

Planning and Rights of Way Panel

ADDITIONAL INFORMATION

Tuesday, 10th December, 2019
at 6.00 pm

ADDITIONAL INFORMATION RELATED TO THE LISTED REPORTS

Contacts

Ed Grimshaw
Democratic Support Officer
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

ADDITIONAL INFORMATION

Item 7 - HRA
Monday, 2 December 2019

DIRECTOR, LEGAL AND GOVERNANCE

Agenda Item 7

Planning and Rights of Way Panel 10th December 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Part of Former Vosper Thornycroft, Site and Waterfront, Southampton			
Proposed development: Application for variation of condition 3 of planning permission ref 16/01108/FUL to allow industrial building to be used for purposes falling within classes B1 and B2 (not restricted to marine related activities - Major Environmental Impact Assessment Development)			
Application number	19/01378/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	26/12/2016	Ward	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received <u>and</u> a Ward Cllr Panel referral	Ward Councillors	Cllr Blatchford Cllr Hammond Cllr Payne
Referred to Panel by:	Cllr Payne	Reason:	Lack of Information

Applicant: Oceanic Estates (Woolston) Ltd	Agent: Quayside Architects - FAO Mr Neil Holmes
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Habitats Regulations Assessment (HRA)

Application reference:	19/01378/FUL
Application address:	Centenary Quay Victoria Road Southampton
Application description:	Re-development of the site to provide an industrial building for the manufacture and testing of prototype wind turbine composite blades (Class B1(b) and B2 - 24 hour operation) with ancillary office accommodation, storage, access and parking, landscaping and fencing; including replacement means of enclosure along Wharf Road (total floor space of 11,616 square metres) (Major Environmental Impact Assessment Development follows permissions 08/00629/FUL and 16/01108/FUL).
HRA completion date:	09/12/2019

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

Stephen Harrison

Service Manager – Development Management

Stephen.harrison@southampton.gov.uk

Summary

This HRA is as per that previously provided for the larger manufacturing proposals (17/01570/FUL). The proposed change to allow open B2 manufacturing – rather than processes restricted to marine related – results in the same impacts and conclusions as previously agreed.

The site is currently cleared ground have formerly been part of a shipyard. The project being assessed would lead to the provision of industrial buildings located immediately adjacent to the Solent and Dorset Coast potential Special Protection Area (pSPA) and 180m to the north of a section of the Solent and Southampton Water SPA/Ramsar site. Atlantic salmon, a feature of interest of the River Itchen Special Area of Conservation (SAC) which is located 4.4km to the north of the development, pass the site on route to and from breeding grounds in the upper reaches of the river.

Construction and operational stage impacts are possible for the Solent and Southampton Water SPA/Ramsar site and the River Itchen SAC. Mitigation measures were identified in an appropriate assessment of the outline planning application in 2008. These measures were secured through planning conditions and have been successfully implemented on earlier stages of the development.

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.**

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at	<ul style="list-style-type: none"> ▪ River Itchen SAC; ▪ Solent and Dorset Coast pSPA. ▪ Solent and Southampton Water SPA; ▪ 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 commercial premises which are 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) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.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/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floorspace across the South Hampshire area between 2011 and 2026.</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 Centenary Quay 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

- 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 immediately adjacent to the Solent and Dorset Coast pSPA and 180m to the north of a section of the Solent and Southampton Water SPA/Ramsar site. Atlantic salmon, a feature of interest of the River Itchen Special Area of Conservation (SAC) which is located 4.4km to the north of the development, pass the site on route to and from breeding grounds in the upper reaches of the river.

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 temporary arising from the construction phase and permanent arising from the operational phase of the development.

The Solent and Dorset Coast pSPA has been proposed since the outline consent was granted in 2008. Consequently the features of interest were not specifically considered in the original habitats regulations assessment. The pSPA is being designated due to its qualification under Article 4 of the Birds Directive by supporting more than 1% of the national breeding populations of sandwich tern, *Sterna sandvicensis*, common tern, *Sterna hirundo* and little tern *Sternula albifrons*. However, the importance of the area being protected is as foraging habitat for terns rather than protecting breeding and resting places. The nearest principal breeding sites are located at Lymington and around Chichester and Langstone Harbours which are a considerable distance from the development site. Therefore, activities affecting foraging waterfowl are also likely to affect terns.

The appropriate assessment of the outline planning application, 08/00389/OUT, identified the following impacts:

- Indirect loss of habitat available to features for which the site is designated, due to disturbance associated with construction phase and consequent displacement of interest;
- Disturbance to habitats resulting from post construction human activity and building effects such as lighting;
- Impacts on quality of designated habitat primarily through the potential for pollution resulting from remediation and construction works; and
- Effects on migratory salmon caused by construction noise and vibration, particularly piling.

In their response to the consultation on the previous application (26/10/17) and the current scheme to vary the condition, Natural England indicated that they were of the view that without appropriate mitigation the application would have

an adverse effect on the integrity of Solent & Southampton Water Special Protection Area (SPA).

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

Construction Phase:

- Production of a Construction Environmental Management Plan (CEMP) to include the following:
 - Pollution prevention measures to protect the foreshore/river to avoid worsening water quality/sediment build-up to be included in a CEMP in accordance with Environment Agency, Natural England and Southampton City Council requirements;
 - Restriction of working hours (8.00-18.00), use of the quietest suitable plant and sensitive location of equipment to avoid excessive noise and movement in accordance with BS5228;
 - The nature and timing of piling operations which are to be in accordance with section 10.6.17 of the Environmental Statement unless agreed otherwise in writing by the local planning authority to take account for salmon movements and wintering birds.;

Operational Phase:

- A lighting design plan based upon the strategy to reduce collision hazard from lighting of the development set out in section 10.6.18 to 10.6.22 of the Environmental Statement.

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 would lead to the provision 11,616 square metres of industrial building with offices, storage, access and parking located immediately adjacent to the Solent and Dorset Coast pSPA, approximately 180m from the Solent and Southampton SPA/Ramsar site and 4.4 km from the River Itchen SAC.

The site is currently cleared ground having formerly been part of a shipyard. It is located within close proximity to a section of the Solent and Southampton Water SPA/Ramsar site. There is, therefore, the possibility of impacts during both the construction and operational phases.

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." Whilst the conservation objective for the Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

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

River Itchen SAC and Solent and Southampton Water Special Protection Area (SPA)/Ramsar site

The construction phase has been implemented under permission 16/01108/FUL – the previous HRA concluded that potential impacts, arising from construction activity including noise, vibration, visual disturbance and lighting, upon the features of interest of the River Itchen SAC and the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site were considered in an appropriate assessment of the outline planning application in 2008. That assessment concluded that, with mitigation, no likely significant effects would arise.

The proposed development also has the potential to lead to pollution of the river channel as a result of the mobilisation of historic contaminants, pollution events during construction work or the release of contaminated surface water runoff. Construction activities could also lead to an increase in silt levels which could affect water quality.

Mitigation measures for such impacts have been used on earlier phases of the development and a good level of confidence can be attributed to their effectiveness. This conclusion is supported by monitoring data which identified no discernible change in the usage of adjacent intertidal mudflats by waterfowl. Appropriate mitigation measures relating to activities associated with the construction of the Marine Employment Area are set out in Appendix E of the Environmental Statement. These measures need to be incorporated into a CEMP.

Solent and Dorset Coast pSPA

The pSPA is designated for its importance as foraging habitat for terns, rather than for breeding or roosting. Notably, it is understood that the principal breeding areas in the Solent for terns are in the vicinity of Lymington (Keyhaven to Pylewell) (in Solent and Southampton Water SPA) and around Chichester and Langstone Harbours, including islands in the harbours (e.g. Stakes Island and Pilsley Island). Given the distance between the development site and these locations, it is considered unlikely that disturbance would occur to breeding or roosting sites.

When feeding, terns are likely to be less susceptible to disturbance whilst the small area affected by increased noise and vibration levels is unlikely to be of significance given the overall large area of the pSPA. As such, it is considered that disturbance is unlikely to result in adverse effects on associated tern populations. Nevertheless, controls proposed to avoid disturbance to Atlantic salmon will coincide with the tern breeding season, such that potential effects would be minimised in any event.

Foraging terns could also be affected by a reduction in water quality as a consequence of pollution entering the river. However, the measures identified in respect of the River Itchen SAC and Solent and Southampton Water Special Protection Area (SPA)/Ramsar site will be sufficient to mitigate impacts upon the Solent and Dorset Coast pSPA.

PERMANENT, OPERATIONAL EFFECTS.

River Itchen SAC, Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and Solent and Dorset Coast pSPA

Lighting

Increased lighting levels on the site were considered to have potential for adverse impacts, however, the Marine Employment Area is not located immediately adjacent to any inter-tidal habitat and it was concluded that careful design of exterior lighting would be sufficient to reduce the risk to a negligible level. A lighting design plan will therefore be secured through a condition.

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 evidence provided:

- There is potential for impacts on quality of designated habitat through pollution resulting from construction works;
- Construction activities could lead to adverse impacts including noise and visual disturbance to over-wintering waterfowl and Atlantic salmon;
- Increased illumination of the inter-tidal area could affect feeding waterfowl;

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

- Production of a Construction Environmental Management Plan;
- A lighting design plan;

Implementation of these measures will be secured through planning conditions.

The proposed mitigation measures will prevent adverse impacts from arising and consequently, **significant effects will not occur.**

References

Appendix E - Environmental Statement, Centenary Quay, Woolston, Southampton, SEEDA 2008

Southampton City Council (2008) Record of Appropriate Assessment: Centenary Quay – Application by Crest Nicholson for redevelopment of the former Vosper Thornycroft Shipyard for a mix of uses

Appendix 1 European Site Qualifying Features

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

Solent and Dorset Coast pSPA

The Solent and Dorset Coast is proposed as a pSPA due to its qualification under Article 4 of the Birds Directive by supporting more than 1% of the national breeding populations of the following species listed under Annex I of the Birds Directive:

- Sandwich Tern *Sterna sandvicensis*
- Common Tern *Sterna hirundo*
- Little Tern *Sternula albifrons*

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*.