

# 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:                                                                                                                                   | 1 March 2023                                                                                                                                                                                                           |
| HRA completion date:                                                                                                                                 | 1 March 2023                                                                                                                                                                                                           |
| Application reference:                                                                                                                               | F/22/94034                                                                                                                                                                                                             |
| Application address:                                                                                                                                 | Moorhill, Moorhill Road, West End, Southampton, SO30 3AY                                                                                                                                                               |
| Application description:                                                                                                                             | Proposed 70-bed care home (Use Class C2); associated access, parking, landscaping, sustainable drainage, electricity sub-station, other structures and works; following demolition and clearance of the existing site. |
| Lead Planning Officer:                                                                                                                               | Nick Parker                                                                                                                                                                                                            |
| Case Officer:                                                                                                                                        | Summer Sharpe                                                                                                                                                                                                          |
| 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. This application proposes the erection of a 70-bed care home (Use Class C2) associated access, parking, landscaping, sustainable drainage, and electricity sub-station, 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 to protect the integrity of the protected areas, and with these mitigation measures in place for all approved schemes, there is not considered to be any likely significant in-combination impact. |

### 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 (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 residential development / occupation 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 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.

#### Recreational disturbance (New Forest)

The proposed development is also within the 13.8km catchment zone for the New Forest SPA, measured across Southampton Water, and it has been identified that new residential development has the potential to result in increased recreational pressure on the SPA predominantly from dog walking. The Council has developed an interim strategy using existing and future land acquisitions to provide local sites to mitigate the recreational impact on the New Forest.

There is, therefore, the cumulative potential for future residential developments (or other developments that result in a net increase in occupants) across the borough of Eastleigh to impact these European 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 residential 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 – without appropriate mitigation.**

(If yes, continue to Stage 3).

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 (Solent SPAs/Ramsar sites):

The project being assessed would result in the construction of a 70-bed care home within 5.6km of the Solent SPAs. However, and in line with the Solent Mitigation Strategy (paragraph 6.9), the need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis. This sets out that the 'key test' is based upon the likelihood of the proposed development generating additional recreational visits to the SPA. Bespoke mitigations can be implemented for *accommodation such as residential nursing homes for people who are unable to independently leave that accommodation and does not provide residents parking or allow pets.*

The applicant has advised that the care home will provide secure accommodation for the frail and elderly who are in need of 24/7 care, this includes residents who may have acute health requirements (dementia and such) or require end of life palliative care, that would otherwise be provided by the NHS or visiting carers/ regional general nurses. As a result, the end occupier would not be able to access any recreational space outside of the care home without assistance, nor would they be able to drive/ own a vehicle, further the care home does not allow pets (dogs).

The applicant has also advised that the care home may be able to offer day trips for those more able, however this is very unlikely. The majority of residents will stay within the confines of the development, which also proposes a sensory garden and balconies for residents to use. Family/ friends have the opportunity to take residents of the care home outside of the site, however there are facilities on site (outside amenity space/ café) proposed and therefore would reduce the need to travel. If family/ friends were to take residents outside of the care home, these would be to easily accessible places including areas with toilets and safe access, and places with suitable wheelchair access.

It is noted that the proposal would generate 53 (full-time equivalent) new jobs. There would be staff on site 24/7 due to the nature of care required by the end user, however staff would not live on site. It is therefore very unlikely that staff would be undertaking recreational activities.

In terms of visitors, it is noted that the care home would generate visitors, allowing family and friends to visit the residents. As already noted, the proposals would provide a sensory garden and on-site café for the residents and also visitors to utilise, thus reducing the need to leave the facility. Whilst it is acknowledged that visitors could go on to visit the SPA, it is considered highly unlikely, given that they would be visiting the application site to see loved ones. Even in the event visitors were to visit the SPA, this would be considered negligible in the wider context of the proposals, thus would not warrant any monetary mitigations to offset the impact of development upon the SPA.

Ultimately, and to conclude, the end residents cannot independently leave the accommodation, nor would there be the opportunity to own pets. Staff would not live on site so would not generate trips, nor is it considered likely that visitors would go on to further visit the SPA. It is therefore not considered that the development would have an adverse impact upon the Solent and therefore no mitigation monies would be required in this regard.

#### Recreational disturbance (New Forest)

The project being assessed would result in the construction of a 70-bed care home within approximately 30km (approx. 19 miles) drive of the edge of the New Forest National Park via the M27. Recent evidence in the form of the recent 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 30km from the edge of the SPA/SAC boundary, the application site is located well outside the distance that the majority of local visits originate from.

The LPA acknowledge the impact of general residential development upon the New Forest National Park namely via; walking and dog walking. Whilst the application site falls within the 13.8km buffer, the actual distance to drive to the New Forest National Park is closer to 30km, and therefore the impact is already lessened by the distance.

Further, the proposal does not propose traditional housing, the proposed development comprises of a 70-bed care home, where occupiers would be living on site for undefined time periods given the nature of the development, providing end of life care for the elderly. As noted above the agent has provided information to advise that the end user would not be able to independently access the impacted area, nor would the end user be able to have pets (dogs). The nature of the end user (as the applicant has advised would on average be 85+ with mobility issues), therefore it would mean that it is not possible for them to travel outside of the facility independently and this therefore restricts trips to the New Forest.

The proposals would generate 53 (full-time) jobs, none of which would live on site. In addition, there would be a net increase in visitors, as there would be a maximum of 70 occupiers of the development. Visitors are likely to vary in amounts due to the nature of the development providing end of life care. Specifically in terms of visitors, considerations that have been taken into account with regard to the New Forest recreational impact including the distance to the New Forest and the advanced physical needs of the end user of the proposed development.

As the end user would be unable to leave the accommodation independently and require round the clock care from on-site carers, attractive landscaped on-site gardens are proposed to provide amenity space for use by residents and visitors, which would be designed specifically to cater for the needs of the residents.

In addition to the on-site gardens, there are also various green spaces in the nearby vicinity of the site which could be visited including Itchen Valley Country Park, Westwood Nature Reserve and Royal Victoria Country Park. Were these unlikely excursions further afield to be organised there would need to be good accessibility for residents.

It is noted that whilst the site lies within the 13.8km buffer zone of the New Forest, the actual driving distance is approximately 30km. As such, and as outlined above, the Local Planning Authority is satisfied, as Competent Authority, that the proposed development would not increase recreational pressure on the New Forest SPA and mitigation is therefore not required.

#### Nutrient neutrality:

The project being assessed would result in a net increase of 70-bed care home which would be served by the Portswood 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. There would be a net change in nitrogen load from the development of an additional 83.39kg/TN/year.

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 from the Eastleigh Borough Council nitrates mitigation scheme. Eastleigh Borough Council has 3,633 credits (1 credit = 1 kilogram of nitrates per year), which are provided across 78.5 hectares of council-owned land. 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.

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.

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.

#### **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 not have a likely significant effect on the protected sites.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with the 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.