

Shadow Habitat Regulation Assessment (sHRA)

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:	21/10/2020
HRA completion date:	08/11/2020 (Shadow Appropriate Assessment for Inquiry)
Application reference:	O/18/84191 (appeal reference APP/W1715/W/20/3255559)
Application address:	GE Aviation, Kings Avenue, Hamble-le-Rice, SO31 4NF
Application description:	Outline application with all matters reserved (except means of access) for the construction of up to 148 residential dwellings (Use Class C3) with new vehicular access to Hamble Lane, alterations to Kings Avenue and Coronation Parade, new car parking for existing sports facilities, employment use and residential properties, landscaping, improvements to existing bowls and football facilities on site and other associated works. Demolition of non-original extensions to Sydney Lodge (Grade II* Listed Building) and redundant factory buildings
Lead Planning Officer:	Andy Grandfield
Case Officer:	Kitty Budden
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 SPAs comprising Solent and Southampton Special Protection Area (SPA) and Ramsar site; Portsmouth Harbour SPA and Ramsar site; and Chichester and Langstone Harbours SPA. Solent Maritime Special Area of Conservation (SAC). New Forest SPA/SAC/Ramsar.
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 148 no. 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 and across the borough of Eastleigh 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 and the New Forest designated sites. 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 on Solent Complex:

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, a Cabinet report dated 15 February 2018 endorsed the Solent Recreation Mitigation Strategy, recognising that 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 on New Forest designated sites:

The proposed development is approximately 26km from the edge of the New Forest National Park. An Interim New Forest Recreation Mitigation strategy has been prepared in association with the Eastleigh Borough Local Plan 2016-2036 examination (June 2019) which 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 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.

Water Quality - Nutrients:

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.

Water Quality – Surface Water Drainage:

There is the potential for surface water draining from this site to enter the Solent Complex. In doing so, contaminants could be carried to these designated sites, including oils, salts and heavy metals that could have an adverse impact. These contaminants may have a negative impact on the life cycles of flora and fauna of the Solent Complex for which these sites are designated. In addition, there is the potential for surface drainage features to have an adverse hydrological effect on the Solent Complex by increasing or decreasing the flow of water into the Hamble and Southampton water. Significant increases or decreases in freshwater flows into the saline communities can lead to degradation of the flora and fauna communities and associated riparian, coastal and marine habitats.

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.

Recreational disturbance on the Solent Complex:

The project being assessed would result in a net increase of 148no. dwellings 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	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

(April 2020 figures)

Based on the above scale, the required contribution for this development is £90,780.00, calculated on the basis of (set out in the indicative mix):

15no. 1-bedroom dwellings;
 37no 2-bedroom dwellings;
 79no. 3-bedroom dwellings;
 17no. 4-bed dwellings.

The adopted Eastleigh Borough Local Plan (2001 – 2011) pre-dates the Solent Recreation Mitigation Strategy. Policy 21.NC of the adopted Local Plan advised that development which is likely to adversely affect the integrity of a European nature conservation site will not be permitted. This policy was not saved due to protection afforded to European nature conservation sites under national planning policy. The Council has officially endorsed the Solent Recreation Mitigation Strategy at Cabinet on 15 February 2018. Policy DM11 of the emerging 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.”

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. In light of the refusal of this planning application, the lack of mitigation formed a reason for refusal to ensure that mitigation is secured through a subsequent appeal or later planning application should either of these occur. This shadow HRA Screening & AA Statement responds to the submission of an appeal against the LPA's refusal.

Without the security of the mitigation being provided through the payment of the aforementioned contribution, a significant effect would remain likely. Providing such a 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 on the New Forest designated sites:

The project being assessed would result in an increase of 148 dwellings within approximately 26km (16 miles) of the edge of the New Forest National Park. 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 26km from the edge of the SPA/SAC boundary, this site is located well outside the distance that the majority of local visits originate from and is in close proximity to the coast, Royal Victoria Country Park, Hamble River Country Park and the new Windhover Meadows Country Park currently under construction. 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. On this basis, it is considered that the proposed development would not result in a significant impact on the New Forest designated sites and would not act against the stated conservation objectives of the European sites.

Nutrient neutrality:

The project being assessed would result in a net increase of 148no. dwellings which would be served by the Peel Common Waste Water 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 nitrogen budget (with 20% buffer) of 77.6kg/N/yr. 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 waste nitrogen. In order to be lawfully permitted, therefore, a package of avoidance and mitigation measures are required.

The appellant has requested flexibility in the options for mitigating the increased nitrogen load for this development, to allow the future developer to either:

- Enter into an agreement with the wastewater treatment provider that they will maintain an increase in nitrogen removal at the wastewater treatment works; or
- Acquire, or support others in acquiring, agricultural land elsewhere within the river catchment area containing the development site, changing the land use in perpetuity (e.g. to woodland, heathland, saltmarsh, wetland or conservation grassland) to remove more nitrogen loss from this source and/or, if conditions are suitable, provide measures that will remove nitrogen on drainage pathways from land higher up the catchment (e.g. interception wetland).

While the detail regarding these two options is not currently available, as a definite fallback position, the appellant has confirmed they would commit to making a financial contribution towards the Eastleigh Borough Council interim strategy to offset the impacts of nitrogen loading from new development through the taking of land within the Borough, which is within the control and ownership of the Council, out of agricultural use (high intensity) and placing this into a lower intensity use (open space).

Where the Council propose to use its own land holdings to offset development as mitigation with appropriate land management, the Council commit to the land being secured in perpetuity (i.e. 80 years). For those offsetting sites that are ultimately intended for development (i.e. parcels within the Horton Heath site), the Council will ensure these will not be developed until equivalent mitigation that has been agreed with Natural England is provided and secured. Development proposals for the Horton Heath offsetting parcels will also be subject to HRA and may need their own bespoke mitigation.

For this development, the mitigating land will be at the Horton Heath site which extends to 100ha in total. Its original land use is categorised as mixed use with a value of 28.3kg/TN/ha/yr. To provide offsetting land for nutrient mitigation, this land will be converted to the lower nitrogen input use of open space with a value of 5kg/TN/ha/yr, therefore providing a nitrogen reduction benefit of 23.3kg/TN/ha/yr. The area of land required to offset the budget of this development is 3.33 hectares, derived from dividing 77.6kg/TN/yr (nutrient budget for development) by 23.3kg/TN/yr (nitrogen reduction benefit rate). The Council can ensure that this is delivered in accordance with the interim project and are satisfied that sufficient land is available to mitigate this impact.

In relation to the proposed public open space within the site, this is to be managed with no additional inputs of nutrients or fertilisers. This will be secured through the S106 legal agreement.

Water Quality:

The application for outline planning permission was accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy. The Local Lead Flood Authority have confirmed that, given the appeal is for outline permission, the information provided is considered in accordance with best practise and that further details can be provided by condition as the design develops.

Further, conditions are to be imposed to ensure the detailed surface water drainage strategy to be approved includes safeguards to preserve the hydrological processes and protect hydrological pathways and flow rates to West Wood SINC and ancient woodland. These safeguards will be informed by a hydrological survey. Management of surface water from developed areas will be required to pass through SuDS containing three forms of filtration. A management and maintenance plan, including management responsibilities, for the lifetime of the development will be required, to ensure the SuDS function as required and maintain operational water quality throughout its lifetime.

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. Eastleigh Borough Council 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 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; or that the developer will mitigate the additional nitrogen loading through alternative measures that would be agreed with the Council. Sufficient information has been provided at this stage in relation to surface water drainage to have certainty that, subject to conditions regarding a detailed surface water drainage strategy, the hydrological processes and water quality to the Solent Complex can be protected. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In relation to the New Forest SPA, SAC and Ramsar sites, Eastleigh Borough Council has concluded that, due to the location of the site and the proximity to the coast and existing and new Country Parks which provide alternative and more convenient destinations, the development would not have an adverse effect on the integrity of the designated sites.

This shadow HRA Appropriate Assessment has been prepared to assist the Planning Inspector, 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 (February 2019).