

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:	3.6.26
HRA completion date:	3.6.26
Application reference:	F/26/101013
Application address:	Land adjacent to Oak Cottage, Winchester Road, Boorley Green, SO32 2DH
Application description:	Erection of part two, part three storey retirement living building with 50 apartments, associated communal lounge, house manager's office, external enclosed refuse and electric scooter/cycle stores and sub-station; erection of a pair of detached dwellings; improved vehicular access and new pedestrian access to Winchester Road, internal roads, car parking and hard and soft landscaping.
Lead Planning Officer:	Nicholas Parker
Case Officer:	Liz Harrison
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 Dorset Coast Special Protection Area (SPA) Portsmouth Harbour SPA and Ramsar Site Chichester and Langstone Harbours SPA Solent Maritime Special Area of Conservation (SAC) Solent and Southampton Water SPA New Forest SPA, SAC and Ramsar Site
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 residential properties that 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, 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):

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.

Recreational disturbance (New Forest):

The proposed development is within the 13.8km catchment zone for the New Forest SPA, measured across Southampton Water, and it has been identified that new housing development or overnight accommodation has the potential to result in increased recreational pressure on the SPA predominantly from dog walking. There is, therefore, the cumulative potential for future housing / overnight accommodation developments 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.

Nutrient neutrality:

Additionally, there is existing evidence of high levels of nitrogen and phosphorous 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.

Other impacts

The surface water drainage from the application site would feed into a drainage ditch adjoining the development, which ultimately feeds into Moorgreen Stream/Ford Lake Brook, a tributary of the River Hamble and part of the Solent protected sites. The development has the potential to

impact on the quality of this watercourse through pollution from surface water run-off, both during construction and occupation.

Would the proposal lead to a likely significant effect on European site integrity? YES, if no mitigation in place.

(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:

The proposed development is for 52 retirement living apartments (C3 use class) and 2 non age-restricted dwellings.

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.

Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036) confirms 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 PfSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of international and European sites from the direct and indirect effects of development. Within Eastleigh Borough this will include:

a. implementing:

- i. the Solent Recreation Mitigation Strategy (required contributions from residential development within 5.6 kilometres of the Solent Special Protection Area to the Strategy);*
and
- ii. the interim and any future New Forest Recreation Mitigation Strategy if required.”*

As set out in the Solent Recreation Mitigation Strategy, the mitigation would comprise a financial contribution, the amount of which is dependent on the size of the residential dwellings proposed.

The proposed development includes 30 x 1-bedroom dwellings, 20 x 2-bedroom dwellings and 2 x 3-bed dwellings. The required contribution therefore totals £31,374 (index-linked), calculated as follows:

- 30 x 1-bed @ £501 = £15,030
- 20 x 2-bed @ £723 = £14,460
- 2 x 3-bed @ £942 = £1,884

The mitigation would be secured through a S106 legal agreement should planning permission be granted. Subject to this, 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.

The proposed development being assessed would also result in an increase of 52 dwellings within the 13.8km catchment area of the New Forest SPA. Occupants of the proposed dwellings would have the potential to increase recreational pressure on the New Forest. As referred to in local plan policy DM11, Eastleigh Borough Council has developed an interim strategy. This uses existing and future land acquisitions to provide further sites to mitigate the recreation impact on the New Forest from the increased number of visits from the occupiers of new residential development within Eastleigh borough to March 2027. It applies to development within the 13.8km catchment area, measured as a straight-line distance from the boundary of the New Forest protected sites.

Eastleigh housing growth will account for just over 20% of all planned new residential development between 5-14km from the New Forest protected sites. The interim strategy is therefore calculated based on a 20% contribution towards the total SANG required (equating to 1.6ha per 1,000 population). This results in a requirement of 27.1ha of SANG within Eastleigh borough. The SANG provision will include both new greenspace sites and improvements to increase the attractiveness and capacity of existing greenspaces throughout the year which can therefore function as SANG. The SANG contribution will deliver a list of projects in the borough focused on improvements to Itchen Valley Country Park (IVCP). This is an existing open space at the centre of the borough with public access with the scope to significantly increase its capacity. This is through the extension into adjacent land and by improvements to the existing open space to make it more attractive for visitors who would otherwise visit the New Forest. The Council is satisfied as competent authority that further mitigation will be in place prior to the occupation of the proposed development, and is keeping a record of developments reliant on this strategy and their occupation dates. The mitigation, approved at the Cabinet on the 8 December 2022, sets out a payment per dwelling of £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 (£201.56).

For the proposed scheme, the total mitigation amount would be £115,440 (£2,220 x 52) (index-linked). This would be secured through a S106 legal agreement should permission be granted.

Nutrient neutrality:

The project being assessed would result in the development of 52 residential properties served by the Peel Common Waste Water Treatment Works which ultimately feeds into the Solent. The applicant produced a nutrient budget for the scheme in line with Natural England's published guidance, but taking into account the specific characteristics of the proposed development with an average occupancy of 1.2 persons per unit for the retirement living apartments and 2.4 persons per unit for the non age-restricted dwellings. This is based on surveys carried out by McCarthy & Stone (see Appendix 2 "National Occupancy Rates Relating to McCarthy & Stone Developments" of the attached Nitrate Statement). As such the use of 1.2 persons per unit for the 50 retirement living apartments in the nutrient budget is considered to be a reasonable figure. Please note the commentary in the attached Nitrate Statement that in order to have a single "calculator" sheet, the 2 x 3 bed (non age-restricted) units have been "converted" to 4 additional retirement living apartments i.e. $4 \times 1.2 = 4.8$ persons. Accordingly the calculator refers to 54 units at an occupancy rate of 1.2 which results in a total occupancy of 64.8 persons. The same total as calculating the nitrogen load utilising two separate sheets to differentiate between the two types of residential accommodation.

The budget demonstrates a net change in nitrogen load from the development of an additional 35.84kg/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 applicant proposes to mitigate the increase in nitrogen through the purchase of nitrate credits from the Council's Nutrient Neutrality Offset Scheme. This scheme involves taking land within the Borough, which is within the control and ownership of the Council, out of agricultural use (high intensity) and placing it into a lower intensity use (open space). Further detail can be found via the following link: <https://www.eastleigh.gov.uk/business/developers-how-to-unlock-your-development>

Upon purchasing the credits, the applicant would receive a vesting certificate which would identify the nitrate credits which have been assigned to the planning application and a record of this investment would be retained by the Council. The Council, as Competent Authority, is satisfied that sufficient land is available to mitigate the impact of increased nutrients from the development.

Impacts on watercourse:

To mitigate the impacts of pollution on Moorgreen Stream/Ford Lake Brook the surface water drainage from the proposed development proposes a Sustainable Drainage System to include the use of a Downstream Defender device to mitigate for discharge from the building; a permeable sub-base to mitigate for the access road and parking areas; and a vegetated swale within the north-western corner of the site. The swale will discharge into the adjoining drainage ditch and onwards to Moorgreen Stream/Ford Lake Brook. The SuDS would be maintained by a private management company. The proposed drainage scheme and its ongoing maintenance and management can be conditioned.

The submission of a Construction Environmental Management Plan (CEMP) can be conditioned to prevent contamination of the watercourse during construction.

With these measures in place it is concluded that the development would not have an adverse impact on the quality of Moorgreen Stream/Ford Lake Brook and thereby not impact on the integrity of the protected River Hamble.

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 would 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 could be mitigated by contributions to the Solent Recreation Mitigation Strategy and the Council's New Forest Mitigation Strategy; by offsetting of the additional nitrogen loading via the purchase of credits through the Council's Nutrient Neutrality Offset Scheme; and the imposition of conditions to secure the implementation of a CEMP and the implementation and management of a Sustainable Drainage System. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), 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 (December 2024).

