

Houghton, Michelle

From: Norton, Tristan <Tristan.Norton@hants.gov.uk>
Sent: 26 March 2021 15:20
To: Oliver, Lewis
Cc: Havant Planning and Development Mailbox New
Subject: APP/20/01127 Mill Rythe Holiday Village, 16 Havant Road, Hayling Island, PO11 0PB 21.0067

Dear Lewis,

APP/20/01127 | Application for full planning permission, pursuant to APP/16/01237, for the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown 'circular wildlife walkway'. | Mill Rythe Holiday Village, 16 Havant Road, Hayling Island, PO11 0PB 21.0067

Thank you for consulting me on this application. Thank you for your patience.

The application is accompanied by a Preliminary Ecological Appraisal (Middlemarch, November 2020), a Bat Survey report (Middlemarch, November 2020), a Reptile Survey report (Middlemarch, November 2020), a Shadow Habitats Regulations Assessment report (Middlemarch, November 2020) and an Ecological Mitigation Strategy (Middlemarch, November 2020).

Unlike the previous iteration (APP/16/01237), the proposal (for an additional 112 holiday caravans) would result in the direct loss of part of Mill Rythe Holiday Village Site of Importance for Nature Conservation (SINC) and the contiguous Solent Waders & Brent Goose Strategy Site H43, classified as a Secondary Support Area. Loss of SINC habitat is contrary to Policy CS11 of the Havant Borough Core Strategy March 2011. Similarly, the loss of SWBGS site H43 would comprise a loss of supporting habitat (functionally-linked land) for the adjacent Chichester & Langstone Harbours SPA/Ramsar. In addition to these direct impacts from habitat loss, there is potential for functional habitat loss of the remainder of site H43: increased proximity to development and consequent increases in human activity may render supporting habitat unsuitable for SPA/Ramsar bird species. The addition of new areas of human activity would be likely to result in increased recreational pressure (e.g. disturbance of bird species, damage to sensitive coastal habitats) on the adjacent SPA/Ramsar and Solent Maritime Special Area of Conservation (SAC). The proposed nature conservation area to the north-east has to address two separate issues: habitat loss (of a SINC and SWBGS site) and the impacts of increased visitor pressure (year-round for the SINC and during winter months for the SWBGS site).

Given the proximity of SPA features (whether the SPA proper to the north or the supporting habitat to the north-east) there is clearly potential for impacts arising from both the demolition/construction phase and the operational phase. The key period for impacts will be the wintering period (October to March inclusive) although some construction impacts can occur within the spring/summer months.

Whilst the retention and management of the retained area of SINC and Site H43 is welcome in principle, there is nevertheless a requirement to justify this loss in terms of an ecological uplift. The loss of SINC habitat is only considered acceptable if suitably compensated, wither through a like-for-like compensatory area of habitat or through an uplift in ecological value e.g. by protection and commitment to ongoing management for biodiversity purposes, supporting the SINC designation. I

am in agreement with Natural England with respect to a costed long-term management plan for the retained SINC. This should provide full, measurable justification for the loss of SINC habitat and a costed strategy for ongoing management and monitoring to ensure that an ecological uplift is realised, sufficient to justify the impact. I am concerned that the SINC remnant will become just another greenspace within a busy holiday destination, thereby rendering any biodiversity benefit void due to the effects of increased footfall and disturbance. The SINC grassland supports plant species of count importance (e.g. common cudweed, spiny restharrow) and is therefore sensitive to the effects of increased human (and dog) activity. If the proposals are to be deemed acceptable then the area must be solely for nature conservation purposes and not general recreation. Funds must be made available, and secured through legal agreement, that will ensure appropriate management, monitoring and protection over the lifetime of the proposed development.

Concurrent with the SINC impacts is the partial loss of the SWBGS site H43. In accordance with the published SWBGS Guidance on Mitigation and Off-setting Requirements, the loss or partial loss of any Secondary Support Area should be *'off-set by the provision of suitable replacement habitats which are supported by an agreed costed habitat management plan and funding secured in perpetuity. The provision and ongoing management of replacement habitat might be delivered by a suitable third party (such as HIWWT, RSPB, Local Planning Authority, Hampshire County Council, Land*

Trust etc) through a legally binding management agreement'. It is essential that any compensatory habitat, whether on-site or off-site, fulfils the same function to SPA/Ramsar birds as that being lost. Where suitable compensatory habitat cannot be achieved it may be acceptable for a financial contribution towards the wider SWBGS network, according with the published guidance. As with the SINC comments above, I am in agreement with Natural England on the issue of a costed long-term management plan for the site, demonstrating how the retained habitat will provide at least the same function to SPA/Ramsar bird species as the existing site. Having observed brent geese at this site myself previously, I suspect that the relatively undisturbed nature of the site, and the presence of a quiet waterbody, are key factors in its attractiveness. The introduction of bird hides and increased public access may counter any benefits derived from the retained site.

It is stated that mitigation for the loss of both the SINC and H43 will be contained within a Landscape and Environment Management Plan. I consider that a draft of this LEMP is required in advance of determination. It is essential that the LPA is able to review and consider the full justification for the SINC and SWBGS site loss: it is not yet clear that the proposed mitigation is sufficient to offset these losses.

In terms of the ecology of the main application site itself, the site contains areas of managed grassland, hardstanding, various buildings, an ornamental waterbody, and scattered planted vegetation. I have no overriding concerns with the ecological implications for the main site, although various ecological impacts are identified. I would like to see a more ambitious landscaping approach, utilising the opportunities for locally-appropriate habitats e.g. coastal species-rich grassland. There is no reason why areas of 'amenity' type grassland cannot utilise species typical of the surrounding maritime grasslands. Similarly, the use of coastal species within more formal landscaping areas (such as coastal vegetated shingle species) would be a real benefit, not only providing measurable net gain but also placing the development within its landscape.

Bats

Bat surveys have identified several roosts within buildings on site, including a maternity roost of Soprano pipistrelles and two non-breeding roosts for Soprano and Common pipistrelles. The proposed works will impact these roosting locations. This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats

Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests and you may wish to ask for further information from the applicant. In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended and that the status of bats at the site is well understood. The proposed mitigation, compensation and enhancement measures are acceptable. It is the responsibility of the applicant and their appointed agents to obtain the necessary European Protected Species mitigation licence and ensure that development activities accord with the conditions of any licence.

Reptiles

The area of grassland within the east of the site supports common lizards and slow-worms in small numbers. The submitted reptile mitigation, compensation and enhancement measures are acceptable.

In summary, I am not yet convinced that the partial loss of a SINC and SPA/Ramsar supporting habitat have been sufficiently justified. I am unclear exactly how the proposed mitigation and enhancement measures to the retained SINC/SWBGs site will offset the impacts in terms of their function to the SPA/Ramsar and SINC designation.

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

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Coronavirus (Covid-19)

Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).

In line with Government advice to reduce non-essential travel and work from home where possible, Ecology officers are now working remotely. Whilst we will endeavour to conduct our services in a timely manner and to meet statutory timescales where we can, there may be some impact to the services we deliver. We will ensure that we keep all applicants / interested parties informed of any further impacts to our services should they arise. The Council's response also means that no non-essential site visits or face to face meetings will be undertaken until further notice. Essential and contractual surveys may continue take place where there is no risk to the surveyor or the public, and in line with Government advice. This will be reviewed on an on-going basis.



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Specialist Environment Services provides data, advice and assessments for ecology, heritage and landscape.

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Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Havant Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.