

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:	22 March 2024.
HRA completion date:	22 March 2024.
Application reference:	F/24/96720
Application address:	33 Chestnut Avenue, Eastleigh, SO50 5AN
Application description:	Construction of a 1no. dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road. Land to the rear of 33 CHESTNUT AVENUE, EASTLEIGH, SO50 5AN (Amended F/23/96324).
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 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 construction of 1no. dwelling, 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 housing 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 housing 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 housing 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 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.

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 a net increase of 1no. dwelling 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.

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:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£443.00
2 Bedroom	£639.00
3 Bedroom	£934.00
4 Bedroom	£980.00
5 Bedroom	£1150.00
Flat Rate	£740.00

Based on the above scale, the required contribution for this development is £443.00 (1no. 1bedroom dwellings).

The Council officially endorsed the Solent Recreation Mitigation Strategy at Cabinet on 15 February 2018. Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036) implements the Cabinet decision and 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. implementing the Solent Recreation Mitigation Strategy and contributions to recreation mitigation for the New Forest or alternative agreed approaches if required."

Nonetheless, 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. 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.

Recreational disturbance (New Forest)

The project being assessed would result in an increase of 1no. dwelling within approximately 24.1km (15miles) 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 24.1km from the edge of the SPA/SAC boundary, this site is located well outside the distance that the majority of local visits originate from.

The site is also approx. 11.3km of the new Windhover Meadows Country Park currently under construction and being created as New Forest mitigation SANGS, as well as a short distance from Manor Farm Country Park and Itchen Valley Country Park. These destinations will be more convenient for dog walkers and walkers and provide a good range of experiences, thereby providing an attractive alternative to driving to the New Forest.

Notwithstanding the above, Eastleigh Borough Council has developed an interim strategy using 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. It is anticipated that the projects will be in place by Summer 2023.

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 the Cabinet on the 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).

Nutrient neutrality:

The project being assessed would result in an increase of 1no. dwelling which would be served by Chickenhall Waste Water Treatment Works, which ultimately feeds 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 3.16kg/TN/year and phosphorus of an addition 0.07Kg/TN/year (pre-2025).

The impacts of this increase in nitrogen and phosphorous 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. In addition, the Council also has a limited number of phosphate credits (147) available for purchase within the Itchen catchment, at a cost of £50,000 per credit plus VAT. 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 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 and New Forest Recreation impacts 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 (December 2023).