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# **Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036**

**HRA Addendum for the Final Main Modifications**

**April 2022**

# Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036

## HRA Addendum for the Final Main Modifications

<b>Client:</b>	Eastleigh Borough Council	
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# 1 Introduction

## 1.1 Purpose of this Report

- 1.1.1 Eastleigh Borough Council is preparing a Local Plan to guide strategic and site-specific development across the borough for the period 2016 – 2036. As an integral part of this process, the Council has undertaken a Habitats Regulations Assessment (HRA).
- 1.1.2 HRA is a requirement of the Conservation of Habitats and Species Regulations 2017 (as amended; commonly referred to as ‘the Habitats Regulations’), and must be applied to any plan or project not directly connected with or necessary to the management of a European site, if it is likely to have a significant effect on a European site either alone or in combination with other plans or projects. An effect is “likely” in this context if the risk cannot be excluded on the basis of objective information.
- 1.1.3 To date the HRA for the Eastleigh Borough Local Plan (EBLP) has been comprised of the following documents:
- ▶ AECOM (November 2015): Issues and Options Eastleigh Borough Local Plan – Habitats Regulations Assessment Screening Report;
  - ▶ AECOM (May 2016): Air Quality Analysis to Support Habitats Regulations Assessment – Eastleigh Borough Local Plan 2011-2036;
  - ▶ Urban Edge Environmental Consulting (UEEC; June 2018): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: HRA Report for the Proposed Submission Plan (June 2018);
  - ▶ UEEC (October 2018): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: Revised HRA Report following representations on the Proposed Submission Plan (October 2018);
  - ▶ UEEC (June 2019): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: HRA Report for the Submission Plan (June 2019); and
  - ▶ UEEC (May 2021): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: HRA Report for the Proposed Main Modifications.
- 1.1.4 This report is an Addendum to the May 2021 HRA Report. It presents an assessment of whether the Final Main Modifications to the EBLP agreed with the Inspector following Examination in Public are likely to change the conclusions of the HRA, namely that the EBLP will have no adverse effect to the integrity of any European sites. This Addendum also presents an assessment of whether any changes to the baseline information presented within earlier versions of the HRA are likely to alter the HRA conclusions.

## 2 Baseline Review

### 2.1 Introduction

2.1.1 This chapter of the Addendum sets out where there have been changes to the baseline information presented in Chapter 6 of the May 2021 HRA Report<sup>1</sup> which could potentially have a bearing on the assessment of likely significant effects presented in the HRA. Those impact pathways where there have been no significant changes to the baseline, are omitted from the sections below; these include: Coastal Squeeze, Disturbance Site Specific Impacts (Noise & Vibration), Impacts to Otter outside European Site Boundaries, Non-native Species and Site-specific Hydrological Impacts and Water Abstraction.

### 2.2 Atmospheric Pollution

2.2.1 The HRA considered potential effects resulting from air pollution to the River Itchen SAC (for southern damselfly only), the Solent Maritime SAC and Solent & Southampton Water Ramsar. The assessment was informed by air quality modelling<sup>2</sup> undertaken by Air Quality Consultants.

2.2.2 Background NO<sub>x</sub> and nitrogen dioxide predictions were based on the year 2015 using the Defra national pollution maps. Background ammonia concentrations were taken from the UK Deposition Data website operated by the Centre for Ecology and used a base year of 2014 which was the latest year available at the time of modelling. For all pollutants a future assessment year of 2036 was used.

2.2.3 Whilst background pollutant levels may have fluctuated since 2015, the modelling undertaken was deemed to represent a worst case scenario based on a number of factors:

- ▶ All Local Plan scenarios modelled included forecast traffic from the Strategic Growth Option (SGO) which has now been deleted from the EBLP and therefore the modelling over-predicted the effects of the EBLP;
- ▶ Levels of air pollution produced by vehicles were predicted using both the Defra model and a sensitivity test<sup>3</sup>. The sensitivity test assumed higher NO<sub>x</sub> emissions from certain vehicles than have been published by Defra and therefore predicted higher levels of impact than the Defra model; and
- ▶ The modelled locations closest to the designated sites (such as Highbridge Road, Bishopstoke Road and the M27 across the River Itchen, and the M27 across the River Hamble) were not modelled as elevated roads. This is likely to have resulted in the degree of pollutant dispersion in these areas being under-predicted, with a resultant over-

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<sup>1</sup> UEEC (May 2021): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: HRA Report for the Proposed Main Modifications

<sup>2</sup> Air Quality Consultants (2018): Air Quality Assessment: Ecological Sites, Eastleigh Borough Council. June 2018

<sup>3</sup> This was developed to address the potential under-performance of emissions control technology on modern diesel vehicles

prediction in concentrations. Since the sections of both the River Itchen and Solent Maritime SACs where maximum concentrations are predicted are both adjacent to bridges, the assessment represents a worst-case scenario for these areas.

- 2.2.4 The implication of these factors is that the modelling undertaken presents a worst-case scenario of air pollution effects to the River Itchen SAC (for southern damselfly only), the Solent Maritime SAC and Solent & Southampton Water Ramsar. Given that conclusions of no adverse effect to the integrity to these sites was made on the basis of this modelling, it is not anticipated that any fluctuations in background concentrations up to the present date would alter the outcome of the HRA with respect to atmospheric dispersion.

### **2.3 Disturbance: Strategic Impacts**

- 2.3.1 The HRA considered potential effects resulting from recreational disturbance to the River Itchen SAC, the Solent and Southampton Water SPA/Ramsar and the New Forest SPA.

- 2.3.2 Whilst monitoring is ongoing at the Solent sites implementing the Solent Recreation Mitigation Strategy (2017)<sup>4</sup>, there has been no update to the strategy itself since publication of the HRA. It is therefore determined that the HRA's conclusion of no adverse effects to the integrity of the Southampton Water SPA/Ramsar remain valid. Similarly, there is no significant change to the baseline which would alter the HRA's conclusion of no adverse effects to the integrity of the River Itchen SAC.

- 2.3.3 With regard to the New Forest SPA, the New Forest International Designation Working Group, of which Eastleigh Borough Council is a member, published its Zone of Influence (ZOI) Report in February 2021<sup>5</sup>. Informed by the series of survey reports (referred to in paragraph 6.4.2 of the HRA report May 2021), the report recommends a 13.8km ZOI around the boundaries of the New Forest (based on straight-line distance based) within which visitors from new residential development are likely to have a significant impact on the New Forest designation.

- 2.3.4 The ZOI also recommends that large developments just outside the ZOI should be subject to HRA and that mitigation may be required. This could be either through the provision of very high quality local greenspace or a reduced per dwelling contribution to the strategic mitigation scheme. The need for mitigation should be assessed on a case by-case basis and should potentially be relevant for any site of around 200 or more dwellings, particularly those within 15km of the New Forest boundary.

- 2.3.5 Policy DM11 includes a commitment to the measures devised New Forest International Designation Working Group which include the contents of the ZOI report. On the basis of policy DM11 the HRA concluded no adverse effects to the integrity of the New Forest SPA.

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<sup>4</sup> [https://birdaware.org/solent/wp-content/uploads/sites/2/2021/10/Solent\\_Recreation\\_Mitigation\\_Strategy.pdf](https://birdaware.org/solent/wp-content/uploads/sites/2/2021/10/Solent_Recreation_Mitigation_Strategy.pdf)

<sup>5</sup> Footprint Ecology (2021): Discussion and analysis relating to the New Forest SAC/SPA/Ramsar and a zone of influence for recreation. February 2021.

- 2.3.6 On 24 March Eastleigh Borough Council approved an interim mitigation strategy<sup>6</sup> to address the impact of new development until March 2027. The strategy sets out those measures which apply to new development within the 13.8km ZOI, including seeking developer contributions to:
- ▶ The creation and ongoing maintenance of 27.1 hectares<sup>7</sup> of Suitable Alternative Natural Green Space (SANG) within the Borough made up of 14.3 hectares of new SANG land on Allington Lane and improvements to Itchen Valley Country Park; and
  - ▶ The funding of the equivalent of one full-time ranger post in the New Forest National Park until March 2027 to address the impact of the residents from new development in the Borough who will wish to continue to visit the New Forest because of its special landscapes and wildlife.
- 2.3.7 The strategy also requires larger developments within the 13.8km – 15km zone to be screened to consider whether mitigation is required.
- 2.3.8 On the basis of policy DM11 and the interim mitigation strategy the conclusions of the HRA remain unchanged.

## **2.4 Land outside European Site Boundaries**

- 2.4.1 The HRA considered effects to land which is functionally linked to the Solent & Southampton Water SPA/Ramsar. The assessment was informed by the Solent Waders and Brent Goose Strategy which promotes the protection of areas regularly used by waders and Dark-bellied Brent goose (BGW), or which may become regularly used in the future, from development and increased recreational use through the planning system. Sites are classified as Core Areas, Primary Support Areas, Secondary Support Areas, Low Use sites and Candidate sites. A framework for guidance on mitigation and off-setting requirements for each classification is proposed to achieve the long-term protection of the wider Brent goose and wader network of sites.
- 2.4.2 Only one allocation site proposed in the EBLP was close to a BGW site: HA2 Mercury Marina and Riverside Camping and Caravan Park, partially overlapping BGW site E13 classified as a Low Use Site. In 2020 an updated BGW Strategy was published<sup>8</sup>. In some instances sites have been reclassified based on updated survey information. E13 is now classified as a Core Site; however, its extent has also been reduced to remove the area of deciduous woodland at the northern end

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<sup>6</sup>

<https://meetings.eastleigh.gov.uk/documents/s50033289/Strategy%20for%20Suitable%20Alternative%20Natural%20Greenspace%20report%20final.pdf>

<sup>7</sup> The amount of SANG is generally calculated based on a requirement of 8ha per 1,000 additional population. This standard applies to new developments within the greatest zone of impact (based on the original SANG scheme for the Thames Basin Heaths SPA where 75% of all day visitors originated within 5km). While some parts of the Borough are within the New Forest's 5km zone of impact measured in a straight line, they are separated by Southampton Water. Much of Eastleigh Borough is 10- 15km away with alternative destinations closer by. As the Footprint Ecology research shows that the level of trips reduces with distance away from the New Forest, the Council do not deem it appropriate to base the interim strategy on this standard. It is instead based on both the number of additional households and the number of additional visits to deliver proportionate mitigation to address the impact.

<sup>8</sup> Solent Waders and Brent Goose Steering Group (2020). Solent Waders and Brent Goose Strategy

which is closest to HA2 but is also unsuitable for feeding Brent goose or roosting waders. Therefore, the HRA conclusion of no likely significant effects still stands.

## 2.5 Water Pollution

2.5.1 The HRA considered potential effects to the water quality of those waterbodies receiving effluent from Wastewater Treatment Works (WWTWs) serving Eastleigh Borough. The waterbodies considered included the Itchen, Southampton Water and Solent.

2.5.2 Since the HRA was published further cycles of waterbody monitoring in line with the requirements of the Water Framework Directive (WFD) have been undertaken. The latest cycle published is 2019; for this year the ecological status of the Itchen, Southampton Water and Solent remains unchanged from that published in Table 6.7 of the May 2021 HRA report.

2.5.3 There have been no further updates to the Integrated Water Management Study (2018)<sup>9</sup> which included capacity assessments of the three WWTWs<sup>10</sup> serving Eastleigh Borough which in turn informed the conclusions of the HRA. However, on 18 March 2022 Natural England issued new guidance in relation to nutrient neutrality<sup>11</sup>. This guidance includes some changes to the Natural England 2020 methodology used to calculate the nutrient budget for the May 2021 HRA. The main changes include:

- ▶ an increase in the water consumption figure to be used in Stage 1 of the calculation from 110 l/pp/d to 120 l/pp/d to account for failings of water efficiency;
- ▶ a new requirement to input soil drainage type and average annual rainfall; and
- ▶ revised nitrogen load figures for certain land use types.

2.5.4 Whilst these changes will alter the nitrogen budget calculated for individual site allocations within the ELBP from those presented in Appendix VII of the May 2021 HRA, the HRA conclusions of no adverse effects to the integrity River Itchen SAC, Solent Maritime SAC and Solent & Southampton Water SPA/Ramsar on account of nitrogen pollution remain unchanged. This is on account of the mitigation incorporated into the EBLP via modifications to policies DM2, DM10, DM11 and supporting text and summarised in section 8.7 of the HRA.

2.5.5 With respect to phosphorus, the previous iteration of Natural England's nutrient neutrality guidance (June 2020) did not include a requirement for calculation of a phosphate budget on the basis that the principal nutrient driving eutrophication in the Solent marine environment is nitrogen. Therefore, a phosphorus budget was not calculated as part of the HRA<sup>12</sup>. However, phosphorus pollution impacts to the River Itchen SAC were taken forward for Appropriate Assessment on account of evidence of elevated nutrient levels within Natural England's supplementary advice for the River Itchen SAC. Measures taken to control nitrogen from

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<sup>9</sup> Amec Foster Wheeler (2018). Integrated Water Management Study. Partnership for South Hampshire

<sup>10</sup> Peel Common WWTW, Chickenhall WWTW and Portswood WWTW

<sup>11</sup> <https://www.gov.uk/government/publications/nutrient-pollution-reducing-the-impact-on-protected-sites/nutrient-pollution-reducing-the-impact-on-protected-sites>

<sup>12</sup> This was confirmed in a meeting between the HRA authors and Natural England in February 2019 as referenced in paragraph 6.10.21 of the May 2021 HRA.

agricultural sources have been shown to be successful at also reducing agricultural diffuse phosphorus (see paragraph 6.10.22 of the May 2021 HRA); therefore on account of the mitigation incorporated into the EBLP via modifications to policies DM2, DM10, DM11 and supporting text, adverse effects to the integrity of the River Itchen SAC from phosphorus were ruled out. The March 2022 Natural England guidance now introduces a requirement for calculation of a phosphorus budget for Eastleigh Borough in relation to the River Itchen but on account of the measures described, the HRA conclusions remain unchanged.

## 3 Final Main Modifications Screening

- 3.1.1 This chapter of the Addendum screens the changes between the Proposed Main Modifications (May 2021) and Final Main Modifications (March 2022) for any impact to the conclusions of the HRA as presented in the May 2021 HRA Report<sup>13</sup>. Table 3.1 presents a description of each change together with the screening conclusion.
- 3.1.2 Overall, the HRA conclusions are not altered by any changes between the Proposed Main Modifications (May 2021) and Final Main Modifications (March 2022); therefore, the May 2021 HRA Report can be relied upon as an up-to-date assessment of the final EBLP.

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<sup>13</sup> UEEC (May 2021): Habitats Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036: HRA Report for the Proposed Main Modifications.

**Table 3.1: Main Modifications Screening**

Main Modification Ref	Description of Change Between Proposed Main Modifications (May 2021) and Final Main Modifications (March 2022)	HRA Screening
11	"Land north east of Hedge End station" changed to "Land to the north west of Boorley Green) (eg better geographical description of site)	No impact to HRA conclusions
12	Policy S4 - adding cross reference in this overarching policy to the specific employment allocations in policies HE4 and HE5 (these are not new sites, just cross referring)	No impact to HRA conclusions
27	<p>Policy S6 Criterion 1a. Amend text - 'it would not <del>diminish</del> <u>undermine</u> the physical extent and/or visual separation' also amend in supporting text para 4.34 (and typo 'the function of <u>the</u> gap')</p> <p>Amend settlement gap name - f. 'Hedge End, Horton Heath and <del>Boorley Green</del>' (no change to geographical area of gap, just a fuller description)</p> <p>Para 4.34: "Any new development within a settlement gap should not physically and/or visually <del>diminish</del> <u>undermine</u> the gap between settlements.</p>	No impact to HRA conclusions
40	<p>Policy DM6 Criterion 1b. Amend text – 'On other sites of between 0.5 hectares and 1 hectare, SuDS schemes should include <u>at least</u> two forms of naturalised filtration..'</p> <p>Add in new criterion <u>2d. 'be provided as part of any application for outline or full planning permission'</u></p>	No impact to HRA conclusions
43	Policy DM11 Criterion 2 '...subject only to imperative reasons of overriding public interest <u>and securing any necessary compensatory measures</u> in the absence of alternative solutions. A 'project level'	No impact to HRA conclusions

Main Modification Ref	Description of Change Between Proposed Main Modifications (May 2021) and Final Main Modifications (March 2022)	HRA Screening
	<p>Habitat Regulations Assessment will be required <u>where there are likely significant effects or uncertainty...</u></p> <p>3d. replace 'seeking contributions' with 'seek contributions'</p> <p>4e. if there are any residual adverse effects <u>which cannot be avoided, mitigated or compensated</u>, the benefits of the development <u>must</u> clearly outweigh</p> <p>Para 5.75 – final sentence 'by mitigation or compensation <u>and biodiversity net gain</u> proposals as required'.</p>	
73	<p>Minor text change – 6.1.50 – 'and 20m <u>for</u> the SINC's'</p> <p>Para 6.1.51, addition of new sentence at end: "<u>The site level Habitats Regulations Assessment will also need to address any effects on the Solent and New Forest designations</u>".</p>	No impact to HRA conclusions
80	Minor tweak to criterion 2b, policy BU7 – 'water frontage <u>as is</u> agreed..'	No impact to HRA conclusions
93	<p>Minor tweak to 6.4.20 - 'generate significant vehicle movements, <del>and</del> vehicular access is only possible..'</p> <p>Minor tweak to 6.4.21 – '<del>Archer's</del> Archers Road..'</p>	No impact to HRA conclusions
96	No change. Deletion of an "a" near the end of criterion a	No impact to HRA conclusions
117	Policy BO2 Added ' <u>upsizing purposes</u> ' to end of final criterion	No impact to HRA conclusions

Main Modification Ref	Description of Change Between Proposed Main Modifications (May 2021) and Final Main Modifications (March 2022)	HRA Screening
122	<p>Updated date in Gypsy and Travellers definition from 2012 to 2015</p> <p>Amended settlement gap definition 'Areas of predominantly open or undeveloped land/countryside...'</p>	No impact to HRA conclusions

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