



Beech Hill Stores, Headley Down

Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2

Cordage 15 Limited

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The Pavilion, 1st Floor, Botleigh Grange Office Campus, Hedge End, Southampton SO30 2AF

Tel: 02382 022 800

Email: ecology@wyg.com



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Prepared by:	[Redacted]	Jonathan Jackson CEnv MCIEEM Principal Ecologist
Checked By:	[Redacted]	Kevin Wood GradCIEEM Senior Ecologist
Verified By:	[Redacted]	David West CEnv MCIEEM Associate Ecologist

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Glossary

ALSE	Assessment of Likely Significant Effects
CEnv	Chartered Environmentalist
CIEEM	Chartered Institute of Ecology & Environmental Management
CJEU	Court of Justice of the European Union
EC	European Commission
GradCIEEM	Graduate Member of Chartered Institute of Ecology & Environmental Management
Habitats Regulations	Conservation of Habitats and Species Regulations 2017
HRA	Habitats Regulations Assessment
IROPI	Imperative Reasons of Over-riding Public Interest
JNCC	Joint Nature Conservation Committee
LSE	Likely Significant Effect
MCIEEM	Member of Chartered Institute of Ecology & Environmental Management
Natura 2000 site	A European site designated for its nature conservation value
SAC	Special Area of Conservation
SPA	Special Protection Area
ZoI	Zone of Influence



Executive Summary

Contents	Summary
Site location and description	<p>The site is located in the centre of Headley Down in Hampshire and comprises buildings and rear gardens associated with retail premises. The site is surrounded on all sides by residential streets, houses and gardens.</p> <p>The development proposals comprise the demolition of existing buildings and construction of nine houses.</p>
Scope of this Assessment	<p>This report assesses the pathways to likely significant effects (HRA Stage 1) of the proposed development upon relevant designated Natura 2000 sites and subsequently assesses the significance of effects upon the integrity of such designated Natura 2000 sites (HRA Stage 2).</p> <p>This is a submission to inform the Competent Authority's (East Hampshire District Council) Habitats Regulations Assessment.</p>
Results of Stage 1: Screening	<p>The results from the Stage 1 Screening Assessment found that there was one potential pathway to LSE. This is due to the application site being within 5 km of the Wealden Heaths Phase II SPA.</p> <p>The pathway identified was the potential for increased recreational use of the Wealden Heaths Phase II SPA by new residents, alone and in-combination with other projects. This could result in habitat degradation and disturbance of qualifying species of the SPA. Therefore this potential pathway to LSE was taken forward to Stage 2: Appropriate Assessment.</p>
Results of Stage 2: Appropriate Assessment	<p>The results from the Stage 2: Appropriate Assessment found that the development proposals will not result in any significant increase in visits to the Wealden Heaths Phase II SPA alone or in-combination. Therefore, this potential pathway to LSE will not result in any impacts on the integrity of any designated sites for nature conservation.</p>
Conclusion	<p>The 'Competent Authority', is considered not to require further assessment under the Habitats Regulations, and the proposed development can proceed without Stage 3 and Stage 4 being completed.</p>

1.0 Introduction

1.1 Background

WYG was commissioned by Cordage 15 Limited in December 2019, to prepare a report to inform Stage 1: Screening and Stage 2: Appropriate Assessment of a Habitats Regulations Assessment (HRA). The report is required in relation to the development proposals which comprise the demolition of existing buildings and construction of nine houses.

This report has been prepared by WYG Principal Ecologist Jonathan Jackson. The conditions pertinent to the report are provided in Appendix A.

1.2 Site Location

The site is located in the centre of Headley Down in Hampshire at National Grid Reference SU 83755 36480. The site comprises buildings with retail premises, with hardstanding and gardens to the rear. The site is surrounded on all sides by residential streets, houses and gardens.

1.3 Development Proposals

The proposed development comprises the demolition of existing buildings and construction of nine houses. The masterplan showing the development proposals is provided in Appendix B.

1.4 Requirements for the HRA

The requirement for an HRA is established through Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, hereby referred to as the 'Habitats Directive', in Articles 6(3) and 6(4). The Habitats Directive is transposed into national legislation by the Conservation of Habitats and Species Regulations 2017. These are hereafter referred to as the 'Habitats Regulations'.

Under Regulation 63, any project which is likely to have a significant effect on a European site (either alone or in-combination with other projects) and is not directly connected with, or necessary for the management of the site, must be subject to an HRA to determine the implications for the site in view of its conservation objectives. This is determined during the Stage 1: Screening Assessment of an HRA (see below).

A Stage 2: Appropriate Assessment then needs to be carried out in respect of any plan or project which:

- Either alone or in combination with other plans or projects would be likely to have a significant effect on a site designated within the European network; and
- Is not directly connected with the management of the site for nature conservation.

The term European site is defined fully in Regulation 8 of the Habitats Regulations and includes:

- Special Areas of Conservation (SACs);



- candidate and proposed SACs;
- Special Protection Areas (SPAs);
- potential SPAs;
- proposed Wetlands of International Importance designated or proposed for their wetland features under the auspices of the Convention of Wetlands of International Importance (commonly referred to as 'Ramsar sites'); and
- sites identified for Natura 2000 compensatory measures.

The final two categories are afforded the same level of protection as SACs and SPAs as a matter of Government policy, and the assessment provisions of the Habitats Regulations are applied to them (Natural England, 2017).



2.0 Assessment Methodology

2.1 Assessment Guidance

The Habitats Directive and Regulations do not specify how assessment should be undertaken. In undertaking this HRA, the process we have adopted is that recommended in official European Commission (EC) guidance (EC, 2001). In this report, our Stage 1: Screening found that LSE were possible and so a Stage 2: Appropriate Assessment was required. These two stages form the first of four HRA stages, as described below:

- **Stage 1: Screening** – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. This is also known as an 'assessment of likely significant effects (ALSE)';
- **Stage 2: Appropriate assessment** – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in-combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts (in accordance with guidance following the recent decision by the CJEU; *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* regarding application of embedded mitigation at Stage 1 or Stage 2 of an HRA (Freeths, 2018));
- **Stage 3: Assessment of alternative solutions** – The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site; and
- **Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain** – An assessment of compensatory measures where, in the light of an assessment of Imperative Reasons of Over-riding Public Interest (IROPI), it is deemed that the project or plan should proceed (it is important to note that this guidance does not deal with the assessment of IROPI).

The Stage 1 Screening Assessment comprises four steps, as described below:

- **Step 1** – Determining whether the project or plan is directly connected with or necessary to the management of the Natura 2000 site(s);
- **Step 2** – Describing the project or plan and the description and characterisation of other projects or plans that in-combination have the potential for having significant effects on the Natura 2000 site(s);
- **Step 3** – Identifying the potential effects on the Natura 2000 site(s); and
- **Step 4** – Assessing the significance of any effects on the Natura 2000 site(s).

The Stage 2: Appropriate Assessment should identify the effects of those plans or projects on qualifying features of the European sites in relation to the Conservation Objectives of those sites and determine whether these effects will result in an adverse effect on the integrity of the designated site. Only where the decision maker (the Competent Authority – in this case East Hampshire District Council), is satisfied that there will be no adverse effect on integrity, or where there are imperative reasons of overriding public interest, can the plan or project be approved.



3.0 Stage 1: Screening

Projects may have spatial implications which can have further reaching effects than those predicted to fall within the development footprint. Specifically, it is recognised that the distance between a proposed development and a designated site is not a definitive determinant as to the likelihood or severity of an impact occurring. Site variables such as prevailing wind conditions, surface and groundwater flow direction will all have an influence on the relative distance at which an impact can occur.

Additionally, the mobile nature of qualifying interest bird species must also be considered, since an adverse effect on the qualifying species of a site, even if they are not present within the site for which they are a qualifying feature, may still result in a significant adverse impact upon a site.

3.1 Step 1 – Determining whether the development proposals are directly connected with or necessary to the management of the internationally designated site(s)

The development proposals are not connected with and are not necessary for the management of any internationally designated sites, although they do have the potential to affect them.

3.2 Step 2 – Description of the Internationally Designated Sites that may be Affected and Approach taken to identifying Other Plans or Projects that could lead to In-combination Effects

3.2.1 List of the Internationally Designated Sites that may be Affected by the Development Proposals

The East Hampshire District Local Plan Part 2: Housing and Employment Allocations HRA was the primary source used to identify internationally designated sites that may be affected by the proposals (URS, 2015). This report screened the following sites:

- East Hampshire Hangers SAC;
- Shortheath Common SAC;
- Wealden Heaths Phase II SPA;
- Woolmer Forest SAC;
- Butser Hill SAC;
- Thursley, Ash, Pirbright and Chobham SAC;
- Thursley, Hankley and Frensham Commons SPA (Wealdon Heaths Phase I SPA);
- Solent Maritime SAC;
- Solent and Isle of Wight Lagoons SAC;
- Chichester and Langstone Harbours SPA;
- Chichester and Langstone Harbours Ramsar;
- Thames Basin Heaths SPA;
- River Itchen SAC;
- Kingsley Vale SAC;
- Rook Clift SAC
- Thursley and Ockley Bogs Ramsar;



- Portsmouth Harbour SPA;
- Portsmouth Harbour Ramsar;
- Ebernoe Common SAC;
- Singleton and Cocking Tunnels SAC;
- Solent and Southampton Water SPA; and
- Solent and Southampton Water Ramsar.

The HRA that accompanied the local plan did not find any potential pathways to LSE on any of these sites and they were all screened out. The qualifying features of all these sites were also considered for this report to inform the HRA. None of these sites were found to have qualifying features where potential pathways to LSE arising from these development proposals could affect them. These sites were therefore also screened out from this report.

However, the HRA of the local plan did find that these sites had the potential to be affected:

- The Solent European sites (Solent Maritime SAC, Portsmouth Harbour SPA; Portsmouth Harbour Ramsar; Chichester and Langstone Harbours SPA; Chichester and Langstone Harbours Ramsar; Solent and Southampton Water SPA; and Solent and Southampton Water Ramsar); and
- Wealden Heaths Phase II SPA.

In the context of this report, the Solent European sites were only screened in as some of the sites identified for allocation within the Local Plan were within the 5.6 km zone of influence (ZoI) of recreational impacts identified in the *Solent Recreation Mitigation Strategy* (Bird Aware Solent, 2017). The application site being considered in this report is not within 5.6 km of any Solent European site and therefore these can also be screened out.

The only European site identified in the HRA for the local plan where there is also considered to the potential for LSE arising from these development proposals is therefore the Wealden Heaths Phase II SPA. The qualifying species of the SPA comprise (JNCC, 2016):

- Nightjar *Caprimulgus europaeus*: 1.3% of the GB breeding population 5-year mean, 1989-1993.
- Woodlark *Lullula arborea*: 2.5% of the GB breeding population Count as at 1997.
- Dartford warbler *Sylvia undata*: 1% of the GB breeding population 5-year mean, 1989-1993 and 1% of the GB breeding population Count as at 1994.

3.2.2 Approach taken to Identifying Other Plans or Projects that could lead to In-combination Effects

In Step 3 of this report to inform HRA, one potential pathway to LSE on the Wealden Heaths Phase II SPA was identified and taken forward to Stage 2: Appropriate Assessment. This was in the form of potential impacts of increased levels of recreation during occupation and associated disturbance of SPA qualifying species of birds. However, it was found that the level of disturbance would be immeasurably small. The pathway therefore did not have the potential to act alone or in-combination with any other project to affect the integrity of the Wealden Heaths Phase II SPA qualifying bird populations. Therefore, no other plans or projects were searched for to inform this report.



3.3 Step 3 – Identifying the Potential Effects on Internationally Designated site(s)

The potential pathways to LSE were identified following a review of the following:

- The East Hampshire District Local Plan Part 2: Housing and Employment Allocations HRA (URS, 2015);
- The qualifying features of the Wealden Heaths Phase II SPA;
- The conservation objectives for the Wealden Heaths Phase II SPA;
- The threats to SPAs; and
- Site Improvement Plans for the Wealden Heaths Phase II SPA.

This report does not discuss all pathways to LSE identified in the documents. Only those where there is a tangible risk of the effect occurring are discussed.

Following this review, the only potential pathway to LSE was considered to be increased recreational use during occupation. This was found to have the potential to act alone and in-combination.

The effect of increased recreation during occupation on the three qualifying species of the Wealden Heaths Phase II SPA (nightjar, woodlark and Dartford warbler) could be via:

- Affecting foraging efficiency by flushing birds;
- Direct predation of birds or nests by dogs; and / or
- Affecting breeding success by flushing birds from nests.

Increased recreational use during occupation: alone and in-combination has therefore been taken forward to Stage 2: Appropriate Assessment.

3.4 Step 4 – Assessing the significance of any effects on the Natura 2000 site(s)

The Stage 1: Screening Assessment found that the impacts of increased recreational during occupation was the only potential pathway to LSE on Natura 2000 sites. This was found to have the potential to act alone and in-combination on Wealden Heaths Phase II SPA only.

This potential pathway was therefore taken forward to Stage 2: Appropriate Assessment.

All other potential pathways to LSE and Natura 2000 sites were screened out.



4.0 Stage 2: Appropriate Assessment

The assessment for determining whether recreational use during occupation alone and in-combination has the potential to affect the integrity of the Wealden Heath Phase II SPA has been completed based on a review of:

- The East Hampshire District Local Plan Part 2: Housing and Employment Allocations HRA (URS, 2015).
- East Hampshire District Local Plan: Joint Core Strategy Revised Housing Numbers, Habitats Regulations Assessment – Appropriate Assessment report (URS, 2013).
- The Headley Nurseries, Glaysher's Hill, Headley Down, Hampshire, GU35 8AQ: Habitat Regulations Assessment Screening Note (Peach Ecology, 2019).
- Habitats Regulations Screening Assessment and Appropriate Assessment Proforma for development within 5 km of the Wealden Heaths Phase II Special Protection Area for Planning Application Number: 20772/009 (East Hampshire District Council and South Downs National Park Authority, 2019).

The East Hampshire District Local Plan Part 2: Housing and Employment Allocations HRA (URS, 2015) states that in relation to recreation impacts, each development outside 400 m but within 5 km of the Wealden Heaths Phase II SPA, must be considered on a case-by-case basis, taking into account the distance from the site and the number of dwelling proposed. This approach was taken to these development proposals.

The HRA of the Joint Core Strategy (URS, 2013) identifies that East Hampshire expects up to 846 un-committed dwellings to come forward within 5 km of the Wealden Heaths Phase II SPA. This was identified as not being predicted to lead to significant effects and would not require strategic mitigation. This was based on the scale of recreational impact level increase being proportionate to the population increase. As this would be in the order of 3.5%, this was also considered not to be significant.

The development proposals at this site comprise nine dwellings and provided there is capacity for these within the 846 expected number of un-committed dwellings (i.e. this has not been exceeded), the predicted recreational impacts would therefore not be significant.

In terms of recent planning precedence, this approach was taken for the project-level HRA carried out on the consented application to develop The Headley Nurseries (East Hampshire District Council Planning Application Reference 20772/009). This site is also shown on Figure 1. This site was allocated for residential development within the local plan (VL3) (East Hampshire District Council Planning Services, 2016). For this nine-dwelling development, the same conclusions were drawn, as demonstrated in the Habitat Regulations Assessment Screening Note (Peach Ecology, 2019) and the HRA prepared by the LPA (East Hampshire District Council and South Downs National Park Authority, 2019).

It is therefore considered that the impact of increased recreational pressure would not have the potential to affect the integrity of the qualifying features of the Wealden Heaths Phase II SPA. This is based on the predicted increase in recreational pressure being immeasurably small (below 5% in-combination with committed and un-committed



development in the Local Plan). This conclusion is considered to apply to increased recreational pressure both alone and in-combination.

5.0 Summary

The Stage 2: Appropriate Assessment found that there would be no impact on the integrity of any European site.

As such, it is considered that the 'Competent Authority' can permit the proposed development and does not require Stage 3 or Stage 4 assessments to be undertaken, as described in Section 2.1.



6.0 References

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- URS, (2015), *The East Hampshire District Local Plan Part 2: Housing and Employment Allocations HRA*, [online] Available at <https://www.easthants.gov.uk/sites/default/files/documents/CD07TheEastHampshireDistrictLocalPlanPart2HousingEmploymentAllocationsHRA.pdf>, Accessed January 2020.



Figures

Figure 1: Site Location Plan



Appendix A – Report Conditions



REPORT CONDITIONS

This Report has been prepared using reasonable skill and care for the sole benefit of Cordage 15 Limited ("the Client") for the proposed uses stated in the report by WYG Environment Planning Transport Limited ("WYG"). WYG exclude all liability for any other uses and to any other party. The report must not be relied on or reproduced in whole or in part by any other party without the copyright holder's permission.

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The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The "shelf life" of the Report will be determined by a number of factors including; its original purpose, the Client's instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. WYG accept no liability for issues with performance arising from such factors.



Appendix B – Masterplan

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COMMENTS



CLIENT
Cordage 6 Ltd

PROJECT
20c Ordnance Row
Portsmouth, England
PO1 3DN

ISSUE
13.12.19
RE-ISSUE

SCALE
1:200@A2

DRAWN BY: AC

DESCRIPTION
Site Plan

PROJECT NO.
19.01.#####



ecology@wyg.com

**WYG Environment Planning Transport
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Registered in England & Wales Number: 3050297

Registered Office: 3 Sovereign Square, Sovereign Street, Leeds, West Yorkshire, LS1 4ER

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