

Habitats Regulations Assessment (HRA)

Application reference:	21/00087/FUL
Application address:	Newspaper House Test Lane Southampton SO16 9JX
Application description:	Redevelopment of the site. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking and landscape and infrastructure works (departure from the Development Plan)
HRA completion date:	19/05/2021

HRA completed by:

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Summary

The project being assessed would lead to the development of three buildings providing approximately 15,000 square metres of industrial and/or storage and distribution space in close proximity to sections of the Solent Maritime SAC and Solent and Southampton SPA/Ramsar site.

The site is approximately 5ha and currently comprises two large buildings with associated hard standing parking areas and broadleaved plantation around the boundaries. The development, during its construction phase, is likely to result in higher levels of noise, dust generation and lighting. There is also a risk of contaminated surface water flow. During the operational phase elevated light levels and the risk of contaminated surface water will remain however, levels of noise and dust generation should diminish.

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. 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

<p>European sites potentially impacted by plan or project:</p> <p>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.</p>	<ul style="list-style-type: none"> ▪ Solent & Dorset Coast Special Protection Area (SPA). ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Southampton Water Solent SPA and Southampton Water Ramsar Site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of an increase in employment floor space which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<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 PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 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 Newsquest 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 50m to the west of a unit of the Solent and Southampton Water SPA, Ramsar site and the Solent Maritime SAC and 1km from the Solent and Dorset Coast SPA. The designated land also forms part of the Lower Test Valley Site of Special Scientific Interest (SSSI) and lies within the Lower Test Marshes Nature Reserve which is owned and managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT)

The Solent Maritime SAC is designated for a range of habitats including tidal rivers, estuaries, mud flats, and salt marshes. The Solent and Southampton Water SPA and Ramsar site are designated for a range of breeding and over-wintering wetland bird species and for a significant assemblage of over-wintering wetland birds. The Solent and Dorset Coast SPA is designated as foraging habitat for breeding terns listed on the Solent and Southampton Water SPA. 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 construction activity, or permanent arising from the on-going impact of the development when built.

The site is not immediately adjacent to the designated sites nor does it support any regular foraging or roosting activity by species for which the Solent and Southampton Water SPA and Ramsar site are designated. Direct impacts are therefore unlikely.

Reports submitted in support of the planning application identified the following indirect effects:

- Noise;
- Light;
- Air quality;
- Contaminated surface water run-off.
- Recreational disturbance

A number of avoidance and mitigation measures have been proposed which are summarised as follows:

- A Construction Environment Management Plan covering:
 - construction methodologies
 - Timing of works
 - Noise levels – construction techniques and machinery;
 - Control of surface water runoff
 - Dust suppression
 - Control of light levels

- A detailed lighting plan;
- Implementation of a SuDS scheme compliant with CIRIA SuDS Guidance (C753).

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 development of three buildings providing approximately 15,000 square metres of industrial and/or storage and distribution space in close proximity to sections of the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The site is approximately 5ha in size and currently comprises two large buildings with associated hard standing parking areas and broadleaved plantation around the boundaries. The development, during its construction phase, is likely to result in higher levels of noise, dust generation and lighting. There is also a risk of contaminated surface water flow. During the operational phase elevated light levels and the risk of contaminated surface water will remain however, levels of noise and dust generation should diminish.

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

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

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

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and 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 BASED EFFECTS

Noise disturbance

Solent and Southampton Water SPA/Ramsar Site

The SPA and Ramsar site are designated primarily for supporting a significant assemblage of over-wintering birds. Wintering birds are known to be susceptible to noise disturbance, particularly sudden loud noise associated with activities such as piling, which can cause birds to cease feeding or take flight. This in turn leads to a reduction in the birds’ energy intake and an increase in expenditure of energy which can affect their survival.

Studies of birds’ response to noise associated with other developments have established that below 50decibels (dB) there is little effect, between 50dB and 70dB there is moderate to high effect (head turning, scanning, reduced feeding) and above 85dB there is the maximum response of flying away. It has also been established that where sound is regular, birds will become habituated to it even if it is significantly higher than 85dB. Natural England in their comments dated 17/2/21 stated a noise level in excess of 69dbAmax., measured at the sensitive receptor during the bird overwintering period (i.e. October to March inclusive), as the key threshold. They state that the sensitive receptor is the nearest point of the SPA or any SPA supporting habitat.

A survey of wintering bird distribution within 500m of the Site was carried out by the Ecology Practice in 2020/21. The study found two species from the European site feature ‘Waterbird Assemblage’, mallard and wigeon, present within 30m of the western boundary of the proposals.

The results of a noise assessment undertaken in support of the development are shown in the table below. The noise levels have been assessed for their significance at the eastern edge of the European site’s closest point to the site to clarify the effect following NE’s consultation (17/2/21).

Maximum noise levels, dB LAFmax (Resound Acoustics 2021)

Phase	Source	Maximum Noise Level at SSSI	
		Receptor Height = 4m	Receptor Height = 0.5m
Demolition	Buildings	70	70
	Breaking-up yard	84	80
Construction	Excavator (building)	69	64
Operations	HGV airbrakes	63	60

	HGV trailer pick-up	66	61
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The proposals do not include piling therefore construction stage impacts that are considered include use of an excavator to dig the foundations prior to concrete pour, building demolition, ground break-up and general construction machinery plant.

The noisiest activity is break-up of the existing hardstanding which will generate significant noises up to 80dB. This exceeds the thresholds provided by NE (69dB) thus requiring mitigation to alleviate the likely significant effects. The demolition of buildings has been assessed to not exceed 70dB, which is just above NE's consultation figure of 69dB. Again, mitigation should be provided during that the building demolition process.

Measures such as commencing noisy activities gradually so that the noise level builds up to the maximum over several minutes, locating noisy activities on the eastern side of the site first to allow birds to become habituated, avoiding noisy activities during very cold weather and use of appropriate screening around the site can all help to ensure that the 70dB level is not exceeded. These measures would need to be detailed in the CEMP.

Light disturbance

Solent and Southampton Water SPA/Ramsar Site

Lighting associated with the construction phase of the development has the potential to affect wetland birds feeding and roosting within the nature reserve. Measures to control site lighting will be included within the CEMP.

Air quality;

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The most significant air quality risk from the construction phase is the generation of dust which can smother habitats. The air quality assessment (Kairus 2021 Air Quality Assessment, Test Lane) assessed the designated sites as being of high sensitivity to dust emissions however, as they are located over 20 m from the site boundary, the overall sensitivity was reduced to 'medium' in relation to earthworks and construction but high in relation to 'track-out'.

The predicted construction programme likely to generate dust, including the demolition and civils works and associated track-outs only runs for four months. Whilst this is not long term, to minimise risks a number of mitigation measures including site screening, locating machinery and dust causing activities as far away from the designated sites as is practical, damping down dusty surfaces and covering piles of construction materials will be incorporated into a Construction Environmental Management Plan (CEMP).

Water quality – surface water drainage.

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The development is situated within 20m of watercourses feeding into and running through the European sites. A drainage strategy supporting the application (Bradbrook Consulting 2021) shows that the proposals will drain surface water drainage into the existing drainage network that feeds into these watercourses. There is therefore potential for contaminants in surface water (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, chemicals such as enriching fertilisers or herbicides/insecticides, detergents) to negatively impact on these watercourses and the features for which the protected sites are designated.

The Site lies close to Annual Vegetation of Drift Lines and Atlantic Salt Meadows which are a feature of the Solent Maritime SAC; and Estuaries as a Marine Site feature and a feature of the Ramsar and saltmarsh generally which is a supporting habitat for the SPA. Natural England Supplementary advice states that maintaining the quality and quantity of water supply will be critical for all four features.

The demolition works and drainage from the site during construction is likely to cause a reduction in water quality reaching the neighbouring European site to the extent that drainage will need to be controlled by a Construction Environment Management Plan (CEMP). This will include measures to ensure polluted waters do not enter local water courses; measures to control spills; storage restrictions; welfare facility restrictions; and compliance with BS for Earthworks. With these measures in place likely significant effects can be avoided.

PERMANENT, OPERATIONAL PHASE IMPACTS

Noise

Solent and Southampton Water SPA/Ramsar Site

Noise levels on the edge of the designated site were assessed as being around an average of 60dB – 61dB. This is below NE's 69dB threshold and, bearing in mind that the birds are already likely to be exposed to regular high levels of noise from trains using the adjacent railway line, it is unlikely that the noise emanating from the development will lead to adverse impacts.

Light disturbance

Solent and Southampton Water SPA/Ramsar Site

Once complete, the development will result in a higher level of lighting on the site. This lighting is likely to be in operation throughout the night.

A lighting plan has been provided by Holophane 202030, showing the lux effect of the main proposals including that of the new proposed junction. The lux plan with the lighting proposals show that lux levels will be at zero at the eastern boundary of the European site. Provided the lighting is installed to the standard set out in the lighting plan no significant

effects are likely. A planning condition will be required to secure implementation of the lighting plan.

Air quality

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The proposed use, Storage & Distribution (non-parcel distribution), will result in an increase in the number of heavy goods vehicle (HGV) movements into and out of the site, however the impact of these will be offset by a substantial reduction in overall vehicular movements. The air quality assessment showed that for general industrial (Use Class B2) storage and distribution (Use Class B8) there are likely to be increases in NO_x concentrations of 0.1-0.2 µg/m and less than 0.1 kgN/ha/yr for nitrogen deposition. These levels are both less than 1% of the critical loads (CLO) for the affected habitats, the accepted threshold for adverse impacts, and are not, therefore, significant.

An alternative use as a parcel distribution centre was also modelled and produced the following results:

- 0.29 ug/m³ which is 1% of the CL (E1)
- 0.38 ug/m³ = 1.3% of the CL (E2)
- 0.34 ug/m³ = 1.1% of the CL (E3)

Given that overall NO_x concentrations within the European Site at 0m are predicted to be less than 75% of the objective limit of 30 ug/m³, a level usually considered 'well below' the objective when considering human receptors there is no reason to regard this slight increase as significant.

As a secondary feature of the proposals, future end-users would be actively encouraged to adopt sustainable travel patterns through the implementation of a TP containing a mixture of 'hard' infrastructural and 'soft' information-led measures for various journey purposes, further minimising the impact of the development proposals on the local highway network. Accordingly, there is a minimal risk of significant adverse effects from air pollution arising from the proposals on the Conservation Objectives of the neighbouring European site cluster.

Water quality – surface water run-off

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

During the operational stage there is a risk of contamination from small amounts of hydrocarbons, e.g. diesel, oil etc. arising from vehicles as they move around the site. There is also potential for a sudden pollution event such as spillage of diesel from an HGV. To protect the water quality of receiving surface waters and groundwaters effectively over the lifetime of the development the proposals feature the use of SuDS. These will include appropriate treatment measures, as set out in the Flood Risk Assessment & Drainage Strategy (FRA), Bradbrook Consulting 2021, a maintenance strategy and monitoring proposals. This will ensure that water quality runoff discharged from the site is compliant with CIRIA SuDS Guidance (C753) as requested by NE.

With these measures in place there is not likely to be any significant effect from the operational proposals on water quality grounds.

Water quality – eutrophication

The Solent European Marine Sites are currently experiencing significant effects as a consequence of elevated levels of nutrients, principally nitrates, entering the system. These nutrient inputs come predominately from agricultural sources or wastewater from existing housing and other development. The elevated levels lead to a range of impacts including the growth of dense mats of green algae which impact on the Solent's protected habitats and bird species.

The Site lies adjacent to Annual Vegetation of Drift Lines and Atlantic Salt Meadows which are a feature of the Solent Maritime SAC; and Estuaries as a Marine Site feature and a feature of the Ramsar and saltmarsh generally which is a supporting habitat for the SPA.

In general, commercial development not involving overnight accommodation is not included when considering eutrophication in the Solent. However, the LPA requested clarification that the proposals do not contribute significantly to the issue. The proposals are that foul water from the proposed development will be discharged via the existing pumping station and the network. The FRA states at 5.3 that as the proposal is for warehouse/industrial units compared to the existing office and warehouse, the peak discharge rate from the industrial development will be minimal and the impact will be insignificant (Bradbrook Consulting 2021). It is therefore unlikely that the proposals will contribute towards the eutrophication of the Solent and any in-combination effect with residential housing development is not predicted.

Displacement of recreational activity and trampling of habitats

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The proposals will generate additional employment attracting up to 387 extra employees to the area. European sites are vulnerable to land-based recreation, with activities such as walking causing disturbance to bird communities whilst additional footfall can bring an increase in abrasion resulting in physical damage to a site

A survey of wintering bird distribution within 500m of the Site was carried out by the Ecology Practice in 20-20/21. The study found two species from the European site feature 'Waterbird Assemblage' present within 30m of the western boundary of the proposals. Breeding birds are also particularly sensitive to disturbance. Although breeding bird distribution was not available, NE state that the sensitive receptor is the nearest point of the SPA or any SPA supporting habitat, rather than any particular bird.

Previously, development pressures have been centred around displacement of dog walking activity whereas the current proposals involve redevelopment of an existing employment site with no recreational access. Any recreational activities resulting from the proposals are

likely restricted to lunchtimes and the extra employees are unlikely to be accompanied by dogs. They would not, therefore, lead to an increase in dog walking activity.

In addition, the employees would not be new residents so either [a] their recreational activities at weekends or evenings would not be additional to this area, or [b] should they become locally resident, their impact would be dealt with at the residential impact level not to be double-counted as a result of the proposals. On balance, therefore, the increase in people as a result of the proposals is unlikely to result in significant effects from recreational disturbance.

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

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

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome.** The mitigation measures which are detailed below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
 - construction methodologies
 - Timing of works
 - Noise levels – construction techniques and machinery;
 - Control of surface water runoff
 - Dust suppression
 - Control of light levels
- A detailed lighting plan;
- Implementation of a SuDS scheme compliant with CIRIA SuDS Guidance (C753).

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs 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."

Reference

Habitats Regulations Assessment Stage One: Screening, Test Lane, Southampton, SO16
9JX, The Ecology Practice. Issue 3 19/05/2021

European Site Qualifying Features

Solent and Dorset Coast potential Special Protection Area

The Solent and Dorset Coast potential Special Protection Area is being proposed to protect the following species which are listed on Annex 1 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*.

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*