

Dear Daphney

Apologies for the delay in replying.

APP/20/01093 – Land at Sinah Lane Hayling Island

Erection of 195 No. dwellings

Consulted delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Provided that an appropriate assessment by the Council, including whether the development is sustainable given the additional travel demands to be placed on Hayling Island's highway network, concludes no significant environmental effects being likely to result from the development, no objection, subject to -

(1) Planning obligations to -

- (a) Mitigate recreational disturbance impact to the North Solent SPA, within Langstone Harbour and Chichester Harbour, in accordance with the Solent Bird Aware schedule of developer contributions and proposed open space provision providing an alternative area to dog walkers;
- (b) Deliver the bird refuge area and provide for its future maintenance;
- (c) Deliver the measures/land management to ensure the nitrogen budget is effective; and,

(2) Planning conditions related to –

- (i) adherence to the submitted phasing plan;
- (ii) works of ecological mitigation, including bat enhancement measures and slow worm translocation, set out in the submitted reports to be implemented before commencement of works in respect of slow worms and prior first occupation of each respective dwelling in the case of bat enhancement measures;
- (iii) any approved tree/hedgerow removal takes place outside of the bird nesting/breeding season which runs March to September;
- (iv) safeguarding and protection of retained trees during the build process in accordance with the submitted arboricultural method statement;
- (v) a construction environment management plan to ensure no pollution of the natural environment results from the build process and detailing how the build processes - (particularly piling and dust generation during construction) - will be mitigated during winter months to limit impact to birds using the nearby SPA designations;
- (vi) that the site's archaeology be investigated and finds recorded/archived; and,
- (vii) that any new soft planting be implemented before the end of each phase or the next planting season following that and any planting that dies, becomes diseased or fails within a 5 year period of first being planted to be replaced with similar species to the original approved planting specification.

Officer reasoned justification

Introduction and background

It is noted that application APP/18/00724 is still undetermined according to on-line information, but this current application is described as a re-submission on the application form, implying a previous outcome to similar proposals.

However, it appears the applicant Appealed non-determination of that application. At a meeting 29.10.20, the Development Management Committee of the Council appears to have resolved that had it been left to determine, the application would have been approved subject to a S.106 agreement and various planning conditions.

It would seem further pre-application discussions took place with the Council on 5-11-20.

Notice has been served on two agricultural tenants in making the application.

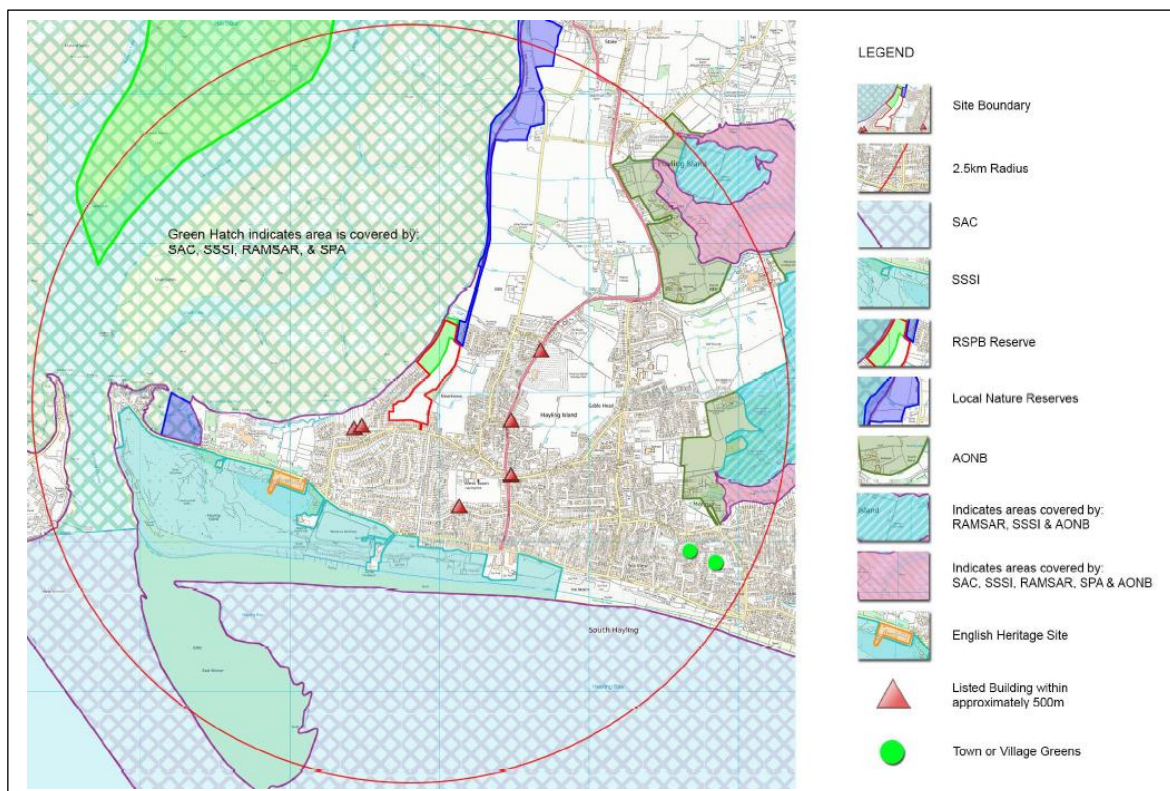
The application has been supported by the following reports -

- Air quality assessment
- Desktop archaeological study
- Design and access statement
- Bat survey and update
- Biodiversity action plan and biodiversity net gain assessment
- Ecological mitigation and management plan
- Phase I ecology report and update, identifying the site as having moderate potential to support reptiles
- Shadow HRA
- Updated reptile report showing a low population of breeding slow worms using the site. No other types of reptiles were recorded
- Winter bird mitigation strategy

Overarching constraint of highway capacity

The future consideration of these and other similar housing proposals of any scale, appears to be tied to the council undertaking a Transport Infrastructure Assessment, as to the capacity of the highway network, given the sole point of vehicular access onto and off Hayling Island.

Site and the emerging local plan



This 12.62 ha site is unallocated and shown to be outside the 'urban area' but mostly land uncertain for its importance for Brent Geese and Waders under Policy DM23 and north-western strip a coastal change management area with its northern part in a flood risk zone. 5.7ha in the southern part of the site is providing the net developable area.

The land is grade 3a agricultural land – i.e. "best and most versatile".

The Hayling Billy Trail passes down the site's eastern boundary.

There is no intervisibility between the site and the Chichester Harbour AONB.

The Langstone Harbour Management Plan (LHMP) sets out on page 66 that –

"i. the open area around the Harbour is part of the Harbour's landscape and nature conservation value and should be retained and managed for these purposes in association with the Harbour itself;"

- re-stated as Recommendation R43 of the LHMP and whose general approach is also given credence in the adopted development plan under Policy CS12. Referred to as part of 'The Hayling Shore', paragraph 10.16 of the LHMP states –

"The principal objective should be to retain its landscape character, if possible, re-introducing less intensive agricultural practices on areas at present farmed... This stretch might be one of the few areas around the Harbour where managed retreat might be possible in order to conserve the intertidal area, if sea level continues to rise. It is recommended that a detailed management strategy is drawn up for this area... It will be desirable to avoid urbanising this stretch of the shore"

No adjustment or updating of this text was put forward in the 2009 update to the LHMP. The Langstone Harbour Board has objected to the application.

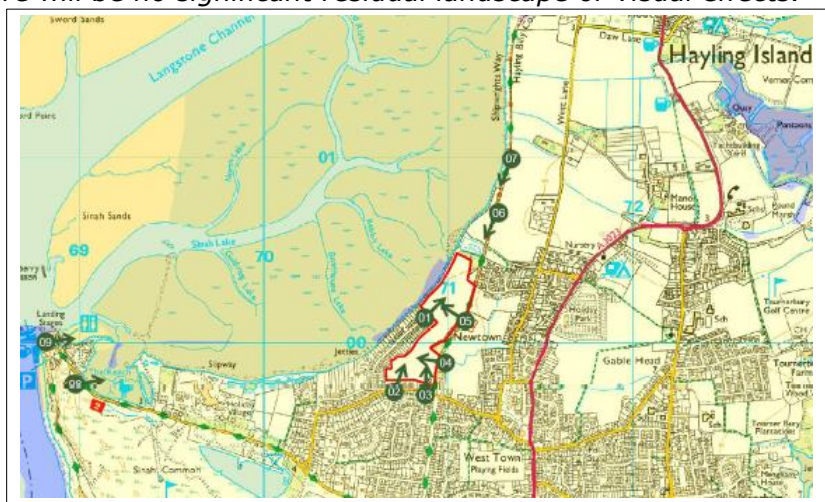
Nature Conservation and landscape matters

In the absence of mitigation, in respect of recreational disturbance and increased discharge of nitrogen via Buds Farm WwTW, a significant effect to the European sites is likely. Likewise construction noise is likely to have a significant effect on brent geese using the northern part of the site.

No part of the new housing would abut the Langstone Harbour shoreline part of the application site. New housing would sit behind existing housing in North Shore Road.

The submitted LVIA, which considered 9 main visual receptor points (identified below), concludes –

"There will be no significant residual landscape or visual effects."



4 species of bats have been found foraging across the site but no roosts were identified in trees. Bat enhancement measures are specified.

A net gain to biodiversity has been calculated/assessed by the applicant.



It is noted from the Statement of Community Engagement that a Brent Geese and Wader refuge was added to the development proposals after pre-engagement with the local community and stakeholders such as the RSPB. The objective is to create wet grassland with mix of perennial rye grass and white clover which provides a nutrient-rich food source for foraging geese and form 6 wader scrapes in the land profile within the northern part of the retained open land. A detailed specification is set out. The aspiration is that the RSPB would maintain this land.

The Council has previously reported – “a *Habitats Regulations Assessment* had been undertaken and *Natural England* in using their methodology were satisfied that there would be a net benefit in removing the land from agricultural use and using it for a bird refuge.”

There are said to be two veteran trees on the site. 137 individual trees have been surveyed at the site as well as 26 other tree groupings, with 57 and 20 of those

respectively being Category C or U gradings. Only one group is to be completely removed, with partial removal of another group to allow pedestrian linkage to the Hayling Billy Trail.

Just over 0.72 ha of open space is proposed within the layout. A SUDS basin is proposed within the bird refuge area and a pumping station will pump wastewater from the new housing to treatment at Budds Farm, on the mainland.

The Council's Landscape Team's comments are noted and The Conservancy is supportive of improvements being negotiated to achieve the same level of quality put forward under application APP/18/00724.

It is noted that Natural England consider that the significance of effects on habitats should be assessed by the applicant and Council under the Conservation of Habitats and Species Regulations 2017, although The Conservancy does not know if a screening opinion was sought or if one was, what the outcome of that process was.

The application is not supported by an Environmental Statement, although emerging Policy H29 suggests that one could be required.

In the event a shadow HRA has been submitted for the Council to conduct its appropriate assessment around.

Other matters

It is noted that 58 dwellings are to be provided on an affordable basis, secured through a planning obligation.

The applicant proposes to build out the development in 5 phases. Majority will be two storey in scale, with some 3 storey flatted blocks and single storey garages.



The Conservancy notes the council's position statement on nutrient neutrality (especially measures in paragraph 40) and that the intention is for the applicant to prepare a

Nitrogen Budget for Natural England's approval. The Conservancy notes that under Habitats Regulation 63(5) this should be before the council determines the application (applying the precautionary approach to the protection of SPA's) and would expect to see delivery of the Nitrogen Budget secured as a S.106 planning obligation, with a clear paper audit trail to demonstrate compliance.

*Policy framework

NPPF -1-3, 6-12, 28, 38-42, 47-48, 54-56, 91, 102, 105-106, 109-110, 124-128, 130-131, 148-150, 155, 163-164, 166-167, 170-172, 174-175, 180, 212-213;

NPPG – ID's 6-8, 21a, 23b, 26, 31;

Havant Borough Local Plan (Core Strategy) 2011 – CS1, CS7-CS9, CS11-CS17, CS19-CS21, DM1, DM8-DM9, DM11-DM13;

Havant Borough Local Plan (Allocations) 2014 - AL1-AL2, DM20, DM23-M24;

Draft Havant Borough Local Plan 2036 (Pre-submission version)(2019) – DR1, DR2 (f), IN1-IN5, E1-E3, E5-E6, E9, E11-E20, E22, E26, H1-H4, H29;

Chichester Harbour AONB Management Plan 2019-2024: 1-2;

SPG/SPD –

Borough Design Guide (2011);

Parking standards (2016);

Langstone Harbour Management Plan (1997 and 2009 update).

Other abbreviations

LVIA – Landscape visual impact assessment

HRA – Habitats Regulations Assessment

SUDS – Sustainable urban drainage systems

ES – Environmental Statement

DAS – Design and Access Statement

Yours sincerely

Steve Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy