

Habitats Regulations Assessment (HRA)

Application reference:	15/02410/FUL
Application address:	69 - 73 Anglesea Road Southampton SO15 5SW
Application description:	Redevelopment of the site. Demolition of the existing buildings. Erection of a part two-storey and part three-storey building fronting Anglesea Road to provide 41 retirement flats. Erection of a three storey building fronting Stratton Road to provide 12 two storey houses and 4 bungalows with associated access, parking and landscaping
HRA completion date:	22/02/2017

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed involves the provision of retirement flats and housing, leading to a net increase of 51 units, approximately 2.9km from the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 6.7km from the New Forest SPA/Ramsar site.</p> <p>The site is partially vacant having been previously used as a milk distribution depot however, a number of the properties on Anglesea Road are currently occupied. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project:	<ul style="list-style-type: none"> ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent Maritime SAC ▪ Solent and Southampton Water SPA
<small>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which</small>	

is on the city council's website at	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Ramsar Site
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No – the development consists of new retirement and residential accommodation which is neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (https://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015_tcm63-371354.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/item_12_-_appendix_1_-_position_statement.pdf) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq m of office floorspace and 462,000 sq m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Dairycrest site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites	
Test 1: the likelihood of a significant effect	<ul style="list-style-type: none"> • This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.
The proposed development is located approximately 2.9km to the north-east of the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 6.7km north of the New Forest SPA/Ramsar site.	

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

In their response to the consultation on this planning application, dated 4th January, 2016 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

The following mitigation measures have been proposed as part of the development:

- Upgrade 370m of footpath at Shirley Pond within the Lordsdale Greenway
- Provision of a new bench at Shirley Pond;
- Information on routes to and features present within local parks including the Lordsdale and Lordswood Greenways.
- Payment of the standard Solent Recreation Mitigation Project contribution.

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed involves the construction of 41 retirement flats, 12 two storey houses and 4 bungalows, resulting in a net gain of 51 units, approximately 2.9km from the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 6.7km from the New Forest SPA/Ramsar site.

The site is largely vacant, having previously been used as a milk distribution depot. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

The applicant has provided details of mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the

habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 6.7km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, resident in the proposed development would fall into the category of local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. The residents of the new properties are likely to fall within these groups and as such there is the potential that they will visit the New Forest placing additional pressure on the European designated sites.

Species and habitats affected by recreational activity

The proposed development will result in a population increase in the zone from which people make day visits to the New Forest. This has the potential to lead to likely significant effects on the conservation objectives of the qualifying features of the New Forest Special Protection Area (SPA) and the New Forest Ramsar Site. The relevant affected qualifying features are as follows:

- Breeding Woodlark New Forest SPA;
- European Nightjar New Forest SPA; and
- Dartford Warbler (New Forest SPA).

Effects of recreational disturbance on Birds

Within the New Forest, it is the ground and near-ground nesting birds such as Dartford warbler, nightjar and woodlark that are particularly affected by recreational activity. Studies by Langston et al (2007), Liley and Clarke (2003), and Murison (2002) investigated the effect of disturbance on the nightjar on heaths in Dorset, finding that breeding success of nightjar is significantly lower close to paths, and that proximity to housing has a negative relationship with the size of the population (Langston et al, 2007). The most common cause of breeding failure for this ground nesting species was due to daytime predation of eggs when disturbance caused an incubating bird to leave the nest. Similarly, the study by Murison et al (2007) revealed that for Dartford warbler on Dorset heathland, disturbance also reduced breeding activity, particularly so in heather-dominated territories. Birds in heavily disturbed areas (e.g., close to access points and car parks) delayed the start of their breeding by up to six weeks, preventing multiple broods and so reducing annual productivity. Most of this disturbance was found to come from dog walkers as a result of dogs being encouraged to run through the vegetation after sticks.

The accommodation to be provided at the site is a mix of one third family housing and two thirds retirement apartments. There is therefore likely to be a demand from at least a proportion of the new residents for countryside access in places such as the New Forest. The relatively small scale of the development means that, in isolation, recreational activity arising from the new residents is unlikely to lead to adverse impacts however, when combined with recreational activity arising from residential developments across Southampton and neighbouring boroughs, likely significant cannot be ruled out. Mitigation measures are therefore required to remove the adverse impacts.

Mitigation Approach

Adverse impacts on ground nesting birds are not restricted to the New Forest with similar issues being experienced on the Thames Basin Heaths SPA and the Dorset Heathlands SPA. The mitigation approach adopted at these sites is to provide suitable alternative natural green spaces (SANGS) as a component of new developments.

The findings of a residents' survey, undertaken in conjunction with an open spaces assessment for the Southampton City-wide Local Plan indicates that whilst visits to the New Forest were often to seek large areas of green open space and the associated features (for example wildlife and tranquillity) they were not necessarily specific to features unique either to the New Forest or to lowland heathland. Further recent local evidence for the general desire for open space as opposed to features unique to the New Forest or lowland heath is provided by the Test Valley Open Spaces Residents Survey (QA 2014). Walking and dog walking were important reasons for visits, but specific features of habitats ("it is a bog", "it is a protected area") were not.

It is therefore reasonable to assume that the approach of providing alternative natural

greenspace would be an effective means of diverting recreational activity away from the New Forest European sites. Unfortunately, the option of creating new sites is not practical within Southampton which is a densely developed urban area with no suitable locations available for conversion to SANGS. There is, however, an existing, under-used, network of semi-natural green spaces which includes the greenways and Southampton Common.

The greenways are an extensive network of wooded stream valleys, supporting a range of semi-natural habitats, located within close proximity to residential areas allowing residents easy access. Originally identified in the late 1980s, they were safeguarded from development and received significant investment in infrastructure such as footpaths, entrances and signage. Unfortunately, over time, budgets have declined and the infrastructure within the greenways has deteriorated leading to a reduction in their recreational value.

The former Dairycrest site is close to a number of sites which could provide countryside type recreation including the Lordsdale Greenway, 400m to the west, Southampton Common, 1.4km to the north-east, and the Lordswood Greenway, 2.9km to the north. Of these, the Lordsdale Greenway is the most suitable one to be the focus of mitigation measures being close enough to walk but with some on road parking. It is 18.5ha in size and contains a variety of habitats including woodland, meadow, wetlands, the Tanners Brook and Shirley Pond. It also has an existing network of footpaths which provide circular and out and back walks of varying lengths. However, whilst these paths are clearly visible, in places the surface has deteriorated and drainage is poor resulting in sections of the greenway being difficult to access.

The proposed mitigation will up-grade a section of the path to provide access to the wider greenway and also to make a popular feature, Shirley Pond, more accessible. This section of the Lordsdale greenway is closest to the development and the proposed improvements provide an opportunity for a circular walk. In addition, bearing in mind the higher age of many of the residents, a new bench will be provided to allow people to sit and enjoy views of the pond. The upgraded footpath (370m x 1.5m) will cost approximately £21,000 whilst the bench is approximately £1000.

The cost of these proposed improvements will be covered by CIL payments. The developer has also undertaken to provide information on local parks and routes to them to new residents

Summary of mitigation measures:

- Footpath around Shirley pond – 370m x 1.5m – £20,812.5 to supply materials and install;
- Provision of a bench - x1 - £1000 supplied and installed;
- Provision of information on local parks and routes to them.

Solent and Southampton Water SPA/Ramsar site

The net increase of 51 dwellings will lead to an increase in population and in all probability an increase in recreational activity at SPA locations.

Research undertaken through the Solent Disturbance and Mitigation Project (SDMP) indicated that increases in recreational activity at SPA locations have the potential to create mortality in the SPA bird populations due to increased disturbance¹. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). However a key outcome of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect due to disturbance from recreation.

At 2.9km from the nearest section of the Solent and Southampton Water SPA/Ramsar site the development site is clearly within the 5.6km buffer zone. It can therefore be concluded that the population increase which will occur as a consequence of the proposed development is likely to lead to an increase in recreational activity at SPA locations.

The proposed development includes open space, however, whilst this will accommodate some of the recreational demand, it will not be able to replicate features found at coastal sites. A contribution

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £174 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicant intends to make a payment of £8874 (174 x 51 (net increase)) to the Solent Recreation Mitigation Partnership (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

¹ See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the assessment undertaken above:

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites and proposed a number of avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, the significant effects which are likely in association with the proposed development can be overcome.

The following mitigation measures have been proposed as part of the development:

- Upgrade 370m x 1.5m of footpath at Shirley Pond within the Lordsdale Greenway
- Provision of a new bench at Shirley Pond;
- Information on routes to and features present within local parks including the Lordsdale and Lordswood Greenways.
- Payment of the standard Solent Recreation Mitigation Project contribution.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

European Site Qualifying Features

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*

- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.