

DELEGATED OFFICER REPORT

Application Ref: V/22/93029

Site Address: ALLINGTON MANOR FARM, ALLINGTON MANOR, ALLINGTON LANE,
WEST END, SOUTHAMPTON, SO50 7DE

Case Officer: Rachael Morris

Description: Section 77 application for approval of a consented barn conversion at Allington Manor Farm Barn, Allington Lane, Eastleigh to a dwellinghouse under Regulation 75 of the Conservation of Habitats and Species Regulations 2017, for written notification of approval that the proposed barn conversion will not affect the integrity of nearby protected sites

Proposal

Prior approval consent was granted under PN/21/89866 to change the use of Agricultural Buildings to Dwellinghouses (Class C3). However, in order to implement the prior approval consent the development also requires a Section 77 Application to be considered by the LPA under the Conservation of Natural Habitats and Species Regulations 2010. The current Section 77 application is to assess whether the development will have an impact on the integrity of the following protected sites:

- *Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC).*
- *New Forest SPA/SAC/Ramsar.*

Planning History?

Yes ☒

No ☐

- PN/20/89215 - Prior notification for a change of use from Agricultural Building to 1no. Dwellinghouse (Class C3) – Prior Approval Refused – Dec 2020
- PN/21/89866 - Prior notification for a Change of Use of Agricultural Buildings to Dwellinghouses (Class C3) – Prior Approval Granted – March 2021
- X/21/90798 - Variation of condition 1 (approved drawings) of planning permission PN/21/89866 giving prior notification for a Change of Use of Agricultural Buildings to Dwellinghouses (Class C3) – Permit – Aug 2021

Consultation response:

CONSULTEE:	RESPONSE:
Natural England	<u>Objection</u> As submitted, we consider it will have an adverse effect on the integrity of New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site https://designatedsites.naturalengland.org.uk/

Assessment: Impact on SPA

Recreational disturbance:

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 Cabinet on 8th December 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.

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 Cabinet on 8th December 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 has been secured by a Unilateral Undertaking legal agreement.

There is 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.

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 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.

To secure the appropriate full avoidance and mitigation package, contributions towards the Solent Recreation Mitigation Strategy are required to be secured ensuring that mitigation is calculated based on the size of each new dwelling. The required contribution for this development is £864 for 1.no 4-bedroom dwelling which has been secured by a Unilateral Undertaking legal agreement.

Nutrient neutrality:

There is existing evidence of high levels of nitrogen and phosphorus 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.

The project being assessed would result in a net increase of 1no. dwelling which would be served by the Klargester Bioficient +P treatment plant (PTPs) which have a certified performance of 11.6 mg/L TN and 0.4 mg/L TP. 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 overall reduction of 6.66kg/TN/year and phosphorus of an overall reduction of 0.98kg/TN/year. This calculation is on the basis of 110 litres of water use per person per day which has been secured within the Unilateral Undertaking legal agreement.

Conclusion:

The application is supported by Unilateral Undertaking (UU) which will provide the required payments as set out above and also secure appropriate mitigation towards nutrients in perpetuity. The UU was also appended with a Drainage Management and Monitoring Plan to ensure appropriate maintenance of the treatment plant.

Natural England were notified that the intension was to permit this Section 77 application 21 days prior to this decision and no comment was received.

It is the opinion of the Local Plan Authority, as the competent authority, that the development will not adversely affect the integrity of the protected sites and as such satisfies the requirements of The Conservation of Habitats and Species Regulations 2017.

Recommendation:

CONSENT ☒**REFUSE** ☐

Comments ...