combination assessment is not required and an Appropriate Assessment should be undertaken.

Table 8. Solent Maritime SAC Screening Matrix

Site Name and Reference: Solent Maritime Special Area of Conservation (UK0030059)									
Site Area: 11,243.12 hectares									
Distance to Site: 9.7 kilometres south-west									
European Site Features	Likely Effects of Project								
	Construction Phase						Operational Phase		In-combination effects
	Physical Disturbance	Non-Physical Disturbance	Hydrological Changes	Ground Contamination	Air Quality Changes	Invasive Non-Native Species	Hydrological Changes	Recreational Impacts	
1130 Estuaries	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)
1320 Spartina swards (<i>Spartinion maritimae</i>)	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)
1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	No (a)	No (a)	No (a)	No (a)	No (a)	No (a)	Yes (b)	No (a)	No (c)

Justification for supporting conclusions:

- (a) This pathway of impact is unlikely to lead to Likely Significant Effects on this qualifying feature either because the feature is not present within the Zol or because the habitats within the working areas are not suitable for supporting the feature. Therefore, this pathway of impact with regards to this qualifying feature has been screened out.
- (b) The proposals will result in increased waste-water discharge from the site because there will be a net increase in residents. Research has shown that an increase in nitrogen loading leads to eutrophication of the habitats within the Solent, causing habitat degradation and impacting its qualifying features.
- (c) Where it has been concluded at screening stage that there is a risk of likely significant effects, or where a likely significant effect has been identified, an in-combination assessment is not required and an Appropriate Assessment should be undertaken.

Appendix 5 Nitrate Budget Calculator

Stage 1

User Inputs

Date of first occupancy:	
Average occupancy rate:	1.00
Water usage (litres/person/day):	120
Development Proposal (dwellings/units):	10
Include deductible acceptable loading?	Yes
Wastewater treatment works:	Chickenhall Eastleigh WwTW
Wastewater treatment works N permit (mg TN/lite):	25

Stage 1 Calculated Loading

Stage 1 Nutrient Loading		
Additional population	10	people
Wastewater by development	1200	litres/day
Annual wastewater TN load	10.96	kg TN/yr

Stage 2

User Inputs

Catchment:	Itchen
Soil drainage type:	Impeded drainage
Annual average rainfall (mm):	700.1 - 750
Within Nitrate Vulnerable Zone (NVZ):	Yes

Existing land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Residential urban land	0.50	6.75
Total:	0.5	6.75

Stage 3

User Inputs

New land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Residential urban land	0.50	6.75
Total:	0.5	6.75

Stage 4

Calculated Outputs

Annual Nutrient Budget

The total annual nitrogen load
to mitigate is:

13.15 kg TN/year