

**Planning and Rights of Way Panel 12<sup>th</sup> March 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 1 Brighton Road, Southampton			
<b>Proposed development:</b> Change of use from a House in Multiple Occupation for up to 6 people (Use Class C4) to an 8-bed House in Multiple Occupation (Sui-Generis).			
<b>Application number:</b>	23/01585/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.01.2024	<b>Ward:</b>	Banister and Polygon
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Councillor P. Every Councillor S. Leggett Councillor V.Windle
<b>Applicant:</b> HMO (Southampton) Ltd		<b>Agent:</b> Pure Town Planning	

<b>Recommendation Summary</b>	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	Not applicable
<b>Biodiversity Net Gain Applicable</b>	Not applicable

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Habitats Regulation Assessment		

**Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 3** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial

contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

## **1. The site and its context**

- 1.1 The application site is located on the north side of Brighton Road. Brighton Road is a Cul-de-sac with the access to The Avenue (50m to the east) closed to vehicular traffic.
- 1.2 The application site contains one half of a pair of symmetrical, semi-detached, brick-built dwellings. There is a flat roof garage and an existing amenity area to the rear, a parking space to the side, and the building's current use is as a 6 person HMO (C4) with Council Tax records confirming that this use was established prior to the Council's HMO Article 4 Direction in March 2012.
- 1.3 The site is abutted by construction sites to the north and east. The attached property (No.2) has an HMO license for up to 6 occupants (C4 HMO). The eastern boundary also abuts the rear boundary of the amenity area of the flats at 76 The Avenue.
- 1.4 The northeast boundary abuts the 'The Avenue' Conservation Area. The application site lies just outside the defined city centre.

## **2. Proposal**

- 2.1 The application seeks to increase the number of bedrooms in an existing HMO from 6 to 8. This results in a material change of use from a C4 HMO to a sui-generis larger HMO.
- 2.2 The proposal does not seek any external alterations to the premises. The additional accommodation can be achieved through the conversion of existing rooms within the building. An existing study/gym at first floor is to be converted into a bedroom as is the existing storage in the roof space.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

## **4. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.
- 4.2 There are no previous planning applications relevant to this proposal. Any planning history is associated with works to protected trees on site.

## 5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 15<sup>th</sup> December 2023. At the time of writing the report **12 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 *Over proliferation of HMOs. This area is already densely populated with students, which doesn't help to create a balanced community.*

### Response

The existing C4 use as an HMO is established through the records held by the Council. As such the 40m 10% threshold tests do not apply and the principle of an HMO is not up for consideration. Consideration will, instead, be given to the policy context of increasing the number of bedrooms from 6 to 8 and the impact on the community.

5.3 *Such a concentration of short-term rental property inevitably leads to problems with increased noise, litter and late-night disturbance.*

### Response

Whilst this concern generalises the occupation of an HMO, the impacts associated with the change of use will be assessed below. The Panel will be aware that HMOs can be occupied by people of all ages and backgrounds with many choosing such shared accommodation as an affordable option to be able to live, work and study within Southampton.

5.5 *Precedents have been set where sound proofing was a condition of HMO use. The same needs to be applied here.*

### Response

The application property is semi-detached. However, it is also noted that the neighbouring property No.2 also benefits from a HMO License. As such, both of the properties can be expected to have similar levels of operation negating the need for insulation between the dwellings.

5.6 *Insufficient and extra pressure on parking. Continual abuse of parking on yellow lines- in front of drives etc.*

### Response

Impact on parking demand and associated requirements for bin and cycle storage and amenity space will be considered in the Planning Considerations section below, noting that this is a highly sustainable location.

5.7 *The loft is being proposed for a bedroom, previously this property restricted access to this region due to fire regulations, have fire provisions been made?*

### Response

The proposal has been reviewed by the Council's HMO Team. Fire safety risk formed part of that consideration. They have raised no objection on these grounds.

## Consultation Responses

5.8

<b>Consultee</b>	<b>Comments</b>
Cllr Steve Leggett	As the sitting councillor in this ward I want to add my objection to this planning application due to the reasons that this road already has too many HMOs.
Council Tax	Council Tax records show this has been a house in multiple occupancy let to 4 tenants since at least 2011.
Environmental Health	<p>Environmental Health have no objections in principle to this application. However, I recommend a condition for hours of construction work and a condition regarding no bonfires, in order to protect the local neighbourhood.</p> <p><i>Officer Response</i>  <i>With no building works proposed these conditions are not required.</i></p>
HMO Licensing	<p>The layout of the property poses no atypical risks for fire safety, similarly the layout of the property poses no atypical issues regarding which floors the kitchen and bathrooms occupy. The lack of floor area details mean no comment can be made on room sizes, similarly a lack of details on fittings mean no comment can be made on amenities provision or detailed assessment of fire safety. The applicant should be aware that naturally increasing the size and number of storeys in a property will increase the required fire safety standards and amenities.</p> <p>Following receipt of further confirmation and plans from the applicant HMO Licensing advised:</p> <p>The room size requirements are all met. The landlords have fitted a Grade A LD2 alarm system, which was exactly my concern, also suggests they understand the requirements well.</p>
Highways	<p>The proposed development is considered to be an intensification of existing use from a highways perspective. The increase in 2 occupants is not considered to generate any significant highway impacts and is considered acceptable in principle.</p> <p>Regarding maximum parking standards, the change from 6 to 8 occupants will increase the</p>

	<p>standards by one parking space. Justification is normally required to demonstrate that providing under this maximum would not generate harm. Looking at local on street parking, all roads contain parking restrictions except for a small stretch along Court Road which is just within a 200m radius of the site but not within 200m walking distance. It will be difficult to determine if the impact of one overspill parking will be severe. Notwithstanding this, the local junctions are protected by double yellow lines and therefore any overspill impact is considered to be an amenity issue rather than safety and therefore will hold limited weight in this recommendation.</p> <p>The level of bins should reflect the increase in occupants and details should be provided to show suitable storage and collection (without impacting on the public highway).</p> <p>Due to the living style of HMO occupants, one long stay cycle space (as defined by the Council's Parking SPD) should be provided for each occupant.</p> <p>Subject a condition securing the bin details and cycle parking, the proposal is supported by the Transport Team.</p>
Historic Environment Officer	No external changes to the host building are being proposed to facilitate the increase in occupiers. As such, there would be no direct impact on the character of the host building or the setting of the adjacent conservation area.

## 6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development
- Design and effect on character
- Residential amenity
- Parking highways and transport

### 6.2 Principle of Development

6.2.1 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are

supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood

6.2.1 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. In this instance the 10% threshold test (carried out over a 40m radius) as set out in the HMO SPD is not relevant as the local concentration of properties occupied as HMOs would remain unchanged as a result of the proposal and, therefore, would not further imbalance of mix of households within a community.

6.2.2 Section 4.6 of the HMO SPD states that cases of intensifying the use from a small to a large HMO will be assessed on their own individual merits on a case by case basis against the council's relevant policies and guidance, including standard of living conditions and parking standards set out in section 5. Other impacts will be assessed as set out in the policy text. Section 4 of the HMO SPD sets out that notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the council's relevant development management policies and guidance.

### 6.3 Design and effect on character

6.3.1 Notwithstanding that the 10% threshold test set out in the HMO SPD is not relevant for considerations, concern has been raised by third parties that the proposed change of use would result in harm to the character and mix of households within the community. The concerns of residents that live amongst high concentrations of HMOs are noted, but the Panel have to consider the impacts of the proposed development (which in this case is the introduction of up to 2 additional residents). A negative impact on character from this change of use and intensification is difficult to substantiate, especially as Brighton Road comprises of a mix of properties, including flats, family dwellings and HMOs. Whilst the majority of properties in Brighton Road are family dwellings, there are other HMOs and flatted development that line Brighton Road which creates a mixed set of households. The proposals do not alter this mix in any substantive way, except for the issues to be discussed below that include impact on noise and disturbance, parking and waste.

6.3.2 The proposal does not result in any external alterations to the premises. As such the appearance of the building will not change when viewed in the street scene of from the neighbouring Conservation Area. There is a flat roof garage to the rear of the site that will provide an appropriate space for bin and cycle storage to reducing such clutter from the public realm.

6.3.3 Therefore, given that Brighton Road already comprises of a mix of households, it is not considered that the proposals can be resisted based on any adverse impact to the character and appearance of the area or the neighbouring Conservation Area.

### 6.4 Residential amenity

6.4.1 The eastern boundary also abuts the rear boundary of the flats at 76 The Avenue.

The site is abutted to the north and east by construction sites. To the north the previous commercial garage has been demolished and significant works have been undertaken in building the approved scheme of flats alongside a care home. To the east of the site the previous block of flat roof domestic garages has been demolished and the exterior of the site secured with Herras fencing. The proposal will not be in any conflict with these development and future occupiers will be aware of the status of the application site prior to purchase.

6.4.2 The proposal does not require any external alteration to the building. In the absence of any additional built form or window openings the proposal is considered to preserve the amenities of the occupiers of the neighbouring dwelling in terms of light, outlook and privacy.

6.4.3 The neighbouring property to the west (No.2) is current licensed as a C4 HMO. As such this property is in a similar use to the application property. Given that the two properties will be in similar uses it is not considered reasonable for additional sound insulation to be required between the two dwellings and the proposed development would not adversely impact on the amenity of that neighbour in terms of noise and disturbance.

6.4.4 Concern has been raised that HMO's are a cause of noise and disturbance. Each application must be assessed on its own merits. There is currently no evidence to suggest that an additional 2 bedrooms in this property will result in any increased noise or disturbance to the wider area. The existing dwelling is an established C4 HMO and the proposal seeks to increase the level of accommodation from 6 residents to 8. The planning system can only plan for reasonable behaviour and statutory noise nuisance or anti-social behaviour is controlled under separate legislation enforced by the Council's Environmental Health Team or the Police. It is noted the Environmental Health Team have raised no objection to this proposal.

#### 6.5 Occupier Amenity

6.5.1 The additional accommodation within the property is achieved through conversion of existing communal rooms and loft storage.

6.5.2 In response to the comments received from the HMO Licensing team regarding fire safety and room sizes, additional information was provided by the applicant. The HMO Team later confirmed that the room sizes were sufficient and appropriate consideration had been given to fire safety.

6.5.3 The existing residents would continue to benefit from the large existing ground floor communal living area that comprise of an open plan lounge/dining area and kitchen, with 2 bathrooms on offer. The proposal will retain a rear amenity area suitable for relaxation and more practical functions such as drying washing. The floor area of the new bedroom space in the loft will comply with minimum space and license standards, whilst the occupants would benefit from sufficient ventilation, headroom and outlook/light/privacy. On this basis the proposals would provide an adequate living environment for future occupiers. The communal facilities can be secured and retained by condition.

#### 6.6 Parking highways and transport

6.6.1 The application retains 1 off road parking space. The site is sustainably located near the city centre with high accessibility to public transport and shops/services. There

are parking permit controls on the surrounding streets (residential parking zone 1 'The Avenue' with restrictions operating 8:00am to 6:00pm Monday to Friday), which appropriately controls existing parking behaviour. The existing property will be subject to limited number of parking permits and would have to apply on an individual basis for additional permits, which would be issued by the Council's Parking Team. A condition in this respect is not necessary for planning purposes. On this basis the additional residents would not result in any significant or harmful to change to existing parking arrangements.

- 6.6.2 This proposed change of use would alter and increase existing bin storage requirements. Details of the exact size and location of the bin store has not been submitted with this application, however the existing garage is of a size able to accommodate the bin store without any loss of amenity to existing residents.
- 6.6.3 The proposed plans indicate that cycle storage space is available within the existing garage. The required level of storage for cycles 1 space per resident/room shall be provided for the new development. On this basis, subject to a condition securing this storage, the proposals would not result in adverse impacts on highway safety or amenity.

#### 7.0 Likely effect on designated habitats

- 7.1 Having regard to the attached appeal decision, paragraphs 6 to 22 (*see Appendix 3*) officers acknowledge that increased occupancy of larger HMOs triggers the requirement for a Habitats Regulation Assessment (HRA). The proposed development, as a residential scheme which increases overnight accommodation with the occupancy rate to be based upon 1 person per bedroom, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast. Accordingly, a HRA has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and is appended at **Appendix 4**.
- 7.2 A Grampian condition will require the requisite number of credits from the Eastleigh Nutrient offset scheme to be secured prior to the occupation of the large HMO. The SDMP contribution will be secured by officers prior to releasing permission as per the delegation sought in the above recommendation. The HRA concludes that, providing the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and nitrates credits, are secured the development will not adversely affect the integrity of the European designated sites.

### 8. Summary

- 8.1 The change of use of the property from a 6 bedroom C4 HMO to a 8 bedroom HMO (Sui Generis) would not adversely harm the character and amenity of the area, residential amenity or highway safety. The comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and safety of the residents living in the area or further imbalance the mix of properties within the area and the community.

### 8. Conclusion

- 9.1 It is recommended that planning permission be granted subject to the conditions set out below.



**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

(a) (b) (c) (d) 2. (b) (c) (d) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Mark Taylor** PROW Panel 12<sup>th</sup> March 2024

**PLANNING CONDITIONS to include:**

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Retention of communal rooms (Performance)

The communal rooms and spaces shown on the plans hereby approved, namely the Kitchen and dining/living room, bathrooms and hallways, shall be retained for use by residents and their guests as communal spaces and shall not be converted to form additional bedrooms.

Reason: To ensure a good quality residential environment is retained and to ensure that the use does not intensify further to protect the amenities of nearby residential occupiers.

4. Amenity Space Access (Performance)

The external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

5. Refuse and Recycling (Performance)

With the exception of collection days all refuse and recycling adequate size and bin shall be provided and stored in the existing garage.

Reason: In the interests of residential and the visual amenity of the area.

*Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.*

6. Cycle Storage (Pre-Occupation)

Prior to the occupation of the property by seven or more occupants, secure and enclosed storage for 8 bicycles shall be provided within the existing garage. The storage shall thereafter be retained as approved.

Reason: To promote cycling as a sustainable form of transport.

7. Limit of occupiers (Performance)

The HMO hereby approved shall be occupied by no more than 8 persons.

Reason: In the interests of protecting the character and amenity of the local area.

8. Eastleigh Nutrients offset scheme (Pre-occupation)

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

CS16 Housing Mix and Type

CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

SDP16 Noise

H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Houses in Multiple Occupation SPD

Other Relevant Guidance

The National Planning Policy Framework (2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/00267/TPO	G123 Lawson cypress remove northly stem due to fire damage.	Conditionally Approved	06.12.2022
22/00269/TPO	G124 Group of beech cut back low level fire damaged branches of easterly tree to suitable live side branches or remove back to point of origin.	Conditionally Approved	06.12.2022

## Habitats Regulations Assessment (HRA)

<b>Application reference:</b>	23/01585/FUL
<b>Application address:</b>	1 Brighton Road Southampton SO15 2JJ
<b>Application description:</b>	Change of use from a House in Multiple Occupation for up to 6 people (Use Class C4) to an 8-bed House in Multiple Occupation (Sui-Generis).
<b>HRA completion date:</b>	8 December 2023

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

<b>Summary</b>
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other 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>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>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 adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

## 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**

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

**Is the project or plan directly connected with or necessary to the management of the site (provide details)?**

No – the development is not 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)?**

- 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](http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm))

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.

Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.

Whilst the dates of the two plans do not align, it is clear that the proposed development of this 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.

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 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, as required under Regulation 63 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 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and 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 both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

### 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 63(1)(a) of the Habitats Regulations.**

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised 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. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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 63(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 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.*"

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**

### *Mobilisation of contaminants*

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as 'moderate' while its chemical status classified as 'fail'. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

### *Disturbance*

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.



Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

#### *Collision risk*

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

### **PERMANENT, OPERATIONAL EFFECTS**

#### **Recreational disturbance**

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

#### **New Forest SPA/Ramsar site/ New Forest SAC**

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

#### **Nightjar**

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

#### **Woodlark**

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

#### **Dartford warbler**

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is

designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

### **Visitor levels in the New Forest**

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

### **Mitigation**

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as

suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

*“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”*

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

### **Solent and Southampton Water SPA/Ramsar site**

The Council has adopted the Solent Recreation Mitigation Partnership’s Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city’s population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership’s mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

*Water quality*

### **Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site**

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, wastewater treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to wastewater treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant’s submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council’s own bespoke occupancy predictions and can be found using Public Access: <https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, ‘Southampton Nitrogen Mitigation Position Statement’ which is designed to ensure that new residential and hotel accommodation achieves ‘nitrogen neutrality’ with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);

- The key aspects of Southampton’s specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council’s Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton’s administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

**Outline PP where phased and/or unit quantum or mix unknown:**

***Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council – (tbc with applicant) Nutrient Offset Scheme for that phase has been submitted to the council.***

***Reason:***

***To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.***

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***The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council – tbc with applicant Nutrient Offset Scheme for the development has been submitted to the council.***

***Reason:***

***To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.***

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

**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 a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.

- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

#### Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

#### Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;
- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- A Grampian condition, requiring evidence of purchase of credits from the Eastleigh B C mitigation scheme prior to first occupation, will be attached to the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

## References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum/Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology/Solent Forum.

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

## **Protected Site Qualifying Features**

### **The New Forest SAC**

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

### **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 Maritime SAC**

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

### **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*.