

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:	24/07/2024
HRA completion date:	02/08/2024
Application reference:	F/24/97312
Application address:	Land adjoining 4 Brookfield, Providence Hill, Bursledon
Application description:	Construction of residential care community comprising a 69-bed care home (Use Class C2) and 5 x 2-bedroom close care cottages (Use Class C3 age restricted), with associated access, internal access road, parking, landscaping and infrastructure.
Lead Planning Officer:	Nick Parker
Case Officer:	Rebecca Altman
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 SPA Portsmouth Harbour SPA and Ramsar Site Chichester and Langstone Harbours SPA Solent Maritime 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 a care community, 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)?	Yes. 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 impact on the Solent protected 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 or overnight accommodation 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:

There is existing evidence of high levels of nutrient input into the Solent complex and that these nutrients are causing eutrophication at these designated sites. Natural England has 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 residential development has been identified as contributing to these nutrient inputs.

There is the potential for future housing developments 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

There is a watercourse that runs alongside the northern boundary of the site. This is a tributary of the River Hamble, and the River Hamble forms 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 impact on the Solent protected sites

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 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."

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 5 x 2-bedroom dwellings and the required contribution would be £671 per dwelling, totalling £3,355.

In relation to the proposed care home, the applicant has confirmed that this would provide a high level of care to its residents, including nursing, palliative, respite and dementia care. Residents of the development would not be capable of leaving the home independently, being reliant on care staff 24/7. Paragraph 6.9 of the Solent Recreation Mitigation Strategy states that: *'...in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave the accommodation and which does not provide residents parking or allow pets.'* There would therefore be no mitigation requirement in relation to the proposed care home as due to the nature of the use, it would not result in increased recreational pressure on the Solent protected areas.

The mitigation relating to the cottages would be secured through a S106 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.

Recreational impacts on the New Forest SPA

The project being assessed would result in an increase in 5 dwellings within the 13.8km catchment area of the New Forest SPA, along with a 69-bed nursing care home.

In relation to the care home, the same principles relating to recreational pressure on the Solent protected areas apply to the New Forest impacts. As the residents of the care home would be subject to a high level of nursing care, they would not be able to leave the accommodation independently and therefore would not place increased pressure on the New Forest SPA through increased visits.

Occupants of the 5 proposed dwellings would, however, have the potential to increase recreational pressure on the New Forest.

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.

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 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). For the proposed scheme, the total mitigation amount would be £11,100 (£2,220 x 5). This would be secured through a S106 Agreement should permission be granted.

Nutrients

The development being assessed would result in a net increase in 5 x 2-bed dwellings and a 69 bed nursing home, which would be served by the Peel Common Waste Water Treatment Works, which ultimately feeds into the Solent.

Applicant's assessment:

The applicants submitted a Nutrient Neutrality report in line with Natural England's guidance (enclosed for reference), and taking account of the specific characteristics of the proposed development. Their calculation is based on the total number of new bedrooms created by the development (cottages and care home), and uses an average occupancy of 0.9 persons per room.

The applicant has explained in part 2.1.2 of the Nutrient Neutrality report that the cottages are designed to be occupied by no more than 2 persons each and that care homes do not operate at 100% capacity at all times, with approximately 10% of rooms being vacant due to deaths, room refurbishments and unoccupancy.

LPA assessment:

Whilst the Local Planning Authority agrees with the applicants approach taken for the care home, it is considered that the dwellings would not have the same turn around of residents and that the calculation for the 5 dwellings should be based on the standard occupancy level of 2.4 persons, given that they each have 2 bedrooms. This approach has subsequently been agreed with the applicants.

Based on a 69 bed care home at 0.9 occupancy, and using the standard occupancy for the 5 dwellings, the nutrient output has been recalculated as follows (copies of the calculators are enclosed for reference):

Care home – 20.30 kg TN/yr

Dwellings – 5.09 kg TN/yr

Total – 25.39 kg TN/yr

It has been agreed between the applicants and the Local Planning Authority that the applicant can mitigate the increase in nitrogen through the purchase of nitrate credits in accordance with 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: [Nutrient Offset Scheme \(eastleigh.gov.uk\)](http://eastleigh.gov.uk/NutrientOffsetScheme)

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 adjacent watercourse

To mitigate impacts of pollution into the adjacent watercourse, the following measures are proposed:

- Provision of a 20m buffer to the watercourse which would be kept free of development and enhanced for wildlife;
- Installation of a surface water drainage strategy incorporating three forms of filtration, comprising permeable paving, a vortex separator, a swale and a bio-retention filter strip;
- Surface water discharge to be controlled at a rate lower than the estimated greenfield runoff rate;
- On-going management and maintenance of the drainage strategy;
- Implementation of a Construction Environmental Management Plan (CEMP) to cover temporary surface water drainage measures during the construction phase, along with measures to prevent other pollution such as noise and dust. A draft version was submitted with the application, with a final version to be subject to condition.

The Council's Ecologist has reviewed the proposed drainage strategy and is satisfied that it is appropriate to prevent pollution into the adjacent watercourse. A final version of the CEMP to cover all measures to prevent pollution would be secured by condition if planning permission is granted. Subject to implementation of the CEMP and drainage strategy, and on-going management and

monitoring (which can also be secured by condition), it is concluded that the development would not have an adverse impact on the quality of the adjacent watercourse 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, subject to mitigation in accordance with the Council's Nutrient Neutrality Offset Scheme, a contribution towards the Solent Recreation Mitigation Strategy and the Council's New Forest Mitigation Strategy, and the imposition of conditions to secure implementation of a CEMP, and implementation and management of the drainage strategy, 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.