

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:	30/09/2024
HRA completion date:	02/10/2024
Application reference:	O/23/96432
Application address:	Land to the West of Cobbett Way, Botley
Application description:	Appeal: Outline application for residential development of up to 34 dwellings and associated infrastructure (access only to be considered).
Lead Planning Officer:	Nicholas Parker
Case Officer:	Rachael Morris
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. The development consists of a net increase of 34no. residential dwellings, 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. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area. 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. The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.

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:

The proposed development is within the 13.8km catchment zone for the New Forest National Park measured across Southampton Water. An Interim New Forest Recreation Mitigation strategy has been prepared and approved by Cabinet on the 24th March 2022, with an update approved at Cabinet on 8th December 2022, in association with the Eastleigh Borough Local Plan 2016-2036 examination (June 2019). This recognises that the delivery of approximately 14,580 dwellings within c.20km of the New Forest is likely to have an adverse effect on the New Forest, through the increase in the number of visitors to the New Forest SPA/SAC/Ramsar in the presence of ground nesting birds which can easily be disturbed by people and dogs.

There is therefore the cumulative potential for future housing developments (which involve a net increase in dwellings) 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.

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.

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 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:

There is a watercourse near to the site, which drains into Purbrook Lake. 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.

Would the proposal lead to a likely significant effect on European site integrity? YES

(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.

This Appropriate Assessment relates to a development subject to an appeal. This represents the LPA's assessment in the event that an appeal is allowed. However, it is acknowledged that the Inspectorate, as competent authority, will be required to prepare their own appropriate assessment.

Recreational disturbance on the New Forest designated sites:

The project being assessed would result in an increase of 34 dwellings within approximately 22.5km (14 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 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 22.5km 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 within approx. 5.3km of the new Windhover Meadows Country Park currently under construction and being created as New Forest mitigation SANGS, as well as 5.5km from Manor Farm Country Park and 7km from 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

2ha per 1,000 population). This results in a requirement of 27.1 ha 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. These works were mostly completed by summer 2024.

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 Cabinet on 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). This will be secured by S106 legal agreement.

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

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£465.00
2 Bedroom	£671.00
3 Bedroom	£875.00
4 Bedroom	£1029.00
5 Bedroom	£1207.00

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. The current 2024 figures are below:

A S106 agreement would be worded appropriately so that the correct amount would be paid based on the housing mix agreed at reserved matters stage.

Subject to securing these contributions through S106 Agreement, 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.

Nutrient neutrality:

The project being assessed would result in a net increase of 34no. dwellings which would be served by the Peel Common Wastewater 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 with this demonstrating a net change in nitrogen load from the development of an additional 12.93kg/TN/year. This calculation is on the basis of 110 litres of water use per person per day, which would be secured by way of a planning condition applied to new residential development by the local planning authority.

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 wastewater. In order to be lawfully permitted, therefore, a package of avoidance and mitigation measures is required.

The mitigation for this development would be through the applicant purchasing nitrate credits from the Eastleigh Borough Council nitrates mitigation scheme. Eastleigh Borough Council has sufficient credits, which are provided across 238 hectares of council-owned land. 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.

Upon purchasing the credits, the applicant will receive a vesting certificate that will identify the nitrate credits, which have been assigned to the development and a record of this investment is retained by the Council. The purchase of credits is secured by condition.

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.

Surface water run-off

To mitigate impacts of pollution into the nearby watercourse, the following measures are proposed and would be conditioned:

- Implementation of a surface water drainage strategy incorporating three forms of filtration, comprising permeable paving, conveyance swale and a pond;
- 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.

The Council's Ecologist has reviewed the proposed drainage strategy and is satisfied that it is appropriate to prevent pollution into the adjacent watercourse. 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, 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, 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 and by the approved interim strategy which secures contributions. 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 (Dec 2023).