

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:	4 September 2023
HRA completion date:	4 September 2023
Application reference:	X/23/95141
Application address:	Phase 2, Land Off Botley Road, West End, Land Off Botley Road, Southampton, SO30 3JR
Application description:	Variation to condition 1 to remove site plan no. 19.030.02 Rev N and replace with 19.030 Rev B: Revised Site/Parking Layout. F/19/85439 Residential development of 30 dwellings and associated landscaping following demolition of existing dwelling, stables and related structures
Lead Planning Officer:	Nick Parker
Case Officer:	Dawn Errington
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 minor plan amendments to the permitted construction of 30 dwellings permission ref F/19/85439 which are 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).

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.

Recreational disturbance (Solent SPAs/Ramsar sites):

The project being assessed would result in the construction of 30 dwellings within 5.6km of the Solent SPAs.

Eastleigh Borough Council formally adopted the Solent Recreation Mitigation Strategy (SRMP), also known as Bird Aware, 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 A financial contribution towards the Solent Recreation Mitigation Partnership (Bird Aware) project is secured as detailed above A financial contribution of £19,268 towards the Solent Recreation Mitigation Strategy (now the Bird Aware Solent document) to offset the impacts of the new development was secured prior to decision by Section 106 and has been paid with index-linking. The S106 for the original permission, F/19/85439, allows for S73 applications without needing a deed of variation.

The S106 agreement, dated 15/12/21 used the April 2021 Bird Aware mitigation scale of contributions/dwelling size, with the required contribution for this development (net increase of 29 dwellings) calculated as: $10 \times 2 \text{ Bed} \times £5220 = £5220$ $13 \times 3 \text{ Bed} \times £681 = £8853$ $6 \times 4 \text{ Bed} \times £801 = £4806$ Total: £18,879.

Recreational disturbance (New Forest)

The project being assessed would result in the construction of 30 dwellings 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.

The S106 agreement secures contributions towards improvements to Itchen Valley Country Park which forms part of the Council's Interim New Forest Mitigation Strategy (March 2021, updated December 2022). This interim Strategy provides mitigation within Eastleigh Borough to prevent trips to the New Forest, as well as funding for New Forest ranger provision and monitoring at a ratio of 2ha/1000 population, which is less than the 8ha/1000 population advocated by Natural England. However, there is also a fallback position of planning permission F/19/85439 which is being implemented in part and can be fully implemented if necessary.

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 such that significant effects would arise.

Nutrient neutrality:

The project being assessed would result in a net increase of 30 dwellings 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 85.74kg/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 securing nitrate credits via the existing S106 agreement 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. The budget of this development is 3.68 hectares, derived from dividing 85.74/TN/yr (nutrient budget for development) by 23.3kg/TN/yr (nitrogen reduction benefit rate). The Council as Competent Authority can ensure that this is delivered in accordance with the interim project and are satisfied that sufficient land is available to mitigate this impact. This has been deducted from the total land available.

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.