

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:	17.12.24
HRA completion date:	20.12.24
Application reference:	F/23/96629
Application address:	Land at White Stork Road, adjacent to roundabout with Winchester Road, Boorley Green
Application description:	Erection of 70-bed C2 Care Home incorporating an ancillary Community Hub with new vehicular access to White Stork Road
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 a care home and community hub, 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, 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 the surface water drainage scheme for the Boorley Gardens development, which itself 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 a care home that would cater for different levels of care, including nursing, palliative, respite and dementia care. As such residents would not be leaving the home independently and nor would they have their own cars or pets. In addition there are no provisions for staff to live on-site. 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 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. Similarly there would be no increased pressure from staff as there are no provisions for them to live on-site.

It is not considered that the proposed community hub would result in increased recreational pressure on the Solent protected areas.

As such there is no requirement to secure any mitigation in relation to recreational disturbance to the Solent SPAs/Ramsar sites and New Forest SPA for this development.

Nutrient neutrality:

The project being assessed would result in the development of a 70-bed care home 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 0.9 persons per room. This is based on previous experience and is backed up by official government statistics showing that occupancy levels for care home beds are around 86% so the use of 0.9 persons per room in the nutrient budget is considered to be a reasonable figure. The budget demonstrates a net change in nitrogen load from the development of an additional 18.54kg/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 proposed development would connect into the surface water drainage infrastructure for the Boorley Garden development as a whole. This includes the provision of a SuDS scheme, incorporating swales and attenuation basins, and a 15m buffer zone from Moorgreen Stream/Ford Lake Brook to ensure no adverse impact on the water quality. An appropriate allowance was made for the surface water run-off from this application site as part of the overall scheme and the ongoing maintenance of the drainage system is secured as part of the wider Boorley Gardens development.

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 offsetting of the additional nitrogen loading via the purchase of credits through the Council's Nutrient Neutrality Offset Scheme; together with a condition to secure the implementation of a CEMP. 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).