

From: Norton, Tristan <Tristan.Norton@havant.gov.uk>
Sent: 28 November 2023 08:40
To: Eaves, David <David.Eaves@havant.gov.uk>
Cc: Norton, Tristan <Tristan.Norton@havant.gov.uk>
Subject: APP/21/01434 Rook Farm, land off St Marys Road, Hayling Island

Dear David,

APP/21/01434 | Outline application for development of up to 300 dwellings (including affordable housing). The proposal includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works. All matters reserved except for means of vehicular access. Accompanied by an Environmental Statement. | Rook Farm, land off St Marys Road, Hayling Island

Thank you for consulting me on this application.

The application is now accompanied by a Brent Goose Mitigation Strategy (CSA, October 2023), and I have previously reviewed the submitted Ecological Impact Assessment and an Information to inform Habitats Regulations Assessment report (CSA, October 2021), an Environmental Statement (Wardell-Armstrong, December 2021) and Biodiversity Net Gain document. On the matter of Biodiversity Net Gain, there is currently no mandatory requirement for a specific level of gain (discussed further below). The key ecological issue is the impact to terrestrial supporting habitat for protected bird species and I acknowledge the applicant's engagement with Natural England through the Discretionary Advice Service. As you know, the issue of bird mitigation at this site has been the subject of detailed discussions between Havant Borough Council and Natural England.

The site is included in the Solent Waders & Brent Goose Strategy (SWBGS) as Site H46B and extends to c.11.8 hectares. The site is classified as a Core Support Area based on a detailed history of large numbers of Dark-bellied Brent Geese using the site during winter months, as evidenced in data provided by the applicant's ecologist, local residents and the SWBGS database. The site, when in suitable condition, is clearly attractive to substantial numbers of the local Brent Goose population and therefore constitutes a significant area of habitat functionally-linked to the nearby Chichester & Langstone Harbours Special Protection Area and Ramsar site. The proposal would result in the total loss of Site H46B. 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, for Core Support Areas, states '*a suitable replacement site of an equal, or in some circumstances greater, size and quality must be provided in close enough proximity to the Core Area affected to fully replace its ecological function. The freehold or long-term lease (in perpetuity) of the replacement site must be passed to an appropriate conservation body, or the LPA, in a suitable condition and managed in perpetuity as a nature reserve for waders and / or brent geese*'.

The mitigation proposal entails the use of two fields off West Lane as a permanent refuge. The two fields together extend to 14.6 hectares and are included within the SWBGS as Sites H48C and H48D, both Core Support Areas. The two fields are essentially one large field,

separated by a narrow drainage ditch. Both fields have consistently supported significant numbers of wintering birds, notably peaks of up to 1500 Brent Geese and over 100 Golden Plover and Lapwing and several tens of Curlew. I have recently observed significant numbers of Brent Geese (c.1000) at the proposed refuge site. The proposed refuge site is clearly of high value to several species of wintering bird. The recent data submitted by the applicant provides evidence of a functional linkage between the application site and the proposed refuge: the presence of a single vagrant Pale-bellied Brent Goose at both sites on separate occasions, and the fact that large flocks of Dark-bellied Brent Geese were present at both sites but not concurrently. The application site and proposed refuge site are within relatively close proximity, certainly within ready reaching distance for mobile bird flocks and it seems evident that the same group of Brent Geese are using both sites.

The principle of permanent refuges for wintering birds is well-established and, in my view, necessary and pragmatic in order to maintain a functional network of terrestrial sites for SPA bird species in the face of high pressure from competing land uses. The SWBGS Guidance on Mitigation and Off-setting Requirements provides justification for the use of permanent replacement habitat. The creation of permanent bird refuges provides an opportunity for securing terrestrial habitat that might otherwise be available only intermittently, or lost entirely. At present there is no effective legal protection for any SWBGS sites situated within cropped land, where the suitability of any site is wholly dependent on the vagaries of cropping patterns. The securing of cropped land for bird mitigation allows suitable habitat to be guaranteed in each year.

The proposed refuge will be c.24% larger than the application site and is already serving a significant function in the overall SWBGS network when habitat is suitable. The site is also situated close to the coast and supports/has supported a wider range of bird species than the application site. Disturbance is also not likely to be a significant factor (unlike at the application site) and the site benefits from a good all-round open aspect. On that basis, the proposed refuge site is in my view a positive mitigation package – it provides a larger area than the application site, is functionally linked, and will provide certainty of habitat. The land will need to provide suitable habitat for geese and waders and this is likely to comprise permanent grassland, ideally with a high Clover content to provide natural fertilisation. Management of the site can be either through grazing (although this should be at conservation grazing levels of 0.5 livestock units per hectare) or mowing. The optimum grass sward height is 5-7 centimetres between October and April.

I welcome the inclusion of shallow scrapes: this will add suitable habitat enhancements for bird species. I would query whether scrapes situated close to the north-western corner will be effective – in my view birds are unlikely to be comfortable close to taller vegetation in this location. Scrapes would be most effective if situated in an open location, away from potential threats. I would add that some marginal vegetation – natural colonising rather than planted – would likely be beneficial to wader species.

In my view, the proposed refuge site establishment, ongoing management and ongoing monitoring requires detailed measures to be secured through legal agreement, and these must include firm, unambiguous details of all required infrastructure (fencing, access, new/supplementary plantings, water source etc), initial management operations (scrape construction, access area construction, materials, plantings), ongoing management actions

(grazing/cutting, habitat aftercare), and monitoring (of habitat, of bird use, data sharing). It is essential that there is one clear and agreed scaled plan showing the proposed refuge, and that this forms the basis for all management actions. It is essential that all measures are subject to prior agreement with, and wherever necessary are supervised by, a suitably qualified ecologist appointed by the applicant. It will also be necessary to include ongoing discussion and monitoring by the Local Planning Authority and Natural England, to ensure that all matters proceed as agreed and that key milestones are met prior to any sign-off. There must be provision for LPA step-in should matters not proceed as expected, and the ability to adapt management operations as necessary. There have been significant complications with the establishment of a refuge nearby on Hayling and it is therefore essential that all details are provided, agreed in writing by all parties, secured through legal agreement, and implemented with professional ecological supervision by competent persons.

It is not clear at this stage who will be responsible for the management of the refuge site. Ideally this would be a recognised conservation body with proven experience in managing sites for conservation purposes. I would therefore request details of any discussions with such a body – at present there is no certainty of delivery of any mitigation proposals. Otherwise, I welcome the proposed mitigation strategy in principle.

In terms of the general ecology of the application site, 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. The field margins do support a typical arable weed flora which, in the context of an arable landscape, are important biodiversity features regardless of whether scarce species occur. Arable weed species such as Knotgrass, docks, thistles and Fat-hen provide important food resources for farmland bird species. The grassland within the site is described as semi-improved, with the largest area situated in the east of the site. Other areas comprise uncultivated field margins. From the submitted plant species lists I am in agreement that these grassland areas are generally species-poor and semi-improved. Their chief ecological value lies in their function as shelter for various protected species (e.g. reptiles) and connecting habitat in an otherwise unremarkable arable landscape. Their association with other habitats such as scrub, hedgerows and trees increases their value as wildlife corridors. Areas of dense scrub - dominated by Blackthorn, Hawthorn and willows are present within the central and eastern portions of the site. The site boundaries contain several hedgerows, and these are a mix of intact and incomplete habitats of Blackthorn and Hawthorn with occasional taller trees and some areas of non-native ornamental species. These are typical of the wider landscape. A small pond, largely overgrown, is present in the centre of the site. The pond is largely covered with dense emergent vegetation and surrounded by dense scrub. As identified in the ecological impact assessment, the pond will provide a valuable freshwater habitat in this landscape and is likely to be of value to a range of species in an otherwise unremarkable site. The pond is connected to a narrow drainage ditch, and other ditches are present along other boundaries. The ditches are intermittently wet and their key function will be as potential habitat corridors in association with other habitats. I am content that overall the site is largely of limited ecological value. However, the value of even species-poor and degraded habitats such as grass margins, hedgerows, scrub and ditches is increased in the context of an arable-dominated site.

Walked transect and automated surveys have highlighted the presence of several bat species within the site. There is no evidence of roosting on site, and bat activity is unsurprisingly

dominated by the two pipistrelle species. Other bat species have been recorded on site, including mouse-eared species and the scarce Nathusius' Pipistrelle. Bat activity in general is typically concentrated around structured linear features. I am content that sufficient bat survey information is presented and that the developed site can retain sufficient semi-natural habitat to attract bat species. 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. The site supports a population of Slow-worms, with around sixty animals recorded within grassy margins and breeding confirmed by the presence of young animals. The proposed development will remove the vast majority of reptile habitat and therefore a suitable alternative compensatory habitat will be required. No firm details are provided, although the northern area of open greenspace is posited as a potential refuge area. This may be an acceptable approach, provided that the various uses to which this area seems destined (LEAP, footpaths, community allotments) allow for meaningful semi-natural habitat to occur. The site supports a range of typical breeding bird species. I am content that sufficient survey information has been provided. The most notable species is Skylark, with two territories noted straddling the application site and adjacent grassland. It is inevitable that this species in particular will be lost from the site: the loss of arable land plus the increase in recreational usage of the accessible grassland to the north are highly unlikely to be conducive to retaining breeding Skylarks: I am unclear how impacts to ground-nesting birds such as Skylark are to be addressed. Similarly, the presence of scrub, hedge and ground-nesting species such as Whitethroat, Dunnock, warblers and other smaller species is unlikely to be maintained post-development. These impacts can be mitigated to a degree by the use of suitable structured habitat within areas of greenspace and the provision of nest boxes within the developed areas. As with reptiles, the value of proposed landscaping areas for bird species will be dependent upon the extent to which these areas are subject to disturbance.

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 the benefits of these areas needs to be tempered by their function as accessible greenspace at the edge of a dense new housing development. In keeping with the nature of the submission, only outline mitigation, compensation and enhancement measures are provided. Whilst this is perfectly correct, I would prefer to have at least a more detailed outline of the range of measures to be provided so that we can establish a baseline expectation for the inclusion of ecological features at outline stage. No Biodiversity Net Gain calculations are provided – the BNG submission (Appendix 7.3 of the Environmental Statement) is simply a PDF of the title page of the BNG Metric and is of minimal use. Whilst BNG is not yet a legal requirement for developments, I welcome its inclusion in this instance as a means of measuring biodiversity losses and gains. However, in order for me to verify the BNG calculation it is essential for me to have access to the original BNG metric calculations and habitat condition assessments in their original form. I should also add that BNG is somewhat meaningless when the site layout – and any habitat area losses and gains - is essentially uncertain.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior

to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

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

Kind regards,

Tristan

Tristan Norton

Principal Ecologist | E: tristan.norton@havant.gov.uk M: 07552 248974

Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX