

From: Norton, Tristan

Sent: 22 May 2025 14:38

To: Miszewska, Arleta

Cc: Norton, Tristan

Subject: APP/21/01350 | Outline application for erection of up to 29 dwelling units and associated highway works with all other matters reserved. | Land north of Oysters, Station Road, Hayling Island

Dear Arleta,

APP/21/01350 | Outline application for erection of up to 29 dwelling units and associated highway works with all other matters reserved. | Land north of Oysters, Station Road, Hayling Island

Thank you for consulting me on this application. The application is accompanied by an Ecological Impact Assessment (Tyler Grange, October 2021) and a Brent Goose and Wader Mitigation Strategy (Tyler Grange, April 2025).

The site comprises an area of arable-dominated land with associated semi-improved grassland, hedgerows, trees, scrub and ditches. The site has been subject to desk-based and field-based ecological assessments in 2020/21, with surveys for overwintering birds undertaken and supplemented by survey information arising from the adjacent Oysters development to the south. I am content that the on-site habitats are of relatively low ecological value. The bulk of the site comprises arable farmland and is of limited ecological value. There is a small area of species-poor grassland at the arable margins. There are typical agricultural hedgerows with trees in various boundary locations, and drainage ditches present in the site's centre and southern boundaries. The proposal (as far as it is detailed) allows for the retention of boundary vegetation, with mature trees and hedgerows retained and an area of SuDS and apparent semi-natural habitat in the northern central section of the site. The outline nature of the application means that there are minimal details on landscaping or trees. I would request further detail on the extent to which the proposed layout will incorporate existing vegetation and also areas of new/enhanced semi-natural habitat. I would also request information on whether ecological assessments for habitats and species have been updated since 2021.

Surveys have been carried out for roosting bats, bat activity, Great Crested Newt, Badgers and wintering birds. Walked bat transect and automated surveys have highlighted the presence of several bat species within the site, with activity unsurprisingly dominated by Pipistrelle species. There is no evidence of roosting on site, with two trees offering roosting potential and surveys of these recording no roost evidence. Bat activity in general is typically concentrated around structured linear features. I am content that sufficient bat survey information is presented. It will be essential to ensure that a suitable lighting strategy is secured which ensures that habitat likely to be used by bats will not be subject to artificial illumination. The developed site provides an opportunity for embedded ecological enhancements such as integral bat roosting units within new dwellings and ambitious levels of enhancement will be expected. The site supports a population of Slow-worms and Common Lizard,

recorded within grassy margins. The proposed development will remove the vast majority of reptile habitat and therefore a suitable alternative compensatory habitat will be required on- or off-site. No firm details are provided. Again, I would wish to see some further detail on how reptile populations can be accommodated within the built site.

In summary, further information is required before I can provide fully-detailed consultation advice on ecological matters relating to habitats and species other than wintering birds. Whilst the site is generally of limited ecological value in terms of semi-natural habitats and protected and notable species, there will certainly be a loss of biodiversity. The provision of new landscaping areas suitable for supporting the various species recorded on site is welcome, although no firm details are given due to the outline nature of the proposal. Only outline mitigation, compensation and enhancement measures are provided and, whilst it may be acceptable to require further (full) details of these matters at detailed design stage, I would rather have at least a more detailed outline of the range of measures to be provided so that we can establish a baseline expectation at outline stage.

The site is included in the current Solent Waders & Brent Goose Strategy (SWBGS) as Site H34E. The site is classified as a Secondary Support Area based on a history of supporting significant numbers of foraging Brent Geese. The application site is therefore valuable supporting habitat for wintering birds and is functionally linked to the nearby Solent Special Protection Areas (SPAs). The proposal would result in the loss of the southern portion of SWBGS Site H34E. In order for this loss to be judged acceptable, an appropriate mitigation/compensation package will be required.

Mitigation/compensation should be based on the published SWBGS Guidance on Mitigation and Off-setting Requirements which states 'Loss of or damage to Secondary Support Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. However, where impacts cannot be avoided or adequately mitigated on-site, there may be scope for a more flexible approach to off-setting the impacts to these sites, provided the continued ecological function of the network is maintained and significant enhancements additionally delivered, for example by improved long term management. The loss of secondary sites could be off-set on a like-for-like basis within the locality, similar to the replacement of Primary Support Areas. As Secondary Support Areas are generally utilised less frequently than Core Areas or Primary Support Areas (usually due to less optimal management, crop rotation patterns or disturbance), it may also be acceptable for replacement habitats to be located at a greater distance from the current sites, provided that the location is appropriate for the discrete subpopulation'.

In this instance, on-site mitigation options are not possible and therefore it is for the applicant to propose a suitable off-site option that acknowledges the impacts on supporting habitat from this proposed scheme. It should be noted that some aspects of mitigation for the Oysters scheme were not implemented at all and that there is a wholly understandable degree of scepticism around the subject of developer-led mitigation in this landscape. The application site is also in close proximity to the recently approved permanent bird refuge off Sinah Lane. I am concerned that construction-phase activities will impact the refuge, and that once operational any increase in recreational pressure will also impact the refuge. Given the absence of any strategic-level compensatory scheme within Havant Borough or the wider Solent area, it is the responsibility of the applicant to identify and provide details of a suitable off-site compensatory habitat. The applicant has engaged with this matter, and

detailed discussions have taken place over the previous two years on a specific off-site mitigation option.

The submitted Brent Goose and Wader Mitigation Strategy (Tyler Grange, April 2025) is essentially unchanged from that previously submitted and discussed in 2022 and 2023, and has been subject to detailed discussion with Natural England officers and I. The principle of utilising compensatory land at Mill Rythe as mitigation remains agreed in principle, and the strategy provides further details on what, in practice, is proposed in order to ensure the Mill Rythe land provides a functional off-site site for bird species.

In essence, the strategy entails the cessation of certain land use activities at the Mill Rythe site, alongside some enhancements. I consider the proposed management changes - cessation of dog walking activities, better grassland management, boundary strengthening - to be achievable mitigation and enhancement measures to Solent Waders & Brent Goose Strategy (SWBGS) Core Site H50C. I am confident that the proposed mitigation/enhancement measures would provide habitat attractive to Brent Geese in particular, in an area where they have traditionally occurred in significant numbers. The principle of providing permanent habitat in key locations (as opposed to intermittently available habitat) is a central thread of the SWBGS. The current activities on the Site H50C are detailed, as are other factors that may render the site unattractive to wintering birds.

There is an added complication in that the Mill Rythe mitigation site may be required to mitigate both this proposal and the nearby Land South of Saltmarsh Lane proposal. To this effect, the Mill Rythe proposal includes three scenarios based on three hypothetical planning outcomes – delivery of each development site alone or first, and then both concurrently. I recognise and acknowledge that these outcomes are reasonable assumptions in the context of the two concurrent applications. I am of course supportive of a reasonable and pragmatic solution that acknowledges that mitigation should be provided proportionately to the impacts. The three proposed options seem reasonable to me, with those addressing the alone/first impacts still allowing for a degree of uplift on the remainder of the land (chiefly, the cessation of dog walking activity, provision of appropriate disturbance-free habitat, and securing of boundaries). In conclusion, I am in agreement that a so-called ‘phased’ approach is reasonable and proportionate and agree that the coast-adjacent portion would be the preference for delivery first.

Ultimately, some further detail would be welcome on exactly how the mitigation (and any ‘remainder’ not being necessary for bird mitigation) is to be managed to enhance habitat for wintering birds. The proposed management is a late summer hay cut but grazing after this would be a preferable option (low density cattle would provide ideal grassland structure, poached muddy areas, and faeces would hopefully aid soil invertebrates for e.g. waders such as Curlew)? The applicant’s ecologist (email dated 7 May 2025) has suggested that grazing is being considered.

I should also highlight that the Mill Rythe site, particularly if subject to some flooding in winter, may be of some botanical interest in terms of coastal/saline grassland – this wouldn't necessarily affect mitigation plans but it might influence the management techniques. For the 'both sites' option, a single shallow scrape is proposed and this is welcome in principle. I should highlight that, depending on the size of the scrape and volume of excavated material, separate planning permission may be required (it might be an engineering operation). In addition, excavations should be mindful of any archaeological impacts.

If you have any queries, please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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Advanced notice of leave: 26-30 May 2025, 2-9 July 2025



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