

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:	12/05/23
HRA completion date:	12/05/23
Application reference:	F/23/95177
Application address:	Land to the South of Nightingale Avenue, Eastleigh
Application description:	Construction of 2No. one bedroom and 2No. two bedroom apartments in a two storey block, with ancillary amenity space, landscaping, parking, bin and cycle storage
Lead Planning Officer:	Nick Parker
Case Officer:	Gary Osmond
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). • River Itchen SAC. • New Forest SAC, SPA and Ramsar.
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 4no. 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)?	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.

Summary

- The site is within the 5.6km catchment zone Solent SPAs/Ramsar sites
- The site is within the 13.8km catchment zone for the New Forest
- The site is outside of the Itchen SPA, but uses the Chickenhall Lane wastewater treatment works. Therefore, mitigation is required for the developments output of both nitrates and phosphates.

Policy Background

Policy DM11 of the adopted Eastleigh Local Plan 2016-2036 sets out the Council's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

“The Council will work with PUSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement a strategic approach to the protection of European sites from the direct and indirect effects of development including recreational disturbance. Within Eastleigh Borough this will include:

- a) the Solent Recreation Mitigation Strategy (requiring contributions from residential developments within 5.6 kilometres of the Solent Special Protection Area to the Strategy); and
- b) the interim and any future New Forest Recreation Mitigation Strategy if required; or alternative agreed site specific measures to address recreational disturbance;
- c) preserving the water quality within the Itchen and Hamble, Southampton Water and Solent;

Recreational disturbance (New Forest):

The proposed development is within the 13.8km catchment zone for the New Forest. A New Forest Recreation Mitigation strategy has been adopted by the Council on 24th March. This strategy in association with the Eastleigh Borough Local Plan 2016-2036 recognises that the delivery of approximately 14,580 dwellings within c.13.8km 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.

Recreational disturbance (Solent SPAs/Ramsar 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.

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.

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.

Solent SPAs/Ramsar sites

The project being assessed would result in a net increase of 4no. dwellings within 5.6km of the Solent SPAs. In line with the Council's Cabinet approval of a report endorsing the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Eastleigh Borough Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£443.00
2 Bedroom	£639.00
3 Bedroom	£834.00
4 Bedroom	£980.00
5 Bedroom	£1,150.00

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be a financial contribution based on the size of the residential unit proposed:

Based on the above scale, the required contribution for this development is £2,164, calculated on the basis of 2no. 1bed, 2no. 2 bed dwellings.

New Forest

The project being assessed would result in a net increase of 5no. dwellings within 13.8km of the New Forest. The additional recreational pressures causing erosion and disturbance on the internationally protected New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites.

While Eastleigh Borough Council does not border the New Forest National Park, technical research commissioned by local authorities in and around the New Forest shows that residents of the Borough choose to visit the area from time to time and thus risk contributing towards erosion of the habitats and disturbance of the species they support. Mitigation is required to avoid significant adverse effects on the protected sites and species and to enable planning permissions to be granted, to support wider housing delivery objectives.

In March 2022, the council adopted its New Forest Mitigation Strategy, which is based on the delivery of proportionate Suitable Alternative Natural Green Space (SANG) in the Borough to divert recreational pressures away from the New Forest protected areas, and financial contributions to managing the impact of those visitors that nevertheless will still choose to visit them. The SANG strategy will be focused on a new publicly accessible SANG on the One Horton Heath project site and adjoining former farmland to the north of Itchen Valley Country Park and improvements to the existing Itchen Valley Country Park. It will be funded by a contribution of £1,161 from all new residential development permitted in the Borough and index-linked

The required contribution for this development of 4no. dwellings is £9,060.66.

Recreational Disturbance – Securing Mitigation

To secure the appropriate full avoidance and mitigation package for recreational disturbance, upfront contributions will need to be secured towards the Solent Recreation Mitigation Strategy and New Forest Mitigation Strategy. Should the application be refused then the lack of mitigation shall form an additional reason for refusal to ensure that mitigation is secured through a subsequent appeal or later planning application.

Without the security of the mitigation being provided through the upfront payment, a significant effect would remain likely. Providing such an upfront payment is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Nutrient neutrality:

The project being assessed would result in a net increase of 5no. dwellings which would be served by the Chickenhall Lane Waste Water Treatment Works which ultimately feed into the River Itchen. 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 14.09kg/TN/year (14.09 kg/TN/year from 2025 onwards) and phosphorus of an additional 0.51kg/TN/year (0.33kg/TN/year from 2025 onwards). This calculation is on the basis of 120 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 the nitrogen and phosphorous loads are such that the development would have a likely significant effect on the 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 and phosphates credits from the Eastleigh Borough Council nitrates mitigation scheme.

The nitrate credits being made available by Eastleigh Borough Council are all through the cessation of farming practices and do not rely on any proactive interventions i.e. creation of wetland, planting of woodland, installation of nitrate retaining SUDs features or the like. The phosphates credits being offered by the Council are also derived from land-use change (the cessation of farming practices) across the Council's strategic land holdings within the Itchen SAC catchment. Council-owned strategic land that falls outside of the Itchen SAC catchment has been excluded from the Phosphate scheme.

Upon purchasing the credits, the applicant will receive a vesting certificate that will identify the nitrate credits which have been assigned to the planning application and a record of this investment is retained by the Council.

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.

The Council as Competent Authority can ensure that this is delivered in accordance with the project and are satisfied that sufficient land is available to mitigate this impact. The mitigation will be secured as part of a pre-occupation planning condition.

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 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).