

From: Keker, Michaela (Avison Young - UK) <Michaela.Keker@avisonyoung.com>

Sent: 21 April 2021 16:55

To: Oliver, Lewis <Lewis.Oliver@havant.gov.uk>

Subject: RE: APP/20/01127: Mill Rythe Landscape & Ecology responses

Dear Lewis,

Apologies, this has taken longer than I promised.

Landscape

Please find attached our Landscape Architect's (EBLA) responses to the comments received by the HBC Landscape Architect and Chichester Harbour Conservancy. The letters discuss the findings of the submitted LVIA and demonstrate that not only will the proposal not have any adverse visual impact but that it will improve the landscape character of the area through the demolition of the two-storey chalets and their replacement with one-storey caravans and the proposed additional planting.

As agreed, the colour palette of the caravans and detailed landscaping scheme can be conditioned.

Ecology

We have also looked at the comments provided by the HCC Ecologist and taking into consideration Natural England comments we would like to discuss the below with you:

Habitat Regulations Assessment and Appropriate Assessment

Please find attached the completed shadow HRA Stage 1 and 2 Report and the Winter Bird Report prepared by our ecologists (Middlemarch Environmental). These discuss the possible effects the proposal could have on European Sites and outline the proposed mitigation measures to address these effects on qualifying habitats and species. I trust that the attached will satisfy Natural England's request and will provide you sufficient information so you can undertake and complete both stage 1 (Screening) and stage 2 (Appropriate Assessment) of your Habitats Regulations Assessment.

Construction Environmental Management Plan (CEMP)

As discussed we expected the submission of a CEMP to be secured via a pre-commencement condition but I would be grateful if you could confirm.

Costed long-term management plan (CMP) – SINC and SPA/Ramsar bird species

A CMP is required by both Natural England and the HCC Ecologist and we have asked our ecologist for a fee quote for its preparation. However, as this is not required to be submitted prior determination, we assume that we will proceed as agreed a couple of weeks ago; securing the submission of the CMP via a condition?

In response to the HCC Ecologist comments regarding financial contribution towards the wider SWBGS network, please note that the attached HRA suggests developer contribution of £64,098.00 towards the Solent Waders and Brent Goose Strategy, which our client agrees to pay and can be secured via an appropriately worded schedule within an S106 agreement.

Landscape and Environmental Management Plan (LEMP)

We discussed that a LEMP could be secured via a pre-commencement condition, as this is the way things were handled in the previous application APP/16/01237. Although, the HCC Ecologist considers that a draft of it is required in advance of determination so the Council can consider the full justification for the SINC and SWBGS site loss as it was not clear, at the time of making their comment, that the proposed mitigation would be sufficient to offset these losses, we trust that the submitted shadow HRA does now provide sufficient information to demonstrate that the proposed siting of caravans and amenity space within part of the SINC/SWBGS will be off-set by the proposed ecological enhancement of the remainder of the SINC that is currently used and permitted for recreational use, together with the mitigation payments proposed. Therefore, although we have asked for a fee quote for the preparation of the required LEMP, we assume that it is accepted that it would be reasonable to make its provision a condition of approval so that this does not need to hold up determination of the application.

Bats – EPS licence

As the HCC Ecologist states it is the applicants responsibility to obtain the necessary EPS mitigation licence and I can reassure you that the intention of our client is to comply with this requirement, apply for the EPS licence and make sure that the development activities accord with the conditions. We have already requested a fee quote for the preparation of an application for an EPS licence but as you will be aware, no EPS application can be made unless and until planning permission is granted.

Regarding the two tests that should be met for an EPS licence to be granted, it should be noted that the proposed redevelopment includes demolition of numerous dated redundant chalet buildings and extensive additional landscaping which will result in landscape and environmental enhancements. In addition the proposed new holiday caravans will support tourism growth which will benefit the local economy. We consider therefore that the proposal is for imperative reasons of overriding public interest including environmental, social and economic.

The only alternative for the site's redevelopment would be the refurbishment of the existing redundant chalets however due to the extent of works that would be required both internally and externally we consider that there would also be potential for such development to result in harm to individual bats. In addition, if our client was to refurbish the existing buildings retaining the existing layout, this would not allow for the extensive additional landscaping and biodiversity enhancement that is currently proposed. We consider therefore that there is no satisfactory alternative.

Therefore, I hope you will agree, that we have addressed all the issues raised by the HBC Landscape Architect, Chichester Harbour Conservancy, Natural England and the HCC Ecologist such that you may now be in a position to give this application a positive recommendation. Please let me know if there is any further information you require.

Kind regards

Michaela

Michaela Kekerri RIBA AssocRTPI
Architect – Planner, Leisure

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Response in relation the Chichester Harbour Conservancy comments.

Our comments are set out below (in blue font) in relation to the landscape and visual impact of the proposed development in response to the relevant points outlined in the Chichester Harbour Conservancy consultation response.

'The proposal for the increase in holiday units on previously used recreational land would physically increase the developed area of the park resulting in the loss of a significant amount of the amenity area within the site. This would change the character of the eastern part of the site within the countryside area, creating a clearly tourism form of development in appearance which is an unwelcomed intensification of the activities with this countryside location and likely to increase activity beyond the boundary within the AONB with associated wild life disturbance on the fringe of the adjacent and visually important AONB protected landscape (contrary to 'AONB Planning Principle PP01: Chichester Harbour as a Protected Area' of the adopted Chichester Harbour Management Plan - April 2019).'

The site consists of land which is part of the existing holiday village including numerous accommodation chalet buildings and the site of a pitch and putt course. The site including the eastern area currently looks dated and degraded in appearance. The wider holiday village includes dense mature screen planting to the western, and southern boundaries, the northern and eastern boundary is enclosed by tall coastal defence embankments. There are numerous mature trees located within the site and large areas of mown amenity grassland, and some scrub towards the site boundaries and coastal embankments.

The proposed redevelopment which will include demolition of numerous dated redundant chalet buildings, extensive landscaping (including provision of open space) and tree planting would improve the existing character of both the site itself including the eastern area and contribute to an improvement in the character of the surrounding landscape, coastline and views from the AONB. The designation of AONB confirms that the coastal and open water areas of Chichester Harbour are recognised of national importance and are highly valued.

The effect of the proposals will be to redevelop and improve land within the existing holiday village. The design of the layout including landscaping will be of high quality and be appropriate to the local character. Existing hedges and trees to the boundaries of the site will be largely retained and will continue to screen the development. The retention of existing screen planting plus the provision of additional screen planting within and to the boundaries of the site will improve the appearance of the site, and as this planting matures it will provide additional screening of the proposed development within the local landscape.

The demolition of chalet accommodation buildings within the site will remove distant views to these elements from the Harbour and therefore improve the character of the AONB. The proposed static caravans which are low in height would not be visible from the Harbour, due to intervening vegetation, coastal embankments and effect of distance.

The landscape character of the study area is judged be tolerant of the type of changes arising from the proposals. The local landscape character, especially those areas within the Chichester Harbour AONB are of high value. The landscape character of the areas immediately surrounding the site to the north, east and south is therefore judged to have high sensitivity to the proposals. The lands to the west outside the AONB would be less sensitive.

The type of the development reduces the size of the change likely to be experienced. The development is a reconfiguration to part of the existing holiday village and not a completely new development and will be heavily screened with planting and the existing coastal

embankments. Existing trees retained within the site as well as those within the surrounding landscape will continue to contribute to a backdrop of mature trees in views from the harbour. Screen planting proposed to the east of the site will further improve this landscape and the landscape character of the Chichester Harbour AONB.

The Landscape and Visual Impact Assessment (LVIA) provided with the application judged there would be no additional adverse impact on the key characteristics of the surrounding landscape. The demolition of numerous chalet accommodation buildings will improve landscape character. Screen planting within and around the site as it matures will further improve landscape character over time. The geographical extent over which the landscape effects will be felt will be at the level of the site and the immediate setting of the site. Further away from the site the changes would be imperceptible to barely noticeable, due to the type and limited heights of the development, the retention of existing screen planting, intervening vegetation in the wider landscape; intervening coastal embankments; as a consequence the magnitude of change to landscape character is judged to be Negligible.

The combination of high sensitivity and magnitude of negligible suggests the significance of the effects on landscape character within the study area is judged to be Slight beneficial effect.

'Prominent impact to the AONB protected landscape through the spread of holiday let static caravans into the eastern part of the site and consequential loss of adjoining open grassland that acts as important open space and supporting countryside to the AONB protected landscape (counter to 'Part 17: Landscape' of the adopted Joint Chichester Harbour AONB Supplementary Planning Document - May 2017).'

We do not agree there would be any significant or prominent effects on the AONB. On the contrary the Landscape and Visual Impact Assessment (LVIA) submitted with the application finds the effects on Landscape Character would be slight beneficial and on Visual receptors would be neutral or slight beneficial as summarised below.

Landscape Character

The effect of the proposals will be to redevelop and improve land within the existing holiday village. The design of the layout including landscaping will be of high quality and be appropriate to the local character. Existing hedges and trees to the boundaries of the site will be largely retained and will continue to screen the development. The retention of existing screen planting plus the provision of additional screen planting within and to the boundaries of the site will improve the appearance of the site, and as this planting matures it will provide additional screening of the proposed development within the local landscape.

The demolition of chalet accommodation buildings within the site will remove distant views to these elements from the Harbour and therefore improve the character of the AONB. The proposed static caravans which are low in height would not be visible from the Harbour, due to intervening vegetation, coastal embankments and effect of distance.

The landscape character of the study area is judged to be tolerant of the type of changes arising from the proposals. The local landscape character, especially those areas within the Chichester Harbour AONB are of high value. The landscape character of the areas immediately surrounding the site to the north, east and south is therefore judged to have high sensitivity to the proposals. The lands to the west outside the AONB would be less sensitive.

The type of the development reduces the size of the change likely to be experienced. The development is a reconfiguration to part of the existing holiday village and not a completely new development and will be heavily screened with planting and coastal embankments. Existing trees retained within the site as well as those within the surrounding landscape will continue to contribute to a backdrop of mature trees in views from the harbour. Screen planting to the east of the site will further improve this landscape and the landscape character of the Chichester Harbour AONB.

It is judged there would be no additional adverse impact on the key characteristics of the surrounding landscape. The demolition of numerous chalet accommodation buildings will improve landscape character. Screen planting within and around the site as it matures will further improve landscape character over time. The geographical extent over which the landscape effects will be felt will be at the level of the site and the immediate setting of the site. Further away from the site the changes would be imperceptible to barely noticeable, due to the type and limited heights of the development, the retention of existing screen planting, intervening vegetation in the wider landscape; intervening coastal embankments; as a consequence the magnitude of change to landscape character is judged to be Negligible.

The combination of high sensitivity and magnitude of negligible suggests the significance of the effects on landscape character within the study area is judged to be Slight beneficial effect.

Visual Effects

The Zone of Theoretical Visibility (ZTV) or areas of land from which the development may be potentially visible were identified, refer to the Visibility drawing Appendix 3 of the Landscape and Visual Impact Assessment. From Hayling Island the areas identified are generally within 1.5km of the site and include lands bounded by; Copse Lane to the north, Havant Road to the west; the edges of the settlements at Gable Head to the south west; and the coastal areas at Mengham Slaterns, Sparks Marina and Black Point to the south. From Chichester Harbour there are long distance views to the site of up to 2.5km from the Harbour including from the southwest coastal fringes of Thorney Island, however it is judged from field survey that the views from these areas towards the development site are of such distance, that the effect of the development would be negligible.

The visual receptors identified includes people using; public rights of way, settlements including residential areas, listed buildings and scheduled monuments, tourist facilities and people boating on Chichester Harbour.

The visual receptors most likely to be affected by the development are none; as the nearest public right of way, public buildings and residential dwellings are at least 300m from the site.

Following desktop and field survey, 25 viewpoints were selected to represent the experience of different types of visual receptor. The viewpoints chosen do not cover every view but have been selected to represent the different users from a range of directions and distances from the site.

The significance of the visual effect of the development was judged as neutral from 13no. viewpoints. This means the proposed development would be difficult to distinguish and there would no perceptible change in view.

The significance of the visual effect of the development was judged as slight beneficial from 12no. viewpoints. This means the proposed development would cause an improvement to views from those locations.

'The additional requirement to artificially illuminate the additional areas catering for the spread of holiday let static caravan units results in the spread of illumination into unlit countryside areas contrary to the Dark Skies protocol (counter to 'Part 30: Dark Skies' of the adopted Joint Chichester Harbour AONB Supplementary Planning Document - May 2017, and contrary to 'AONB Planning Principle PP09: Dark Skies' of the adopted Chichester Harbour Management Plan - April 2019).'

If the application is to be approved our client is happy to agree to a condition that will require the submission of a lighting scheme prepared by qualified lighting designers in liaison with qualified ecologists to ensure that the development will not have any adverse impact into unlit countryside areas. We believe our suggestion is acceptable, as this is the way this matter was handled in the previous application APP/16/01237 (Condition 7).

'The submission has made only superficial consideration of the application proposal within its context and setting of the Area of Outstanding Natural Beauty (AONB). Passing reference to the AONB is made in the submitted documents to the proposal with no reference to AONB planning Principles or the potential impact of the proposal on the protected landscape and local wildlife.'

A detailed Landscape and Visual Impact Assessment (LVIA) report was submitted with the application which included an assessment of the effects of the development on Landscape and Viewpoints including reference to the effects on the AONB. Section 3.0 of the LVIA refers to specific planning policy in the Havant Borough Core Strategy 2011 and 2019-2024 Chichester Harbour Management Plan relevant to the AONB.

'The principle of the proposal would have a clear visual impact on the character and appearance of the eastern red-line site and immediate surroundings. This area of the site is visible from the AONB protected landscape and the coastal footpath route.'

The site consists of land which is part of the existing holiday village including numerous accommodation chalet buildings and the site of a pitch and putt course. The site including the eastern area currently looks dated and degraded in appearance.

The proposed redevelopment which will include demolition of numerous dated redundant chalet buildings, extensive landscaping (including provision of open space and wildlife areas) and tree planting would improve the existing character of both the site itself including the eastern area and contribute to an improvement in the character of the surrounding landscape, coastline and views from the AONB. The designation of AONB confirms that the coastal and open water areas of Chichester Harbour are recognised of national importance and are highly valued.

The effect of the proposals will be to redevelop and improve land within the existing holiday village. The design of the layout including landscaping will be of high quality and be appropriate to the local character. Existing hedges and trees to the boundaries of the site will be largely retained and will continue to screen the development. The retention of existing screen planting plus the provision of additional screen planting within and to the boundaries of the site will improve the appearance of the site, and as this planting matures it will provide additional screening of the proposed development within the local landscape.

The demolition of chalet accommodation buildings within the site will remove distant views to these elements from the Harbour and therefore improve the character of the AONB. The proposed static caravans which are low in height would not be visible from the Harbour, due to intervening vegetation, coastal embankments and effect of distance.

'Overall, the proposal is considered to be unduly prominent and therefore to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB) protected landscape setting environment.'

'The proposal can be seen to compromise the aspects of the Chichester Harbour AONB protected landscape designation planning approach to a UK National Landscape area.'

The proposed redevelopment of the holiday village seeks to conserve the special qualities of the AONB, by ensuring that in the long term the holiday village becomes less and not more visible from within the harbour area, fitting in with the local character of Hayling Island's eastern edge which is often enclosed and wooded. All chalet accommodation buildings currently perceptible in views from the Harbour will be removed as part of the proposal. New caravans will be of a lesser height and will be screened by the combination of the existing coastal embankment and planting. Existing trees retained within the site as well as those within the surrounding landscape will continue to contribute to a backdrop of mature trees in views from the harbour. Screen planting to the east of the site will further improve this landscape and the landscape character of the Chichester Harbour AONB.

No designated sites will be adversely impacted as a result of the development. Existing hedgerows, areas of scrub and tree planting within the development site will be protected and retained. The additional new planting areas will make a positive contribution to the environment and improve the green infrastructure and ecological networks of the area. The development will not be intrusive in the landscape; there would be no adverse impact on the key characteristics of the surrounding landscape and overall landscape character as a result of the development.

The existing chalet accommodation buildings (many two storey) will be demolished and no longer perceptible from the Harbour, leading to an improvement in views from Chichester Harbour AONB.

Static Caravans

There would be very limited to no visibility to areas of the site where the static caravans will be sited, from the surrounding landscape. This Landscape and Visual Impact Assessment (LVIA) report identifies 25 viewpoints from publicly accessible areas to represent the experience of different types of visual receptor. Viewpoints 1 thru 21 and 24 thru 25 demonstrate there would be no visibility to the open areas of the site where static caravans will be sited from the surrounding landscape. Intervening vegetation, coastal defence embankments and the effect of distance screens these areas of the site. From viewpoints 22 and 23, from the coastal public footpath south of Woodgatson Lane, again views to the open areas of the site where static caravans will be sited are imperceptible due to the effect

of distance, intervening existing vegetation and the coastal defence embankments. Even without additional landscape planting, views to static caravans on the site would be imperceptible to not visible from all key publicly accessible viewpoints due to; intervening vegetation, intervening coastal defence embankments, the effect of distance and the low height of the static caravans at circa. 3.05m total height. The proposed landscape planting will include native species which will be adapted to the coastal conditions and will be established with appropriate horticultural techniques and management, once this vegetation establishes it will lead to an improvement to the existing views of the site as it will contribute to the backdrop of woodland in views from the harbour, and therefore contribute to an improvement of the surrounding landscape character. The static caravans will not be intrusive in the wider landscape, they will be imperceptible to not visible in views from the surrounding landscape even without the addition of the proposed landscape planting. There would be no additional adverse impact on the key characteristics of the surrounding landscape and overall landscape character as a result of the proposed static caravan component.

Response in relation to Council's Landscape Architect comments.

We understand that in correspondence between the local planning authority and Avison Young details of the pallet of colours of the proposed caravans and details of a hard and soft landscape scheme can be agreed via planning conditions.

In relation to the Landscape Architect Officers comments that they do not agree with the LVIA reports findings that the proposal will have a negligible impact on views.

On the contrary the Landscape and Visual Impact Assessment (LVIA) submitted with the application finds the effects on Landscape Character would be slight beneficial and on Visual receptors would be neutral or slight beneficial as summarised below.

Landscape Character

The effect of the proposals will be to redevelop and improve land within the existing holiday village. The design of the layout including landscaping will be of high quality and be appropriate to the local character. Existing hedges and trees to the boundaries of the site will be largely retained and will continue to screen the development. The retention of existing screen planting plus the provision of additional screen planting within and to the boundaries of the site will improve the appearance of the site, and as this planting matures it will provide additional screening of the proposed development within the local landscape.

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The type of the development reduces the size of the change likely to be experienced. The development is a reconfiguration to part of the existing holiday village and not a completely new development and will be heavily screened with planting and coastal embankments. Existing trees retained within the site as well as those within the surrounding landscape will continue to contribute to a backdrop of mature trees in views from the harbour. Screen planting to the east of the site will further improve this landscape and the landscape character of the Chichester Harbour AONB.

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The visual receptors identified includes people using; public rights of way, settlements including residential areas, listed buildings and scheduled monuments, tourist facilities and people boating on Chichester Harbour.

The visual receptors most likely to be affected by the development are none; as the nearest public right of way, public buildings and residential dwellings are at least 300m from the site.

Following desktop and field survey, 25 viewpoints were selected to represent the experience of different types of visual receptor. The viewpoints chosen do not cover every view but have been selected to represent the different users from a range of directions and distances from the site.

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Chalet Buildings

The proposed redevelopment of the holiday village seeks to conserve the special qualities of the AONB, by ensuring that in the long term the holiday village becomes less and not more visible from within the harbour area, fitting in with the local character of Hayling Island's eastern edge which is often enclosed and wooded. All chalet accommodation buildings currently perceptible in views from the Harbour will be removed as part of the proposal. New caravans will be of a lesser height and will be screened by the combination of the existing coastal embankment and planting. Existing trees retained within the site as well as those within the surrounding landscape will continue to contribute to a backdrop of mature trees in views from the harbour. Screen planting to the east of the site will further improve this landscape and the landscape character of the Chichester Harbour AONB.

The existing chalet accommodation buildings (many two storey) will be demolished and no longer perceptible from the Harbour, leading to an improvement in views from Chichester Harbour AONB.

Static Caravans

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will be sited from the surrounding landscape. Intervening vegetation, coastal defence embankments and the effect of distance screens these areas of the site. From viewpoints 22 and 23, from the coastal public footpath south of Woodgatson Lane, again views to the open areas of the site where static caravans will be sited are imperceptible due to the effect of distance, intervening existing vegetation and the coastal defence embankments. Even without additional landscape planting, views to static caravans on the site would be imperceptible to not visible from all key publicly accessible viewpoints due to; intervening vegetation, intervening coastal defence embankments, the effect of distance and the low height of the static caravans at circa. 3.05m total height. The proposed landscape planting will include native species which will be adapted to the coastal conditions and will be established with appropriate horticultural techniques and management, once this vegetation establishes it will lead to an improvement to the existing views of the site as it will contribute to the backdrop of woodland in views from the harbour, and therefore contribute to an improvement of the surrounding landscape character. The static caravans will not be intrusive in the wider landscape, they will be imperceptible to not visible in views from the surrounding landscape even without the addition of the proposed landscape planting. There would be no additional adverse impact on the key characteristics of the surrounding landscape and overall landscape character as a result of the proposed static caravan component.

**MILL RYTHE HOLIDAY VILLAGE,
HAYLING ISLAND, HAMPSHIRE**

**REPORT TO INFORM HABITATS
REGULATIONS ASSESSMENT: STAGE 1
SCREENING AND STAGE 2 APPROPRIATE
ASSESSMENT**

A Report to: Avison Young

Report No: RT-MME-153231-05

Date: March 2021



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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	23/03/2021	Hannah Train ACIEEM (Principal Consultant)	Tim Hextell MCIEEM (Principal Technical Ecological Consultant)	Tom Docker CEcol MCIEEM (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd. accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Avison Young to prepare a Report to Inform a Habitats Regulations Assessment, associated with a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed a range of surveys and assessments in 2016 and 2017 to inform a planning application (Ref: APP/16/01237) associated with the refurbishment of the site, including a (report to inform) a Habitats Regulations Assessment: Stage 1 Screening. Potential impacts and effects on the following European sites were considered: Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Isle of Wight Lagoons SAC, and Portsmouth Harbour Ramsar wetland and SPA.

Permission for the development was granted by Havant Borough Council in May 2017.

Updated ecological surveys were completed in 2020 to support a new planning application (Ref: APP/20/01127) to seek to vary the development commenced under APP/16/01237. The new planning application was submitted to Havant Borough Council in November 2020. The proposals comprise further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site.

An updated Shadow Habitats Regulations Assessment: Stage 1 Screening report was also prepared to support the new planning application. Several impact pathways through which the proposed development, in the absence of mitigation, could have a 'significant effect' on European sites were identified. It was recommended that a Report to Inform Habitats Regulations Assessment: Stage 2 Appropriate Assessment should be undertaken. A consultation response from Natural England confirmed that further information would need to be provided in relation to the loss of Solent SPA functionally linked land, recreational disturbance, construction impacts and deterioration of the water environment.

Further detailed assessment has shown that, in the absence of mitigation, the proposals, either alone or in combination with other projects and plans, could result in a 'Likely Significant Effect' on European sites from:

- The loss of functionally linked land used by brent goose, a qualifying bird species of Chichester and Langstone Harbours SPA and Ramsar site, due to initial habitat loss during the site preparation / construction phase and inappropriate habitat management during the operational phase;
- Temporary disturbance of qualifying species of Chichester and Langstone Harbours SPA and Ramsar site due to increased movement, noise and lighting within the application site during site preparation and construction works;
- Long-term disturbance of qualifying species of Chichester and Langstone Harbours SPA and Ramsar site and Solent and Dorset Coast SPA due to increased recreational pressure during the operational phase of the development;
- Long-term disturbance of qualifying species of Chichester and Langstone Harbours SPA and Ramsar site due increased lighting within the site during the operational phase of the development; and,
- Pollution of qualifying habitats (within the Solent Maritime SAC) and habitats upon which qualifying features (of Chichester and Langstone Harbours SPA and Ramsar site) rely due to accidental chemical spills, contaminated surface water run-off and the improper storage of environmentally harmful materials during the site preparation / construction phase and increased discharge of dissolved nitrogen during the operational phase.

Mitigation measures to address these effects on qualifying habitats and species have been outlined, and are as follows:

- Proportional developer contribution of £64,098.00 towards the Solent Waders and Brent Goose Strategy, which can be secured via an appropriately worded schedule within an S106 agreement;
- The creation and submission of a Construction Ecological Management Plan (CEcMP), Landscape and Ecological Management Plan (LEMP) and Operational Lighting Strategy, which can be secured by appropriately worded planning conditions;
- Proportional developer contribution of £9,888.80 towards the Solent Recreation Mitigation Strategy, which can be secured via an appropriately worded schedule within an S106 agreement or via a Unilateral Undertaking; and,

- Proportional developer contribution of £44,954.00 towards Havant Borough Council's Nutrient Neutrality Mitigation Plan, which can be secured via an appropriately worded schedule within an S106 agreement or via a Unilateral Undertaking.

The developer contributions detailed above have been calculated in accordance with the costs provided in line with the Solent Waders and Brent Goose Strategy, Solent Recreation Mitigation Strategy and Havant Borough Council's Nutrient Neutrality Mitigation Plan, respectively. Should the costs within these documents be revised, the developer contributions will need to be re-calculated accordingly.

These mitigation measures are considered sufficient for Havant Borough Council to conclude that, if enacted, there is no reasonable likelihood that the proposed development, either alone or in combination with other projects and plans, will result in significant harm to the qualifying habitats or species of any European sites, or impede the delivery of the conservation objectives for any European sites.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

Middlemarch Environmental Ltd was commissioned by Avison Young to prepare a Report to Inform a Habitats Regulations Assessment, associated with a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed the following assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site:

- Preliminary Ecological Appraisal (Report RT-MME-123420-01);
- Preliminary Roost Assessment (Report RT-MME-123420-02); and,
- Endoscope Bat Survey (Report RT-MME-124714-Rev A).

Due to the proximity of the site to Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Isle of Wight Lagoons SAC, and Portsmouth Harbour Ramsar wetland and SPA, which form part of the 'National Sites Network' of European statutory nature conservation sites in the UK (see Section 1.2), Middlemarch Environmental Ltd also completed a (report to inform) Habitats Regulations Assessment: Stage 1 Screening (Report RT-MME-123420-06-Rev C) in 2017.

Permission for the development was granted by Havant Borough Council in May 2017 (Ref: APP/16/01237). Middlemarch Environmental Ltd subsequently prepared a Construction Ecological Management Plan (CEcMP, Report RT-MME-125561-01) and a Landscape and Ecological Management Plan (LEMP, Report RT-MME-125561-02 Rev B) in order to discharge two conditions of the planning permission.

A new planning application (Ref: APP/20/01127) was submitted in November 2020 to seek to vary the development commenced under APP/16/01237, to allow for further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission.

Updated ecological surveys were completed in 2020 to support the planning application, comprising a Preliminary Ecological Appraisal (Report RT-MME-153231-01), Reptile Survey (Report RT-MME-153231-02) and Bat Surveys (Report RT-MME-153320).

An Ecological Mitigation Strategy (Report RT-MME-153231-03) and an updated Shadow Habitats Regulations Assessment: Stage 1 Screening report (Report RT-MME-153231-04) were also prepared to support the planning application. Following the completion of the Shadow Habitats Regulations Assessment: Stage 1 Screening report, it was concluded that there were several impact pathways through which the proposed development, in the absence of mitigation, could have a 'significant effect' on a number of European sites. It was recommended that a Report to Inform Habitats Regulations Assessment: Stage 2 Appropriate Assessment should be undertaken. As such, this report comprises information to inform Stage 1 (Evidence Gathering and Screening) and Stage 2 (Appropriate Assessment) of a Habitats Regulations Assessment for the scheme.

This report has been informed by Winter Bird Surveys (Report RT-MME-153231-06), completed between October 2020 and March 2021.

1.2 HABITATS REGULATIONS ASSESSMENT

The need for projects with the potential to impact upon European designated sites to be assessed is stated in Article 6 of the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (hereafter 'the Habitats Directive'). Articles 6(3) and 6(4) of the Habitats Directive state that an Appropriate Assessment is required for any plan or project that is considered likely to have a significant effect on a European site, either individually or in combination with other plans or projects. The land and marine aspects of the Habitats Directive, as well as certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known collectively as the Nature Directives) are transposed into English and Welsh law through the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations

2017). Regulations 61, 62 and 66 of the Habitat Regulations 2017 incorporate the requirements of Articles 6(3) and 6(4) of the Habitats Directive.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a National Site Network on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing SACs, which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing SPAs, which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020a)¹ recommends that existing SACs and SPAs in the UK can continue to be referred to as "European sites" and "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs and are treated, for planning purposes, as European sites.

Under the Habitats Regulations, the competent authority (Havant Borough Council) may only agree to the proposed development (which is likely to have a significant effect on a European site) after having ascertained that it will not adversely affect the integrity of any European site alone or in-combination with other plans and projects. Where adverse impacts are anticipated, the proposed development may only be consented where there are no alternative solutions and the proposed development is considered to be of overriding public interest. In such instances appropriate compensatory measures are required to ensure that the overall coherence of the National Site Network is protected.

1.3 CONSULTATION

Natural England provided a consultation response, dated 9th February 2021, requesting further information in relation to designated sites:

As submitted, the application could have potential significant effects on Chichester and Langston[e] Harbours Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Construction Environmental Management Plan
- A costed management plan for the Solent Wader & Brent Goose site H40/Mill Rythe Holiday Park Site of Importance to Nature Conservation (SINC)
- A Habitat Regulations Assessment and Appropriate Assessment

Without this information, Natural England may need to object to the proposal.

Natural England provide further detail, as follows:

¹ Freeths. (2020a). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* 22nd October 2020. Available at: <https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect>

Solent SPA functionally linked land

The eastern part of the application site is identified in the Solent Waders and Brent Goose Strategy as a Low Use site, the site H43 supports Brent Geese. This area is also identified as Mill Rythe Holiday Park Site of Importance to Nature Conservation (SINC). The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development.

Natural England is concerned that, without appropriate mitigation, the proposed development could have significant direct impacts upon the qualifying features of the aforementioned designated site due to impacts on the Solent Waders and Brent Goose ecological network.

The application is supported shadow HRA which considers impacts to the SWBGS site during the construction phase it does not however consider the operational phase impacts to the SPA functionally linked land. The terrestrial wader and brent goose sites are located on land that falls outside of the Solent SPAs boundaries. However, as this land is frequently used by SPA species (including qualifying features and assemblage species), it supports the functionality and integrity of the designated sites for these features. This land will contribute to the achievement of the SPAs' conservation objectives and is therefore protected in this context. This land supports the SPA ecological network by providing alternative roosting and foraging sites. The operational phase impacts to SPA functionally linked land should be considered further in the HRA including direct loss of part of the site and potential disturbance from lighting & recreational use on the remaining area, proceeding to AA where impacts are identified.

The supporting shadow HRA and ecological mitigation strategy state the site is not currently under suitable management and has developed a longer sward and scrub therefore is now considered unsuitable for brent geese. All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network and proportionate mitigation, off-setting and/or enhancement measures will be required. In order to consider site reclassification, this will need to be supported by 3 consecutive years of survey to the agreed survey methodology with the site under appropriate habitat management conditions for waders and / or brent goose usage throughout the survey period.

An agreed and deliverable mitigation strategy could address the potential for significant effects arising from the development on the qualifying features of the Solent and Southampton Water SPA. Guidance on the off-setting and mitigation requirements has been issued to local planning authorities and this sets out the necessary measures to avoid impacts. Securing early commitment to this mitigation will ensure the potential significant effects have been addressed.

The supporting ecological mitigation strategy sets out a number of measures to mitigate for the direct loss of part of the SINC/SWBGS site including

- Management of habitats within the retained section of Mill Rythe Holiday Village SINC and Solent Wader and Brent Goose Strategy Site H43 (the former pitch and put golf course) to provide a wildlife area;
- Restricted access to the managed wildlife area and to the sea wall during sensitive periods for wintering birds; and
- Provision of interpretation boards and information packs detailing the importance of the site and surroundings for wildlife.

We recommend a comprehensive costed management plan for the retained area is submitted to and approved by an HCC ecologist, and secured with any permission. It should set out how management will be secured, monitored and enforced in perpetuity (normally 80 years), the council should also consider appropriate step in rights. Details should be examined via an appropriate assessment to ensure there are no adverse effects of integrity on the designated site. This could include consideration of appropriate change of ownership to a non-government organisation or local planning authority. Whilst it is appreciated that land transfer is not a preferred option for many land owners, it is one way to address the above tests of certainty of delivery in perpetuity and enforceability.

Where impacts cannot be avoided or adequately mitigated on-site, proportionate mitigation would comprise off-setting or enhancement measures via payment towards the management and enhancement of the wider waders and brent geese ecological network.

Recreational disturbance

The application site is also adjacent to Chichester & Langstone Harbours SPA and will lead to a net increase in residential accommodation. To address any potential significant effects, any forthcoming planning application will need to comply with adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy.

Provided there is commitment to this mitigation early in the process and an appropriate planning condition or obligation is attached to any forthcoming planning permission to secure this measure, this will ensure this potential effect has been appropriately addressed. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

In addition Natural England welcomes the recommendations in the ecological mitigation strategy to restrict access to the managed wildlife area and to the sea wall during sensitive periods for wintering birds and to provide interpretation boards and information packs detailing the importance of the site and surroundings for wildlife.

We recommend the following are secured by appropriate condition with any permission:

- No dogs shall be permitted on the Mill Hythe Site of Nature Conservation Interest (SINC) / pitch and putt golf course from 01 October to 31 March inclusive.
- Access from the Holiday Village to the sea wall and foreshore shall be closed from 01 October to 31 March inclusive

Construction impacts

Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist that will include a methodology for the demolition and installation of the mixed accommodation. In particular the CEMP should include details of:

- The access route of construction vehicles to and from the site.
- Location of construction compound and car parking.
- Storage and location of equipment and materials.
- Potential for run-off from the site and waste disposal resulting from site preparation, groundwork and the construction phase of the development and appropriate mitigation measures.
- Measures to minimise creation and impact of dust.
- Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). Details of noise monitoring of the construction and demolition work at sensitive locations.
- Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat – high tide roost sites) should not be undertaken during the bird overwintering period (i.e. October to March inclusive).
- Measures to visually screen the construction works from the sensitive areas.
- An ornithological watching brief shall be undertaken for the duration of any demolition and construction works carried out during the sensitive period (01 October to 31 March).
- During construction, access onto the sea wall from the development site should be restricted.

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Deterioration of the water environment

The application is supported by a nitrogen budget calculation which sets out the proposals will result in a nitrogen budget of 36.4 Kg/N/yr. Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm. If this situation changes, a reassessment of the nutrient calculation will be required

Where there is a positive nitrogen contribution then mitigation will be required, this should be examined within the Appropriate Assessment. We are aware that Havant Borough Council has adopted Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020), Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

2. METHODOLOGY

2.1 STAGES OF HABITATS REGULATIONS ASSESSMENT

The current assessment is based on the best practice for Habitats Regulations Assessment as outlined in The Habitats Regulations Handbook (DTA Publications, 2013² and subsequent updates). This document expands upon previous guidance published by the Impacts Assessment Unit at Oxford Brookes University (2001)³ and the Department for Communities and Local Government (2006)⁴.

Best practice guidance identifies that the Habitats Regulations Assessment process is broadly divisible into four stages, with the need to complete each stage determined by the results of the previous stage. In summary, these stages are:

- **Stage 1: Evidence Gathering and Screening**

This stage is associated with collecting evidence regarding those parts of the National Site Network (SACs and SPAs) that have the potential to be impacted by a project or plan, either alone or in combination with other projects or plans. Where no significant effects are perceived, sites may be screened out of the need for further assessment during Stage 2.

The April 2018 decision by the Court of Justice of the European Union (CJEU) in the case of *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17) means that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitats Regulations Assessment 'screening stage' when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European site. This is a reversal of a previously settled principle in English and Welsh law. As such, where a proposed development is proximate to a SAC or SPA and could give rise to significant effects, even if these effects can be mitigated for, an Appropriate Assessment (Stage 2) is required.

Regarding CJEU judgments given prior to 31st December 2020, reference to Freeths (2020b)⁵ and the Ministry of Justice (2020)⁶ confirms that the courts in the UK, with the exception of the UK Supreme Court; the Court of Appeal in England and Wales; the Court of Appeal in Northern Ireland; the High Court of Justiciary in Scotland, when sitting as a court of appeal in relation to a compatibility issue with EU law or a devolution issue; the Inner House of the Court of Session; the Lands Valuation Appeal Court; and, the Registration Appeal Court, will continue to be bound by judgments handed down by the CJEU and by domestic courts prior to 31st December 2020 when interpreting retained EU law. This is the case as long as the relevant piece of legislation remains unmodified by Parliament.

Under these regulations, the courts named above as exceptions will not be bound by (and therefore can choose to depart from) any CJEU judgments given prior to 31st December 2020 (including those relating to environmental law matters), except in so far as "there is post-transition case law which modifies or applies that retained EU case law and which is binding on the relevant court".

- **Stage 2: Appropriate Assessment of Significant Impacts**

Where it is considered a European site may experience significant effects from a project or plan, either alone or in combination with other projects or plans, a detailed assessment of likelihood and severity of the perceived impact on the integrity of the European site and the National Site Network is undertaken. This assessment is based on a detailed review of the project or plan in conjunction with the structure, function and conservation objectives of the European site. This stage may also include a preliminary assessment regarding the potential for the identified impacts to be mitigated.

² DTA Publications (2013 and subsequent updates). *The Habitat Regulations Assessment Handbook*. DTA Publications, Nottingham.

³ Oxford Brookes University. (2001). 'Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC. European Commission DG Environment.'

⁴ Department for Communities and Local Government (2006). *Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents*.

⁵ Freeths. (2020b). *Environmental Law after 31 December 2020*. 5th November 2020. Available at: <https://www.freeths.co.uk/2020/11/05/environmental-law-after-31-december-2020/>

⁶ Ministry of Justice. (2020). *Government response to consultation. Response to the consultation on the departure from retained EU case law by UK courts and tribunals*. October 2020. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926811/departure-eu-case-law-uk-courts-tribunals-consultation-response.pdf

- **Stage 3: Assessment of Alternative Solutions**

Where impacts on the integrity of the European site and the National Site Network are perceived, this stage examines alternative ways of achieving the objectives of the project or plan in order to avoid these impacts.

- **Stage 4: Imperative Reasons of Overriding Public Interest and Compensation Measures**

Where the potential for adverse impacts remains, and where it is deemed that a project or plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI), an investigation of appropriate compensatory measures is undertaken.

This report focuses on Stages 1 and 2 of the Habitats Regulations Assessment process.

2.2 THE 'PRECAUTIONARY PRINCIPLE'

Oxford Brooks (2001) Methodological Guidance on Art 6(3) and 6(4) Habitats Directive states that “*Implicit in the habitats directive is the application of the **precautionary principle**, which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty*”. The European Commission’s Final Communication from the Commission on the Precautionary Principle (European Commission, 2000a⁷) states that the use of the precautionary principle presupposes:

- Identification of potentially negative effects resulting from a phenomenon, product or procedure;
- A scientific evaluation of the risks which because of the insufficiency of the data, their inconclusive or imprecise nature, makes it impossible to determine with sufficient certainty the risk in question (CEC, 2000).

According to best practice guidance, this means that the emphasis for assessment should be on objectively demonstrating, with supporting evidence, that there will be no significant effects on a European site. The publication ‘Managing Natura 2000 Sites: The Provision of Article 6 of the ‘Habitats’ Directive 92/43/EEC’ (European Commission, 2000b⁸) provides explanatory guidance regarding this point, which is paraphrased below.

It is clear from the context and from the purpose of the directive that the ‘integrity of the site’ relates to the site’s conservation objectives. For example, it is possible that a plan or project will adversely affect the integrity of a site only in a visual sense or only habitat types or species other than those listed in Annex I or Annex II. In such cases, the effects do not amount to an adverse effect for the purposes of Article 6(3), provided that the coherence of the network is not affected.

The expression ‘integrity of the site’ shows that focus is here on the specific site. Thus, it is not allowed to destroy a site or part of it on the basis that the conservation status of the habitat types and species it hosts will anyway remain favourable within the European territory of the Member State.

As regards the connotation or meaning of ‘integrity’, this can be considered as a quality or condition of being whole or complete. In a dynamic ecological context, it can also be considered as having the sense of resilience and ability to evolve in ways that are favourable to conservation. The ‘integrity of the site’ has been usefully defined as ‘the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified’ (IEEM, 2006).

The integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site’s conservation objectives.

Conservation objectives for the European sites considered in this assessment are presented in Chapter 4.

⁷ European Commission (2000a). *Final Communication from the Commission on the Precautionary Principle*.

⁸ European Commission. (2000b). *Managing Natura 2000 Sites: The Provision of Article 6 of the ‘Habitats’ Directive 92/43/EEC*.

3. STAGE 1: SITE DESCRIPTION AND PROPOSALS

3.1 CURRENT LAND USE

The site comprises an irregular parcel of land approximately 13 ha in size, located on the eastern coast of Hayling Island, centred at National Grid Reference SU 7292 0061. The site effectively divides into two discrete areas. The western half of the site is dominated by the existing Mill Rythe Holiday Village, encompassing a number of self-catering accommodation units and associated leisure facilities.

At the time of the Phase 1 Habitat Survey completed in August 2020, the site included approximately 50 buildings, tennis courts, structured play areas, bowling green, swimming pool, boating lake, car parking, access roads and associated hard and soft landscaping, the latter including extensive areas of formal mown grassland. The eastern half of the site is dominated by a former pitch and putt golf course of just over 2.5 ha in extent which is no longer in use and has developed a ranker sward with scattered blocks of scrub and tall ruderal vegetation. In the north-east corner of the former pitch and putt course is a large triangular lake.

Further detail regarding the current habitats on site are provided in the Preliminary Ecological Appraisal (Report RT-MME-153231-01).

3.2 SCOPE OF THE PROPOSED DEVELOPMENT

The description of proposed development is as follows:

“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’.”

The Proposed Site Plan (Drawing 3877-410 Rev R) prepared by A&M Architectural Partnership LLP is provided in Chapter 9.

4. STAGE 1: RELEVANT EUROPEAN SITES

4.1 IDENTIFICATION OF EUROPEAN SITES

A search for European statutory nature conservation sites within a 10 km radius of the application site was completed, using Natural England's Multi-Agency Geographic Information for the Countryside (MAGIC) website. Seven European statutory sites were identified.

The relative distances of these sites from the application site boundary and the justification for scoping them in or out of further assessment are provided in Table 4.1.

European Site	Distance from Application Site	Justification for Scoping In/Out of Further Assessment
Chichester and Langstone Harbours SPA	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.
Chichester and Langstone Harbours Ramsar wetland	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.
Solent Maritime SAC	Adjacent to site	Due to the proximity of the Natura 2000 site to the application site, further consideration of potential impacts is required. In addition, potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.
Solent and Dorset Coast SPA	2.23 km south	The SPA was classified in January 2020 for internationally important populations of terns. Due to the proximity of the European site to the application site, further consideration of potential impacts is required.
Solent and Isle of Wight Lagoons SAC	5.66 km northwest	Potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.
Portsmouth Harbour SPA	8.71 km west-northwest	Potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.
Portsmouth Harbour Ramsar wetland	8.71 km west-northwest	Potential impacts on all European sites within a 10 km radius of the application site were considered in the Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-03-Rev C) which was submitted in support of a previous planning application and approved by Natural England and Havant Borough Council. It was therefore deemed appropriate to include all European sites within a 10 km radius for the current assessment associated with the new application.

Table 4.1: Summary of Natura 2000 Sites

The location of the sites in relation to the proposed development site is shown on Drawing C153231-05-01 in Chapter 9. The designation criteria, conservation objectives and known areas of vulnerability for each of the European sites listed in Table 4.1 are detailed in Sections 4.2 to 4.7.

4.2 CHICHESTER AND LANGSTONE HARBOURS SPA

The following information is taken from the Natural England Designated Sites Website⁹, the SPA Citation¹⁰ and the Natura 2000 Standard Data Form¹¹ for the site.

Country:	England
Unitary Authority:	Hampshire and Isle of Wight; Surrey, East and West Sussex
Latitude:	50.80638889
Longitude:	-0.92
Site Code:	UK9011011
Status:	Designated Special Protection Area (SPA)
Area (ha):	5,810.95

4.2.1 Qualifying Features

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance listed on Annex I of the Directive and under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of migratory species. These species are summarised in Table 4.2.

Species	Status on Site		
	1996 SPA Citation	2016 Natura 2000 Standard Data Form	Natural England Designated Sites Website
Annex 1 species; populations supported during the breeding season			
Little tern <i>Sterna albifrons</i>	SPA provides a breeding site.	100 pairs representing 4.2% of the breeding population in Great Britain (five year mean, 1992-1996)	49 breeding pairs (five year mean 2010-2014)
Common tern <i>Sterna hirundo</i>	SPA provides a breeding site.	33 pairs representing 0.3% of the breeding population in Great Britain (five year mean, 1992-1996)	126 breeding pairs (five year mean 2011-2015)
Sandwich tern <i>Sterna sandvicensis</i>	SPA provides a breeding site.	231 pairs representing 0.2% of the breeding population in Great Britain (five year mean, 1993-1997).	93 breeding pairs (five year mean 2011-2015)
Annex 1 species; populations supported over winter			
Bar-tailed godwit <i>Limosa lapponica</i>	Nationally important wintering numbers	1692 individuals representing 3.2% of the population in Great Britain (five year peak mean 1991/92-1995/96)	1025 individuals (five year peak mean 2009/10-2013/14)
Migratory species; populations supported over winter			
Grey plover <i>Pluvialis squatarola</i>	3.9 % of the west European population (numbers of individuals not specified)	3825 individuals, representing 2.3% of the population (five year peak mean 1991/92-1995/96)	1934 individuals (five year peak mean 2009/10-2013/14)
Sanderling <i>Calidris alba</i>	3.1 % of the west European population (numbers of individuals not specified)	236 individuals, representing 0.2% of the population (five year peak mean (1991/92-1995/96)	216 individuals (five year peak mean 2009/10-2013/14)

Table 4.2: Summary of Qualifying Species for Chichester and Langstone Harbours SPA (continues)

⁹ Natural England (no date). *Designated Sites View. Natural England Conservation Advice for Marine Protected Areas. Chichester and Langstone Harbours SPA*. Available at:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011011&HasCA=1&NumMarineSeasonality=18&SiteNameDisplay=Chichester%20and%20Langstone%20Harbours%20SPA>

¹⁰ Available at: <http://publications.naturalengland.org.uk/publication/5789102905491456>

¹¹ Joint Nature Conservation Committee (2016). *NATURA 2000 – Standard Data Form. Special Protection Areas under the EC Birds Directive. Site: UK9011011, Site Name: Chichester and Langstone Harbours*. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011011.pdf>

Species	Status on Site		
	1996 SPA Citation	2015 Natura 2000 Standard Data Form	Natural England Designated Sites Website
Migratory species; populations supported over winter			
Dunlin <i>Calidris alpina alpina</i>	2.6% of the west European population and over 20,000 birds	44294 individuals, representing 3.2% of the population (five year peak mean 1991/92-1995/96)	28234 individuals (five year peak mean 2009/10-2013/14)
Redshank <i>Tringa totanus</i>	1.4 % of the west European population (numbers of individuals not specified)	1788 individuals, representing 1% of the population (five year peak mean 1991/92-1995/96)	2736 individuals (five year peak mean 2009/10-2013/14)
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	12 % of the west European population (numbers of individuals not specified)	17119 individuals, representing 5.7% of the population (five year peak mean (1991/92-1995/96)	Numbers have remained relatively stable since the time of classification.
Shelduck <i>Tadorna tadorna</i>	4 % of the west European population (numbers of individuals not specified)	2410 individuals, representing 3.3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	1096 individuals (five year peak mean 2009/10-2013/14)
Teal <i>Anas crecca</i>	1 % of the west European population (numbers of individuals not specified)	1824 individuals, representing 0.5% of the population (five year peak mean 1991/92-1995/96)	1953 individuals (five year peak mean of 2009/10-2013/14)
Ringed plover <i>Charadrius hiaticula</i>	Nationally important wintering numbers	846 individuals, representing 3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	623 individuals (five year peak mean 2009/10-2013/14)
Curlew <i>Numenius arquata</i>	Nationally important wintering numbers	1861 individuals, representing 1.6% of the population in Great Britain (five year peak mean 1991/92-1995/96)	3181 individuals (five year peak mean 2009/10-2013/14)
Turnstone <i>Arenaria interpres</i>	Nationally important wintering numbers	430 individuals, representing 0.7% of the population in Great Britain (five year peak mean 1991/92-1995/96)	501 individuals (five year peak mean 2009/10-2013/14)
Wigeon <i>Anas penelope</i>	Nationally important wintering numbers	2055 individuals, representing 0.7% of the population in Great Britain (five year peak mean 1991/92-1995/96)	3947 individuals (five year peak mean 2009/10-2013/14)
Pintail <i>Anas acuta</i>	Nationally important wintering numbers	330 individuals, representing 1.2% of the population in Great Britain (five year peak mean 1991/92-1995/96)	338 individuals (five year peak mean 2009/10-2013/14)
Northern shoveler <i>Anas clypeata</i>	Nationally important wintering numbers	100 individuals, representing 1% of the population in Great Britain (five year peak mean 1991/92-1995/96)	106 individuals (five year peak mean 2009/10-2013/14)
Red-breasted merganser <i>Mergus serrator</i>	Nationally important wintering numbers	297 individuals, representing 3% of the population in Great Britain (five year peak mean 1991/92-1995/96)	366 individuals (five year peak mean 2009/10-2013/14)

Table 4.2 (continued): Summary of Qualifying Species for Chichester and Langstone Harbours SPA

The site also qualifies under Article 4.2 of the Directive (79/409/EEC) as it supports an internationally important assemblage of birds.

When classified in 1987, the Chichester and Langstone Harbours SPA supported a large waterbird assemblage of 108,811 birds (five year peak mean 1982/83-86/87). Waterbird numbers have declined in the long term with the average now at 72,666 (five year peak mean 2009/10-2013/14).

The 2015 Natura 2000 Standard Data Form states that over winter, the area regularly supports 93230 waterfowl (5 year peak mean 1991/2 - 1995/6) including: dark-bellied brent goose *Branta bernicla bernicla*, shelduck *Tadorna tadorna*, wigeon *Anas penelope*, teal *Anas crecca*, pintail *Anas acuta*, shoveler *Anas clypeata*, red-breasted merganser *Mergus serrator*, ringed plover *Charadrius hiaticula*, grey plover *Pluvialis squatarola*, sanderling *Calidris alba*, dunlin *Calidris alpina alpina*, bar-tailed godwit *Limosa lapponica*, curlew *Numenius arquata*, redshank *Tringa totanus* and ruddy turnstone *Arenaria interpres*.

4.2.2 Conservation Objectives

The conservation objectives for the Chichester and Langstone Harbours SPA are as follows:

“The site’s conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified...”

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features*
- the structure and function of the habitats of the qualifying features*
- the supporting processes on which the habitats of the qualifying features rely*
- the populations of each of the qualifying features*
- the distribution of qualifying features within the site”*

4.2.3 Issues Affecting the Qualifying Features

The Site Improvement Plan for the Solent¹², which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA highlights the following pressures/threats affecting the qualifying features:

- Public access/disturbance;
- Coastal squeeze;
- Fisheries: commercial marine and estuarine;
- Water pollution;
- Changes in species distributions;
- Climate change;
- Public access/disturbance;
- Change to site conditions;
- Invasive species;
- Direct land take from development;
- Biological resource use;
- Change in land management;
- Inappropriate pest control;
- Air pollution: impact of atmospheric nitrogen deposition;
- Hydrological changes;
- Direct impact from 3rd party; and,
- Extraction: non-living resources;

Where the proposed works have the potential to interact with and/or exacerbate the pressures/threats listed (e.g. through habitat loss or damage, disturbance to qualifying species or supporting habitats or pollution), this is discussed further in Chapter 5.

¹² Natural England (2015) *Site Improvement Plan: Solent*. Version 1.0, 21/01/2015. Available at: <http://publications.naturalengland.org.uk/publication/5075188492271616>

4.3 CHICHESTER AND LANGSTONE HARBOURS RAMSAR

The following information is taken from the Ramsar Information Sheet¹³ for the site.

Country:	England
Administrative Region:	City of Portsmouth; Hampshire; West Sussex
Latitude:	-50.833333
Longitude:	1
Site Number:	378
Status:	Designated Ramsar Wetland
Area (ha):	5810

The site comprises two large estuarine basins linked by a channel and including extensive intertidal mudflats, saltmarsh, sand and shingle spits, and dunes supporting reedbeds and some grassland. Numbers of wintering waterbirds regularly exceed 20,000 individuals and include internationally and nationally important numbers of several species.

4.3.1 Ramsar Criteria

The site supports the following wetland habitats:

- Intertidal mudflats, supporting beds of *Zostera* and *Enteromorpha*;
- Saltmarsh, with the lower saltmarsh dominated by *Spartina anglica* and the higher levels supporting a more varied community; and,
- Sand and shingle spits and sand dunes.

The site qualifies under Ramsar Criterion 5, supporting a wintering water bird assemblage of international importance.

The site qualifies under Ramsar Criterion 6, supporting species/populations occurring at levels of international importance. These species are summarised in Table 4.3.

SPECIES	STATUS ON SITE
Species with peak counts in winter	
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	Chichester 10,133 individuals; Langstone 7,333 individuals (five year peak mean 1987/88- 1991/92)
Teal, <i>Anas crecca</i> , NW Europe	Not stated
Black-tailed godwit, <i>Limosa limosa islandica</i> , Iceland/W Europe	Not stated

Table 4.3: Summary of Species Occurring at Levels of International Importance

The site also supports nationally important numbers of the following species (figures given are average peak counts for the five year winter period between 1986/87 - 1990/91):

- Dunlin *Calidris alpina* (8,010);
- Black-tailed godwit *Limosa limosa* (70); and,
- Red-breasted merganser *Mergus serrator* (100).

4.3.2 Factors Adversely Affecting the Qualifying Features

The Information Sheet for the Chichester and Langstone Harbours Ramsar Wetlands states that the following factor is adversely affecting the site:

- Erosion.

No further information is provided.

¹³ Joint Nature Conservation Committee (2008). Ramsar Information Sheet: UK11013. Chichester and Langstone Harbours. Version 3.0, 13/06/2008. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11013.pdf>

4.4 SOLENT MARITIME SAC

The following information is taken from the Joint Nature Conservation Committee (JNCC) Website¹⁴ and the Natura 2000 Standard Data Form¹⁵ for the site.

Country: England
Unitary Authority: Extra-Regio, Hampshire and Isle of Wight, Surrey, East and West Sussex
Latitude: 50.79638889
Longitude: -0.927777778
Site Code: UK0030059
Status: Designated Special Area of Conservation (SAC)
Area (ha): 11243.12

4.4.1 Qualifying Features

The following Annex I habitats are primary reasons for the selection of this site:

- 1130 Estuaries;
- 1320 *Spartina* swards (*Spartinion maritimae*); and,
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).

The following Annex I habitats are present as a qualifying feature, but are not a primary reason for selection of this site:

- 1110 Sandbanks which are slightly covered by sea water all the time;
- 1140 Mudflats and sandflats not covered by seawater at low tide;
- 1150 Coastal lagoons;
- 1210 Annual vegetation of drift lines;
- 1220 Perennial vegetation of stony banks;
- 1310 *Salicornia* and other annuals colonizing mud and sand; and,
- 2120 "Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")".

The following Annex II species is present as a qualifying feature, but is not a primary reason for selection of this site:

- 1016 Desmoulin's whorl snail *Vertigo moulinsiana*.

4.4.2 Conservation Objectives

Conservation objectives for the Solent Maritime SAC are as follows:

"With regard to the SAC and the natural habitats and/or species for which the site has been designated...and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site."*

4.4.3 Issues Affecting the Qualifying Features

The issues to which the SAC is vulnerable are highlighted in Section 4.2.3. This information has been extracted from the Site Improvement Plan for the Solent, which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

¹⁴ Joint Nature Conservation Committee (no date). *Sites. Solent Maritime: Designated Special Area of Conservation (SAC)*. Available at: <https://sac.jncc.gov.uk/site/UK0030059>

¹⁵ Joint Nature Conservation Committee (2016). *NATURA 2000 – Standard Data Form. Special Areas of Conservation under the EC Habitats Directive. Site: UK0030059, Site Name: Solent Maritime*. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030059.pdf>

4.5 SOLENT AND DORSET COAST SPA

The following information has been provided by Natural England and the Department for Environment, Food and Rural Affairs¹⁶.

4.5.1 Qualifying Features

The Solent and Dorset Coast SPA was classified on 16th January 2020 for internationally important populations of:

- common tern;
- Sandwich tern; and,
- little tern.

This area is particularly important to these birds as much of the sea around their breeding colonies is the ideal habitat for plunge diving for food.

The site is located on the south coast within the English Channel. The site is approximately 259.7 nm² (89,078.02 Ha) and extends from the Isle of Purbeck in the West to Bognor Regis in the East, following the coastline on either side to the Isle of Wight and into Southampton Water.

There are already four SPAs within the Greater Solent that are designated for breeding terns. These are Chichester & Langstone Harbours SPA (for sandwich and little tern), the Solent and Southampton Water SPA (for common, sandwich and little tern) and Pagham Harbour SPA (little tern). The fourth associated SPA lies within Poole Harbour (common tern and sandwich tern). The new SPA covers the area that the breeding terns use for foraging during April – September. Whilst management measures are already in place in this foraging area due to the existing SPA, the classification of this new site will provide clarity to stakeholders about the areas the terns forage within and the species that require consideration.

The SPA includes the sub-tidal areas not currently encompassed in the existing SPA's. The landward boundary is set at mean low water (MLW) where it abuts any existing SPA where terns are already a feature. Elsewhere the landward boundary is set to mean high water (MHW) so as to afford the birds protection within the intertidal areas; for example at Portsmouth Harbour.

4.5.2 Conservation Objectives

Conservation objectives for the Solent and Dorset Coast SPA are as follows:

“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified... and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- *The extent and distribution of the habitats of qualifying features*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of qualifying features within the site.*

¹⁶ Natural England and Department for Environment, Food & Rural Affairs (2020). *Consultation outcome. Solent and Dorset Coast potential Special Protection Area: outcome*. Available at: <https://www.gov.uk/government/consultations/solent-and-dorset-coast-potential-special-protection-area-comment-on-proposals>

4.6 SOLENT AND ISLE OF WIGHT LAGOONS SAC

The following information is taken from the Natura 2000 Standard Data Form¹⁷ for the site.

Country: England
Unitary Authority: Hampshire and Isle of Wight
Latitude: 50.775
Longitude: -1.136944444
Site Code: UK0017073
Status: Designated Special Area of Conservation (SAC)
Area (ha): 37.93

4.6.1 Qualifying Features

The following Annex I habitats are primary reasons for the selection of this site:

- 1150 Coastal lagoons

4.6.2 Conservation Objectives

Conservation objectives for the Solent and Isle of Wight Lagoons SAC are as follows:

“With regard to the SAC and the natural habitats and/or species for which the site has been designated...and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely*

4.6.3 Issues Affecting the Qualifying Features

The Site Improvement Plan for the Solent and Isle of Wight Lagoons¹⁸ highlights the following pressures/threats affecting the qualifying features:

- Hydrological changes
- Inappropriate weed control
- Coastal Squeeze
- Invasive species
- Air Pollution: risk of atmospheric nitrogen deposition

Where the proposed works have the potential to interact with and/or exacerbate the pressures/threats listed (e.g. through habitat loss or damage, disturbance to qualifying species or supporting habitats or pollution), this is discussed further in Chapter 5.

¹⁷ Joint Nature Conservation Committee (2016). NATURA 2000 – Standard Data Form. Special Areas of Conservation under the EC Habitats Directive. Site: UK0017073, Site Name: Solent and Isle of Wight Lagoons. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0017073.pdf>

¹⁸ Natural England (2014) Site Improvement Plan: Solent and Isle of Wight Lagoons. Version 1.0, 06/10/2014. Available at: <http://publications.naturalengland.org.uk/publication/5670639268528128>

4.7 PORTSMOUTH HARBOUR SPA

The following information is taken from the Natural England Designated Sites Website¹⁹, the SPA Citation²⁰ and the Natura 2000 Standard Data Form²¹ for the site.

Country: England
Unitary Authority: Hampshire and Isle of Wight
Latitude: 50.82805556
Longitude: -1.12555556
Site Code: UK9011051
Status: Designated Special Protection Area (SPA)
Area (ha): 1,249.6

4.7.1 Qualifying Features

This site qualifies under Article 4.2 of the Birds Directive (79/409/EEC) by supporting populations of European importance of migratory species. These species are summarised in Table 4.4.

Species	Status on Site		
	1992 SPA Citation	2015 Natura 2000 Standard Data Form	Natural England Designated Sites Website
Migratory species; populations supported over winter			
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	2290 individuals, representing 1.3 % of the north-west European population and 2.5 % of the British wintering population (five year peak mean, 1986/87-1990/91)	2847 individuals representing 0.9% of the population (five year peak mean, 1991/92-1995/96).	Population has increased prior to classification and since then has remained stable.
Red-breasted merganser <i>Mergus serrator</i>	100 individuals, representing 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	87 individuals representing 0.9% of the population in Great Britain (five year peak mean, 1991/2-1995/6)	Population has remained relatively stable since site classification, although there are on average fewer individuals using the site.
Black-tailed godwit <i>Limosa limosa islandica</i>	70 individuals, representing over 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	31 individuals representing 0.4% of the population in Great Britain (five year peak mean, 1991/2-1995/6).	Numbers have steadily increased since site classification.
Dunlin <i>Calidris alpina alpina</i>	8010 individuals, representing over 1 % of the British wintering population (five year peak mean, 1986/87-1990/91)	5123 individuals representing 1% of the population in Great Britain (five year peak mean, 1991/2-1995/6).	Population numbers have declined since site classification.

Table 4.4: Summary of Qualifying Species for Portsmouth Harbour SPA

4.7.2 Conservation Objectives

The conservation objectives for the Portsmouth Harbour SPA are as follows:

“The site’s conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified...”

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features

¹⁹ Natural England (no date). Designated Sites View. Natural England Conservation Advice for Marine Protected Areas. Portsmouth Harbour SPA. Available at:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011051&SiteName=portsmouth&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&HasCA=1&NumMarineSeasonality=4&SiteNameDisplay=Portsmouth%20Harbour%20SPA>

²⁰ Available at: <http://publications.naturalengland.org.uk/publication/4857883850178560>

²¹ Joint Nature Conservation Committee (2016). NATURA 2000 – Standard Data Form. Special Protection Areas under the EC Birds Directive. Site: UK9011051, Site Name: Portsmouth Harbour. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011051.pdf>

- the supporting processes on which the habitats of the qualifying features rely
- the populations of each of the qualifying features
- the distribution of qualifying features within the site”

4.7.3 Issues Affecting the Qualifying Features

The issues to which the SPA is vulnerable are highlighted in Section 4.2.3. This information has been extracted from the Site Improvement Plan for the Solent, which covers Portsmouth Harbour SPA, the Solent Maritime SAC, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

4.8 PORTSMOUTH HARBOUR RAMSAR

The following information is taken from the Ramsar Information Sheet²² for the site.

<https://rsis.ramsar.org/ris/720?language=en>.

Country:	England
Administrative Region:	City of Portsmouth; Hampshire
Latitude:	50.833333
Longitude:	-1.116667
Site Number:	720
Status:	Designated Ramsar Wetland
Area (ha):	1,248

4.8.1 Ramsar Criteria

The site supports the following wetland habitats:

- Saltmarsh, containing *Spartina* with a sea couch *Elymus pycnanthus* zone above the high water mark;
- Mudflats, supporting extensive beds of eelgrass *Zostera angustifolia* and *Z. noltii*, green algae, and sea lettuce *Ulva lactuca*; and,
- Tidal creeks.

The channel is a nursery for sea bass *Dicentrarchus labrax*.

This site qualifies under Ramsar Criterion 6, supporting a population occurring at levels of international importance, as summarised in Table 4.5.

Species	Status on Site
Species with peak counts in winter	
Dark-bellied brent goose <i>Branta bernicla bernicla</i>	2,290 individuals (five year peak count 1986/7 - 1990/1)

Table 4.5: Summary of Species Occurring at Levels of International Importance

The site also supports nationally important numbers of the following species (figures given are average peak counts for the five year winter period between 1986/87 - 1990/91):

- Dunlin *Calidris alpina* (8,010);
- Black-tailed godwit *Limosa limosa* (70); and,
- Red-breasted merganser *Mergus serrator* (100).

4.8.2 Factors Adversely Affecting the Qualifying Features

The Ramsar Information Sheet states the following:

“Conservation Issues: Land uses at the site include habitat/nature conservation and harbour use. There is a proposal for the development of 800 residential units at Priddy's Hard, immediately adjacent to an area of inter-tidal mudflats that has been proposed as an extension to the existing Portsmouth Harbour SSSI. The environmental effects of this proposal will be fully assessed before a decision is reached. A study is in preparation for a shoreline management plan.”

²² Joint Nature Conservation Committee (2008). Ramsar Information Sheet: UK11055. Portsmouth Harbour. Version 3.0, 13/06/2008. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11055.pdf>

5. STAGE 1: SCREENING – INITIAL ASSESSMENT OF IMPACTS AND EFFECTS

5.1 POTENTIAL IMPACTS AND EFFECTS ARISING AS A RESULT OF THE PROPOSALS

Following a review of the proposals and the guidance provided by Natural England and consideration of the wider issues which are affecting the Solent SPAs and SACs (as detailed in the Site Improvement Plan for the Solent¹² and the 2017 Solent Recreation Mitigation Strategy²³) and Ramsar wetlands (as detailed in the Ramsar Information Sheets), several impact pathways have been identified through which the proposed development (in the absence of mitigation) could lead to potentially adverse effects on the integrity of the European sites in proximity to the application site:

Site Preparation / Construction Phase

- Loss of functionally linked land (direct loss of habitat outside of European sites used by qualifying species);
- Disturbance of qualifying species (e.g. from light, noise, movement); and,
- Pollution of qualifying habitats and habitats on which qualifying features rely (e.g. via air, water).

Operational Phase

- Loss of functionally linked land (due to inappropriate habitat management);
- Disturbance of qualifying species (via increased recreational pressure);
- Disturbance of qualifying species (due to operational lighting);
- Pollution of qualifying habitats and habitats on which qualifying features rely (via increased discharge of dissolved nitrogen).

These impact pathways are discussed further below.

5.1.1 Potential Site Preparation / Construction Phase Impacts and Effects

Direct loss of functionally linked land

The eastern part of the application site (which is largely occupied by the former pitch and putt golf course) is designated as a Solent Wader and Brent Goose Strategy²⁴ Site (H43), which recognises its potential importance in providing functionally linked habitat for qualifying bird species of European sites. Whilst it is accepted that there will be movement of bird species between European sites, given the location of Site H43, it is considered most likely to support qualifying species of the adjacent Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar site. Reference to the mapping feature on the Solent Wader and Brent Goose Strategy website²⁵, confirms that Site H43 is a 'Low Use Site', where records of birds have been recorded, but in low numbers. This classification is based on data obtained over winter 2016-2017.

To provide further information as to how qualifying bird species are utilising the habitats within the application site, Middlemarch Environmental Ltd carried out monthly Winter Bird Surveys (Report RT-MME-153231-06) between October 2020 and March 2021. Of the qualifying bird species of Chichester and Langstone Harbours SPA (see Table 4.2) and Ramsar site (see Table 4.3), only brent goose was recorded on site in significant numbers. During the March 2021 survey visit, a peak of approximately 60 birds were observed briefly using the large waterbody in the north-eastern part of the site (which falls within the area classified as Site H43) for drinking/bathing, for about two minutes.

The survey results obtained over winter 2021-2021 appear to be largely consistent with the survey results obtained by Middlemarch Environmental Ltd during February 2017 to inform the previous (report to inform) Habitats Regulations Assessment: Stage 1 Screening (Report RT-MME-123420-06-Rev C). These results are also in keeping with the 2016-2017 results used to inform the Solent Wader and Brent Goose Strategy and support the classification of Site H43 as a Low Use Site (for brent geese). The site is not considered to be important for wading birds.

It should be noted that during the 2020-2021 surveys completed by Middlemarch Environmental Ltd, brent geese were only recorded using the large waterbody in the north-eastern part of the site, and were not observed utilising habitats within the remainder of the application site, including the former pitch and putt golf course. However, at the time of the surveys, the former pitch and putt area was observed to have developed

²³ https://solent.birdaware.org/media/29372/Bird-Aware-Solent-Strategy/pdf/Solent_Recreation_Mitigation_Strategy.pdf

²⁴ Whitfield, D (2020). *Solent Waders and Brent Goose Strategy*. Hampshire and Isle of Wight Wildlife Trust. Curdridge.

²⁵ Available at: <https://solentwbqs.wordpress.com/page-2/>

a longer sward since previous surveys had been completed at the site by Middlemarch Environmental Ltd in 2017. The course was also beginning to colonise in places with patches of scrub. The changes in vegetation had led to poorer visibility for birds when watching for predators and the bushes and trees were deemed suitable to provide predator look out perches, resulting in the area becoming largely unsuitable for brent geese.

However, the document 'Solent Waders and Brent Goose Strategy: Guidance on Mitigation and Off-setting Requirements' (SWBGS Steering Group, 2018)²⁶, states that Low Use Sites "...*have the potential to support the existing network and provide alternative options and resilience for the future network.*" It is therefore recognised that although much of Site H43 (including the former pitch and putt golf course) is not currently suitable for brent geese, this area has the potential to be suitable, subject to appropriate management.

The proposals would result in a loss of c. 1.8 ha of habitat from a portion of the former pitch and putt golf course, which falls within the western part of Site H43. This loss of habitat would occur during the site clearance and construction phases of the development and would result in a reduction in the size of an area which has the potential to support brent geese. This direct loss of functionally linked land has the potential to undermine the conservation objectives of the Chichester and Langstone Harbours SPA, through changes to the extent and distribution of the habitats of the qualifying features, which could lead to (localised) changes to the distribution of qualifying features within the SPA. The potential for significant effects on qualifying features (brent goose) of Chichester and Langstone Harbours SPA and Ramsar site due to loss of functionally linked land during the site clearance / construction phase of the development cannot be screened out at this stage, and further assessment of this issue at the Appropriate Assessment stage is therefore required.

It is also acknowledged that the loss of functionally linked land as a result of the proposed development, combined with the loss of functionally linked land as a result of other projects and plans, could result in further displacement and changes to the distribution of qualifying bird species within the local area. In-combination effects are discussed further in Section 5.2.

The potential for disturbance of qualifying bird species of the Chichester and Langstone Harbours SPA and Ramsar site during the site clearance / construction phase of the development is discussed separately below.

There will be no loss of functionally linked land for qualifying species (Desmoulin's whorl snail) of the adjacent Solent Maritime SAC as a result of the proposals.

The remaining European sites identified in Table 4.1 are located 2.23 km or further from the site. No loss of functionally linked land for qualifying species of these European sites is anticipated as a result of the proposals.

Disturbance of qualifying species

Demolition of existing buildings, vegetation clearance and caravan installation works during the construction phase of the development have the potential to lead to increased disturbance (visual and noise) to qualifying species using habitats within nearby European sites, or using habitats within the site (functionally linked land). Accidental light spillage onto areas within and directly adjacent to the site could also negatively impact qualifying species. Disturbance impacts are considered most likely to affect qualifying bird species of the European sites located adjacent to the application site, namely Chichester and Langstone Harbours SPA and Ramsar site.

Construction phase disturbance impacts on qualifying bird species are considered to be alleviated to some extent due to their mobile nature, the relative abundance of appropriate feeding/roosting/breeding habitat in the surrounding area and the temporary nature of the demolition and construction works. However, given that some localised disturbance could occur during the construction phase, the potential for significant effects on qualifying bird species using habitats within nearby European sites (Chichester and Langstone Harbours SPA and Ramsar wetland) or using habitats within the site (functionally linked land) cannot be ruled out altogether. Further assessment of this issue at the Appropriate Assessment stage is therefore required.

²⁶ SWBGS Steering Group (2018). *Solent Waders and Brent Goose Strategy: Guidance on Mitigation and Off-setting Requirements*. Final Report, October 2018.

Construction phase disturbance impacts are not considered to result in any significant effects on the qualifying species (Desmoulin's whorl snail) of the adjacent Solent Maritime SAC.

The remaining European sites identified in Table 4.1 are located 2.23 km or further from the site. Construction phase disturbance impacts are therefore not considered to result in any significant effects on the qualifying features of these sites.

Pollution of qualifying habitats and habitats on which qualifying features rely

There is the potential for debris and pollutants to enter adjacent habitats during the construction phase of the proposed development, via accidental chemical spills, contaminated surface water run-off and the improper storage of environmentally harmful materials.

This could lead to a temporary decline in the quality and/or extent of qualifying habitats (and the habitats upon which qualifying species rely) of the European sites located adjacent to the application site, namely Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar wetland and the Solent Maritime SAC. The potential for significant effects via this impact pathway cannot be ruled out. Further assessment of this issue at the Appropriate Assessment stage is therefore required.

The remaining European sites identified in Table 3.1 are located 2.23 km or further from the site. Temporary construction phase pollution impacts are therefore considered highly unlikely to result in any significant effects on these sites.

5.1.2 Potential Operational Phase Impacts and Effects

Loss of functionally linked land

Although once completed, the western portion of the former pitch and putt golf course will comprise holiday caravans and areas of open recreational space, which will be unsuitable for brent geese, the initial loss of habitat from within Solent Wader and Brent Goose Strategy Site H43 will have already occurred during the site preparation / construction phase. This loss of functionally linked land for qualifying bird species (specifically brent goose) of the adjacent Chichester and Langstone Harbours SPA and Ramsar site is discussed in Section 5.1.1.

As part of the proposals, the eastern portion of Site H43, including the large waterbody where brent geese were recorded during the 2020-2021 Winter Bird Surveys (Report RT-MME-153231-06), is to be retained and enhanced for wildlife. It will be important that this retained area is subject to ongoing management to ensure it remains suitable for brent geese. Inappropriate or a cease of management in this area could further reduce its suitability for brent geese, resulting in further localised displacement of brent geese in the local area, and additional loss of functionally linked land from Site H43. The potential for significant effects on qualifying features (brent goose) of Chichester and Langstone Harbours SPA and Ramsar site due to inappropriate management of retained habitat within Site H43 (functionally linked land) cannot be screened out at this stage, and further assessment of this issue at the Appropriate Assessment stage is therefore required.

It is also acknowledged that the loss of functionally linked land as a result of the proposed development, combined with the loss of functionally linked land as a result of other projects and plans, could result in further displacement and changes to the distribution of qualifying bird species within the local area. In-combination effects are discussed further in Section 5.2.

The potential for disturbance of qualifying bird species of the Chichester and Langstone Harbours SPA and Ramsar site during the operational phase of the development is discussed separately below.

There will be no loss of functionally linked land for qualifying species (Desmoulin's whorl snail) of the adjacent Solent Maritime SAC as a result of the proposals.

The remaining European sites identified in Table 4.1 are located 2.23 km or further from the site. No loss of functionally linked land for qualifying species of these European sites is anticipated as a result of the proposals.

Disturbance of qualifying species (via increased recreational pressure)

It is recognised that the operational phase of any residential development has the potential to result in an increase in disturbance (noise, visual, light) of qualifying species and/or damage to qualifying habitats

(and habitats upon which qualifying species rely). This increased disturbance could affect qualifying species using habitats both within the application site (i.e. species utilising functionally linked land) and qualifying habitats or species present within European sites adjacent to the application site.

In addition, increased visitors to an area could cause disturbance to species and damage to habitats at local visitor attractions and amenity areas further afield (i.e. within other European sites). This has the potential to lead to changes in the extent or quality of qualifying habitats and habitats upon which qualifying species rely, and changes in the distribution of qualifying species.

The Solent Recreation Mitigation Strategy (Bird Aware Solent, 2017)²⁷ states that over 60,000 new homes are planned (i.e. are part of recognised site allocations within existing local plans) in the areas surrounding the Solent by 2034. Previous research has demonstrated links between local development, population growth and likely increased disturbance of the qualifying bird species of the Chichester and Langstone Harbours SPA and Ramsar (adjacent to the site), Portsmouth Harbour SPA and Ramsar (over 8.7 km distant from the application site) and the Solent and Southampton Water SPA (over 10 km distant from the application site), collectively considered as the Solent SPAs. The majority (75% percentile) of visitors to the Solent SPAs have been determined as originating from within 5.6 km of the sites (Bird Aware Solent, 2017).

The Solent Recreation Mitigation Strategy was prepared and is supported by the Solent Recreation Mitigation Partnership (SRMP), a partnership comprising 15 Solent local authorities (including Havant Borough Council), Natural England, the Royal Society for the Protection of Birds, Hampshire and Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.

The mitigation strategy clarifies that any proposed development which will result in the creation of net dwellings within the 5.6 km Zone of Influence of any of the Solent SPAs is considered likely to result in additional recreational visits, and therefore potential disturbance of qualifying bird species. The mitigation strategy confirms that 'dwellings' include those used as holiday accommodation.

The mitigation strategy aims to prevent disturbance of qualifying bird species from recreational activities by setting out a series of management, monitoring and mitigatory measures. Delivery of these measures is funded by proportional developer contributions for all developments within the 5.6 km Zone of Influence which would result in one or more net dwelling.

The proposed development lies within the 5.6 km Zone of Influence of three Solent SPAs: Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar site and the Solent and Dorset Coast SPA (which, although not considered by the Solent Recreation Mitigation Strategy as it was only designated in January 2020, is considered to support qualifying features which could feasibly be adversely affected by increased disturbance as a result of increased recreational pressure). The proposed development would deliver an uplift of 18 dwellings.

As such, based upon the evidence available, the proposed development is considered to have a likely significant effect upon the Solent SPAs as a result of increased recreational pressure and the associated disturbance of qualifying bird species. Further assessment of this issue at the Appropriate Assessment stage is therefore required.

Disturbance of qualifying species (due to operational lighting)

Whilst lighting is already present within the Holiday Village, the extension of the built footprint to the east of this existing developed area will result in an unavoidable increase in lighting in areas which are currently subject to minimal illumination. This increased lighting could result in disturbance impacts to qualifying species of Chichester and Langstone Harbours SPA and Ramsar site, including species using habitats present within the application site (functionally linked land) and species using habitats within parts of the SPA and Ramsar located in close proximity to the application site. Further assessment of this impact pathway is therefore required at the Appropriate Assessment stage.

Disturbance impacts due to operational phase lighting are not considered to result in any significant effects on the qualifying species (Desmoulin's whorl snail) of the adjacent Solent Maritime SAC.

²⁷ Bird Aware Solent (2017). *Solent Recreation Mitigation Strategy*. December 2017. Available at: https://solent.birdaware.org/media/29372/Bird-Aware-Solent-Strategy/pdf/Solent_Recreation_Mitigation_Strategy.pdf

The remaining European sites identified in Table 4.1 are located 2.23 km or further from the site. Disturbance impacts due to operational phase lighting are therefore not considered to result in any significant effects on the qualifying features of these sites.

Pollution of qualifying and supporting habitats (increased discharge of dissolved nitrogen)

Natural England's 2020 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'²⁸ states the following:

There are high levels of nitrogen and phosphorus input to [the Solent] water environment with sound evidence that these nutrients are causing eutrophication at...designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species.

There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status.

In line with the precautionary principle, any development that will result in a net-increase in dwellings where the treated effluent would discharge into any Solent European sites, or any waterbody (surface or groundwater) that subsequently discharges into such a site, should be considered to exacerbate the existing impacts and creates an additional risk to the European sites' future conservation status.

The proposed development would deliver an uplift of 18 dwellings and the Wastewater Treatment Works (WwTW) which would treat wastewater from the development (Budds Farm) discharges into the Solent region.

As such, based upon the evidence available, the proposed development is considered to have a likely significant effect upon European sites within the Solent as a result of increased nutrient input and the associated decline in the quality and/or extent of qualifying habitats and the habitats upon which qualifying species rely. Further assessment of this issue at the Appropriate Assessment stage is therefore required.

5.2 IN-COMBINATION ASSESSMENT

5.2.1 Other Projects and Plans Considered In-Combination

In accordance with the legal requirement in the Habitats Regulations and best practice methodology, the potential for a project or plan to impact upon a European site must be considered either alone, or in combination with other projects or plans. As such it is necessary to consider the potential for the proposed development to impact upon the Severn Estuary SAC, SPA and Ramsar site, both alone and in combination with other plans and projects.

The scope of an in-combination assessment is restricted to plans and projects which are 'live' at the same time as the assessment being undertaken (Natural England, 2018)²⁹. These types of plans include:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started;
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review and renewal;
- Any draft plans being prepared by any public body; and,
- Any proposed plans or projects that are reasonably foreseeable and/or published for consultation prior to application.

²⁸ <https://www.push.gov.uk/wp-content/uploads/2020/06/Natural-England%E2%80%99s-latest-guidance-on-achieving-nutrient-neutrality-for-new-housing-development-June-2020.pdf>

²⁹ Natural England (2018). *Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations*. Version 1.4.

Additionally, the guidance from Natural England makes it clear that plans or projects deemed to cause significant impact within their own right (and so have either incorporated methods of avoidance or proportional mitigation within the proposed plan or scheme) should be dealt with in isolation within their own individual Habitats Regulations Assessment and not be considered in combination with other schemes where impacts (individually) were considered insignificant. Likewise, where a plan or project is considered to result in an insignificant impact in isolation it should not be considered in combination with plans or projects already determined to be significant.

A search of the Havant Borough Council planning portal was undertaken to obtain information about planning applications in the local area within the last three years. The majority of planning applications identified related to conversions, extensions or small-scale construction works. Due to the small-scale of these developments, they were scoped out of further assessment.

Two 'change of use' applications (Refs: APP/18/00440 and APP/18/00277) related to sites on Mill Rythe Lane (less than 500 m north-east of the current application site) were identified, however these did not impact any functionally linked land for qualifying species of Chichester and Langstone Harbours SPA and Ramsar site.

The emerging Havant Borough Local Plan identifies key regeneration sites on Hayling Island, all of which are located well over 2 km from the current application site. The Local Plan was submitted for examination to the Secretary of State for Housing Communities and Local Government on 12th February 2021 and until adoption, has limited weight in determining planning applications.

5.2.2 Assessment of In-Combination Effects – Construction Phase

Loss of functionally linked land

As detailed in Section 5.1.1, the proposed development, in isolation, would result in the loss of a portion of functionally linked land from a Solent Waders and Brent Goose Strategy Low Use Site (H43) which is utilised by qualifying bird species (specifically brent goose) of Chichester and Langstone Harbours SPA and Ramsar site. This loss of functionally linked land (as a result of the proposed development in isolation) has the potential to undermine the conservation objectives of the Chichester and Langstone Harbours SPA, through changes to the extent and distribution of the habitats of the qualifying features, which could lead to (localised) changes to the distribution of qualifying features within the SPA.

The document 'Solent Waders and Brent Goose Strategy: Guidance on Mitigation and Off-setting Requirements' (SWBGS Steering Group, 2018)²⁶, states that "*The in-combination loss of [Low Use] sites would impact on the continued ecological function of the wader and brent goose network*". This document provides certainty that the development, in combination with other projects and plans, would result in a likely significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar.

Disturbance of qualifying species

The evidence available demonstrates that the proposed development, in isolation, could potentially result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar wetland due to disturbance during the construction phase (see Section 5.1.1), and so this impact is not required to be considered in-combination with other plans or projects which are, by themselves, considered insignificant.

Pollution of qualifying habitats and habitats on which qualifying features rely

The evidence available demonstrates that the proposed development, in isolation, could potentially result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar wetland and the Solent Maritime SAC, as a result of a decline in quality/extent of supporting habitats due to construction-phase pollution (see Section 5.1.1), and so this impact is not required to be considered in-combination with other plans or projects which are, by themselves, considered insignificant.

5.2.3 Assessment of In-Combination Effects – Operational Phase

Loss of functionally linked land

As detailed in Section 5.1.2, inappropriate management of the retained portion of the Solent Waders and Brent Goose Strategy Low Use Site (H43) could result in further loss of functionally linked land, potentially undermining the conservation objectives of the Chichester and Langstone Harbours SPA, through changes to the extent and distribution of the habitats of the qualifying features, which could lead to (localised) changes to the distribution of qualifying features within the SPA.

The document 'Solent Waders and Brent Goose Strategy: Guidance on Mitigation and Off-setting Requirements' (SWBGS Steering Group, 2018)²⁶ states that "*The in-combination loss of [Low Use] sites would impact on the continued ecological function of the wader and brent goose network*". This document provides certainty that the loss of the entirety of Site H43 as a result of inappropriate management, in combination with other projects and plans, would result in a likely significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar.

Disturbance of qualifying species (via increased recreational pressure)

The evidence available demonstrates that the proposed development, in isolation, is likely to result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar site due to increased recreational pressure and associated disturbance (see Section 5.1.2), and so this impact is not required to be considered in-combination with other plans or project which are, by themselves, considered insignificant.

Disturbance of qualifying species (due to operational lighting)

The evidence available demonstrates that the proposed development, in isolation, could potentially result in a significant effect upon the qualifying features of Chichester and Langstone Harbours SPA and Ramsar site due to increased lighting during operation (see Section 5.1.2), and so this impact is not required to be considered in-combination with other plans or project which are, by themselves, considered insignificant.

Pollution of qualifying and supporting habitats (increased discharge of dissolved nitrogen)

The evidence available demonstrates that the proposed development, in isolation, is likely to result in a significant effect upon the qualifying habitats (and the habitats upon which qualifying species rely) within the Solent region (Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar wetland, Solent Maritime SAC, Solent and Dorset Coast SPA, Portsmouth Harbour SPA and Portsmouth Harbour Ramsar wetland), due to increased level of dissolved nitrogen discharge into the sites (see Section 5.1.2), and so this impact is not required to be considered in-combination with other plans or project which are, by themselves, considered insignificant.

5.3 SUMMARY OF SCREENING ASSESSMENT

Table 5.1 provides a summary of the potential impacts and effects arising from the project, either alone or in-combination with other projects and plans.

Natura 2000 Site	Distance from Application Site	Potential Impacts and Effects – Project Alone	Significance of Effects – Project Alone	Potential for In-Combination Effects?	Appropriate Assessment Required?
Site Preparation / Construction Phase					
Chichester and Langstone Harbours SPA and Ramsar site	Adjacent to site	Loss of functionally linked land, change in extent of habitat for qualifying features.	Possible significant effect	Likely Significant Effect (in-combination)	Yes (triggered due to possible significant effect of project alone).
		Disturbance, leading to change in distribution of qualifying features.	Possible significant effect	N/A. In-combination effects not considered, possible significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
		Pollution (via water), leading to decline in quality of supporting habitat and change in distribution of qualifying features.	Possible significant effect	N/A. In-combination effects not considered, possible significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
Solent Maritime SAC	Adjacent to site	Pollution (via water), leading to decline in quality or extent of qualifying habitat	Possible significant effect	N/A. In-combination effects not considered, possible significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
Solent and Dorset Coast SPA	2.23 km south	Due to distance between these Natura 2000 sites and the application site, possible construction phase impacts (e.g. disturbance and/or pollution) are considered highly unlikely to result in any noticeable effects on the qualifying features.			No (No Likely Significant Effect)
Solent and Isle of Wight Lagoons SAC	5.66 km northwest				No (No Likely Significant Effect)
Portsmouth Harbour SPA	8.71 km west-northwest				No (No Likely Significant Effect)
Portsmouth Harbour Ramsar site	8.71 km west-northwest				No (No Likely Significant Effect)
Operational Phase					
Chichester and Langstone Harbours SPA and Ramsar site	Adjacent to site	Loss of functionally linked land, change in extent of habitat for qualifying features.	Possible significant effect	Likely significant effect (in-combination)	Yes (triggered due to possible significant effect of project alone).
		Disturbance (increased recreational pressure), leading to change in distribution of qualifying features.	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
		Disturbance (increased lighting), leading to change in distribution of qualifying features.	Possible significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
		Pollution (increased discharge of dissolved nitrogen), leading to decline in quality of supporting habitat and change in distribution of qualifying features.	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).

Table 5.1: Stage 1 Screening – Assessment of Impacts and Effects of Proposed Project on European Sites, Alone or In-Combination with other Projects and Plans (continues)

Natura 2000 Site	Distance from Application Site	Potential Impacts and Effects – Project Alone	Significance of Effects – Project Alone	Potential for In-Combination Effects?	Appropriate Assessment Required?
Operational Phase (continued)					
Solent Maritime SAC	Adjacent to site	Pollution (increased discharge of dissolved nitrogen), leading to decline in quality or extent of qualifying habitat	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
Solent and Dorset Coast SPA	2.23 km south	Disturbance (increased recreational pressure), leading to change in distribution of qualifying features.	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
		Pollution (increased discharge of dissolved nitrogen), leading to decline in quality or extent of qualifying habitat	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).
Solent and Isle of Wight Lagoons SAC	5.66 km northwest	Due to distance between the SAC and the application site, possible indirect impacts during the development's operational phase (e.g. increased air pollution) are considered highly unlikely to result in any noticeable effects on the qualifying features.			No (No Likely Significant Effect)
Portsmouth Harbour SPA and Ramsar site	8.71 km west-northwest	Due to distance between the SPA/Ramsar and the application site, possible recreational disturbance impacts during the development's operational phase are considered highly unlikely to result in any noticeable effects on the qualifying features.			No (No Likely Significant Effect)
		Pollution (increased discharge of dissolved nitrogen), leading to decline in quality or extent of qualifying habitat	Likely significant effect	N/A. In-combination effects not considered, potential significant effect from project in isolation.	Yes (triggered due to possible significant effect of project alone).

Table 5.1 (continued): Stage 1 Screening – Assessment of Impacts and Effects of Proposed Project on European Sites Alone or In-Combination with other Projects and Plans

6. STAGE 2: APPROPRIATE ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

6.1 SITE PREPARATION / CONSTRUCTION PHASE EFFECTS

The Stage 1 Screening exercise has identified the following impact pathways through which the construction phase of the proposed development, in the absence of mitigation, has the potential to result in a 'Likely (or Possible) Significant Effect' on European sites:

- Loss of functionally linked land used by qualifying bird species (of Chichester and Langstone Harbours SPA and Ramsar site);
- Disturbance of qualifying species (of Chichester and Langstone Harbours SPA and Ramsar site): and,
- Pollution of qualifying habitats (within the Solent Maritime SAC) and habitats upon which qualifying features (of Chichester and Langstone Harbours SPA and Ramsar site) rely.

These issues are discussed in more detail in below.

In accordance with best practice, this discussion is focused on the potential of the development to impact upon the conservation objectives of these designated sites, either alone or in-combination with other projects and plans.

6.1.1 Loss of Functionally Linked Land

As established in Section 5.1.1, the site preparation and construction works could potentially impact upon populations of brent goose (a qualifying bird species of Chichester and Langstone Harbours SPA and Ramsar site) through the permanent reduction in the area of functionally linked habitat, which has the potential to be utilised by this species. An area of approximately 1.8 ha of habitat from the Solent Wader and Brent Goose Strategy Site H43 (a Low Use Site) will be lost.

The survey data obtained over winter 2020-2021 showed that brent geese recorded on site were predominantly using the large waterbody in the north-eastern corner of the application site, which will be retained as part of the proposals. Suitable habitat for brent geese was abundant in the surrounding area. Furthermore, much of Site H43, including the portion of the former pitch and putt golf course which to be lost as a result of the proposals, is not currently suitable for brent geese. However, it is recognised that the whole area, including the portion to be lost to accommodate the development, has the potential to provide suitable habitat for this species, subject to appropriate management.

The 'Solent Waders and Brent Goose Strategy: Guidance on Mitigation and Off-setting Requirements' document (SWBGS Steering Group, 2018), states that Low Use Sites:

...have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network.

The document goes on to state that:

In all cases proportionate mitigation, off-setting and/or enhancement measures will be required.

The development will result in the partial loss (c. 1.8 ha) of a Low Use Site (Site H43). Despite the enhancement measures proposed for the retained portion of Site H43, and the proposed management of this area for wildlife, without long-term monitoring it cannot be concluded with certainty that these measures will be sufficient to ensure that this area continues to support brent geese at the same level as would be expected if the entirety of Site H43 were retained and managed for brent geese.

As such, in line with the precautionary principle, a proportional developer contribution must be provided in accordance with the Solent Waders and Brent Goose Strategy, to mitigate for the loss of functionally linked land. This mitigation is discussed in detail in Chapter 7.

6.1.2 Disturbance of qualifying species

The increased presence of people, vehicles and lighting during the site preparation and construction works could result in increased disturbance to qualifying bird species using habitats within the application site (functionally linked land) or habitats qualifying bird species within the adjacent European sites (Chichester and Langstone Harbours SPA and Ramsar site). This is assessed further in the following sections.

Noise and visual disturbance to qualifying species present on-site (within functionally linked land)

As detailed in Section 5.1.1, brent geese were recorded utilising the large waterbody in the north-eastern part of the site during monthly Winter Bird Surveys (Report RT-MME-153231-06), completed between October 2020 and March 2021.

Riddington et al (1996)³⁰ studied the impact of disturbance on brent geese, finding that when disturbance was greater, birds fed less and were more vigilant, with flight responses to disturbance resulting in increased energy expenditure.

Whitfield (2020)²⁴ states the following regarding disturbance on brent geese:

Disturbance can have a marked effect on brent geese. When mildly alarmed, they raise their heads but quickly resume feeding. When levels of disturbance increase, they fly away and resettle when the cause of disturbance has passed or look for another quieter site nearby.

Displacement due to disturbance has the potential to influence the local distribution of brent geese.

Based on the evidence available, it is considered that there is the potential for qualifying bird species (brent goose) using habitats within the application site (functionally linked land) to be temporarily disturbed during the construction phase of the proposed development, due to increased noise and movement within the application site. The potential displacement of brent geese as a result of this disturbance (even if temporary and localised) could undermine the conservation objectives for the SPA (a 'significant' effect).

As such, it is proposed that suitable construction-phase measures are implemented to ensure that disturbance impacts are avoided or minimised. These measures include timing the works to occur outside of the most sensitive period for wintering birds (where feasible) and, when work is required to take place over winter, hoarding will be installed prior to the commencement of works and will remain in place throughout the construction period. This hoarding would screen the works area from surrounding habitat, minimising any potential visual and noise disturbance on qualifying bird species present in the area and reducing any effects to negligible. These measures can be provided in a Construction Ecological Management Plan (CEcMP). Further details are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and adhered to throughout the works, no likely significant effect on qualifying species of Chichester and Langstone Harbours SPA and Ramsar site (specifically brent goose) as a result of construction phase visual or noise disturbance is anticipated.

Noise and visual disturbance to qualifying species present within Chichester and Langstone Harbours SPA and Ramsar site

During the Winter Bird Surveys (Report RT-MME-153231-06), significant numbers of at least seven other qualifying bird species of the Chichester and Langstone Harbours SPA were recorded in proximity to (although not within) the site: grey plover (peak count 200), dunlin (peak count 500), redshank (peak count 150), shelduck (peak count 150), teal (peak count 100), curlew (peak count 250) and wigeon (peak count 200).

Wallis et al (2019)³¹ studied the effect of construction activity on internationally important waterfowl species, including teal and wigeon (both qualifying species of Chichester and Langstone Harbours SPA recorded in proximity to the site), finding "evidence to suggest a threshold distance to extensive construction activity with limited numbers of our study species being present within 200 m of highly disturbing construction events." This 'disturbance threshold' of 200 m identified by Wallis et al (2019) is consistent with earlier findings detailed in the 2009 Institute of Estuarine and Coastal Studies report (Cutts et al, 2009)³², which found that

³⁰ Riddington, R., Hassall, M., Lane, S. J., Turner, P. A. and Walters, R. The impact of disturbance on the behaviour and energy budgets of Brent Geese *Branta b. bernicla*. (1996). *Bird Study* 43, Pages 269-279.

³¹ Wallis, K., Hill, D., Wade, M., Cooper, M., Frost, D. and Thompson, S. (2019). The effect of construction activity on internationally important waterfowl species. *Biological Conservation*. Volume 232, Pages 208-216.

³² Cutts, N., Phelps, A. and Burdon, D. (2009). *Construction and Waterfowl: Defining sensitivity, Response, Impacts*

construction workers within 200 m of waterbirds can cause moderate disturbance that result in birds leaving the immediate vicinity of the works.

However, construction phase disturbance impacts on birds using off-site habitats within the adjacent Chichester and Langstone Harbours SPA and Ramsar site are considered likely to be greatly alleviated due to the presence of the existing banked sea wall along the northern boundary of the site, as well as bands of dense scrub present around the site boundaries, which provide a 'buffer' between the site and the adjacent areas. This buffer is likely to have a dampening effect on noise and lessen the effects of visual disturbance to a level at which they are not significant. As such, no likely significant effect on any other qualifying species of Chichester and Langstone Harbours SPA and Ramsar site as a result of construction phase visual or noise disturbance is anticipated.

Light disturbance

Light spill onto adjacent habitats outside of the works area may result in a negative impact on qualifying bird species utilising them. The balance of lighting is of importance to bird species as artificial lighting at night may interrupt natural behaviours and may expose individuals to higher predation levels or disrupt navigational abilities, such as when birds are flying over a lit area. In order to address potential adverse effects due to increased disturbance from construction-phase lighting, a series of measures will be implemented, including only using lighting where absolutely necessary for health and safety, and, where lighting is required, the use of directional low-level lights and within active work areas. These measures are considered to be sufficient to reduce the impact of disturbance from lighting to negligible. Details regarding construction phase lighting can be provided in a CEcMP. Further details are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and adhered to, no likely significant effect on qualifying species of Chichester and Langstone Harbours SPA and Ramsar site as a result of construction phase lighting disturbance is anticipated.

6.1.3 Pollution of supporting habitat

The proposed development and associated works have the potential to result in significant harm to individual qualifying species and/or the habitats upon which the qualify species are reliant upon via debris, accidental chemical spills, contaminated surface water run-off and the improper storage of environmentally harmful materials during demolition works and construction of the scheme entering adjacent habitats within the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site. Should a pollution event occur the scope of harm is likely to be small and localised to the area surrounding the site, however certain substances that may be used during the construction phase may be highly toxic to aquatic life and habitats which could result in a significant impact. Therefore, mitigation measures must be put in place to address these potential impacts. Mitigation measures and best practice methods of working can be detailed in a CEcMP. Further details are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and implemented accordingly, construction phase pollution impacts can be avoided, and no likely significant effects on the qualifying habitats or species of adjacent European sites are anticipated.

6.2 OPERATIONAL PHASE EFFECTS

The Stage 1 Screening exercise has identified the following impact pathways through which the operational phase of the proposed development, in the absence of mitigation, has the potential to result in a 'Likely (or Possible) Significant Effect' on European sites:

- Loss of functionally linked land used by qualifying bird species (of Chichester and Langstone Harbours SPA and Ramsar site) due to inappropriate habitat management;
- Disturbance of qualifying species (of Chichester and Langstone Harbours SPA and Ramsar site and Solent and Dorset Coast SPA) due to increased recreational pressure;
- Disturbance of qualifying species (of Chichester and Langstone Harbours SPA and Ramsar site) due to operational lighting; and,
- Pollution of qualifying habitats (within the Solent Maritime SAC) and habitats upon which qualifying features (of Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar site) rely, due to increased discharge of dissolved nitrogen.

These issues are discussed in more detail in below.

In accordance with best practice, this discussion is focused on the potential of the development to impact upon the conservation objectives of these designated sites, either alone or in-combination with other projects and plans.

6.2.1 Loss of Functionally Linked Land

Following the initial loss of functionally linked land (due to a partial loss of Site H43, a Low Use Site for brent geese) during the site preparation and construction phases of the development (see Section 6.1.1), in the absence of mitigation, inappropriate habitat management of the retained area of Site H43 could result in the further loss of functionally linked land for this species (a qualifying species of Chichester and Langstone Harbours SPA and Ramsar site), an adverse significant effect.

Brent geese traditionally relied on coastal mud flats for feeding, however since the 1950s, this species has relied on a more diverse range of habitat types, including cereal fields and amenity grasslands (Whitfield, 2020)²⁴. Whitfield (2020)²⁴ continues:

The suitability of sites for brent geese depends on distance from the coast, the size of the grazing area, the type of grassland management, visibility and disturbance. Brent geese prefer large open sites where they have clear sightlines and short, lush grass for grazing. They use a great deal of energy travelling between feeding areas, so tend to preferentially select sites adjacent to the coast.

Site H43 currently comprises a disused pitch and putt golf course which has developed a ranker sward, with scattered blocks of scrub and tall ruderal vegetation. This area does not, at present, provide particularly suitable habitat for brent geese.

In order to ensure that the retained portion of Site H43 is restored to provide suitable for brent geese and that this area remains suitable in the long term, it will be important for a short sward height to be maintained for grazing and for encroaching scrub to be cut back, to provide clear sightlines and minimise potential predation impacts. These habitat management measures can be detailed in a Landscape and Ecological Management Plan (LEMP). Further details are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and implemented accordingly, the further loss of functionally linked land during the operational phase of the development can be avoided, and no likely significant effects on the qualifying habitats or species of adjacent European sites are anticipated.

6.2.2 Disturbance of qualifying species (increased recreational pressure)

On-site Disturbance

The proposals will result in both an increase in the extent of the built area within the site, and an uplift in the number of accommodation units, leading to a greater number of people using the site, over a wider area. Increased human presence, particularly within the proposed wildlife area at the eastern extent of the site or along the sea wall located to the north of the site (to which access is available through a gate from the Holiday Village), has the potential to cause greater disturbance to bird species using adjacent suitable habitat within the site (functionally linked land), as well as bird species using habitats within the adjacent Chichester and Langstone Harbours SPA and Ramsar site. Although activity levels are anticipated to be significantly lower over winter (when the majority of qualifying species are present), and these bird species are likely to be habituated to a certain level of disturbance caused by the use of the existing Holiday Village, it is possible that an increased human presence and altered patterns of activity during the operational phase of the development has the potential to result in the displacement of bird species present within nearby habitats and noticeable, albeit minor, changes in species distributions within the local area.

In order to address potential adverse effects due to increased disturbance to qualifying bird species using habitats within and adjacent to the site, access to the managed wildlife area and to the sea wall during sensitive periods for wintering birds will be restricted. In addition, interpretation boards and information packs detailing the importance of the site and surroundings for wildlife will be provided to residents. These measures can be detailed in a LEMP, and are considered to be sufficient to reduce the impact of increased disturbance within the site to negligible. Further details regarding the LEMP are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and adhered to, no likely significant effect on qualifying species of Chichester and Langstone Harbours SPA and Ramsar site as a result of increased operational phase disturbance within the site is anticipated.

Off-site Disturbance

In line with the 2017 Solent Recreation Mitigation Strategy (see Section 5.1.2), Havant Borough Council consider that the delivery of new residential dwellings (including holiday accommodation) within a 5.6 km Zone of Influence of European sites designated for important populations of bird species will result in a likely significant effect on these sites due to increased human disturbance. The application site falls within the 5.6 km Zone of Influence of Chichester and Langstone Harbours SPA and Ramsar site and will deliver a net uplift of 18 two-bed units.

It is beyond all reasonable doubt that the proposed development will result in a likely significant impact upon Chichester and Langstone Harbours SPA and Ramsar site due to increased levels of disturbance to the qualifying features. As such, mitigation measures are required to allow Havant Borough Council to grant planning permission for the scheme. A proportional developer contribution towards the delivery of the Solent Recreational Mitigation Strategy will be required. This mitigation is discussed in detail in Chapter 7.

6.2.3 Disturbance of qualifying species (operational lighting)

Light spill onto adjacent habitats outside of the completed development area may result in a negative impact on qualifying bird species utilising them. The balance of lighting is of importance to bird species as artificial lighting at night may interrupt natural behaviours and may expose individuals to higher predation levels or disrupt navigational abilities, such as when birds are flying over a lit area. In order to address potential adverse effects due to increased disturbance from operational-phase lighting, a series of measures will be implemented, including the use of directional low-level lights to avoid upwards light-spill and the positioning of lights to avoid light spill outside of the built development footprint. These measures are considered to be sufficient to reduce the impact of disturbance from lighting to negligible and should be detailed in an Operational Lighting Strategy. Further details are provided in Chapter 7. Provided the proposed measures are approved by Havant Borough Council and adhered to, no likely significant effect on qualifying species of Chichester and Langstone Harbours SPA and Ramsar site as a result of operational phase lighting disturbance is anticipated.

6.2.4 Pollution of qualifying and supporting habitats (increased discharge of dissolved nitrogen)

In line with advice provided by Natural England in 2020 (see Section 5.1.2), Havant Borough Council consider that the delivery of any development resulting in an increase in overnight accommodation in the borough will contribute to increased levels of nitrogen and phosphorus in the water environment and subsequently eutrophication within designated sites, resulting in a likely significant effect. The development will deliver a net uplift of 18 units providing overnight accommodation.

It is beyond all reasonable doubt that the proposed development will result in a likely significant impact upon Solent European sites due to increasing the levels of dissolved nitrogen discharging into qualifying habitats and habitats that support qualifying species. As such, mitigation measures are required to allow Havant Borough Council to grant planning permission for the scheme. A proportional developer contribution in line with Havant Borough Council's Nutrient Neutrality Mitigation Plan will be required. This mitigation is discussed in detail in Chapter 7.

7. STAGE 2: MITIGATION MEASURES AND RESIDUAL EFFECTS

7.1 INTRODUCTION

This section of the report presents the mitigation to be delivered to ensure that any adverse effects on the integrity of European sites which could occur as a result of the proposed development can be controlled to an acceptable level to allow the works to proceed.

Potential construction and operational phase impacts have been considered. Several impact pathways have been identified through which the proposed development (either alone or in-combination with other projects and plans) could have a Likely Significant Effect on the integrity of European sites (Chichester and Langstone Harbours SPA and Ramsar site, Solent Maritime SAC, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar site), in the absence of mitigation.

Mitigation measures to address potential effects on qualifying habitats and species as a result of loss of functionally linked land, disturbance and pollution, during both the construction and operational phases of the development, are provided in the following section. These mitigation measures are considered sufficient for Havant Borough Council to conclude that, if enacted, there is no reasonable likelihood that the proposed development will result in significant harm to the qualifying habitats or species of any European sites, or impede the delivery of the conservation objectives for European sites, via these impact pathways.

7.2 OUTLINE MITIGATION PROPOSALS FOR POTENTIAL IMPACTS

7.2.1 Mitigation to address Loss of Functionally Linked Land (Construction Phase)

The Solent Waders and Brent Goose Strategy details the need for any development which will result in the loss of a Low Use Site to provide proportionate mitigation, off-setting and/or enhancement measures. To compensate for the partial loss of habitat (c. 1.8 ha) from Site H43 as a result of the proposals, a proportional developer contribution will be made to support the management and enhancement of the wider waders and brent geese ecological network.

The cost of compensating for the loss of a Low Use site is £35,610.00 per hectare. To account for the loss of 1.8 ha of habitat from a Low Use Site, a contribution of £64,098.00 will be payable.

The funding can be secured via an appropriately worded schedule within an S106 agreement.

7.2.2 Mitigation to address Disturbance and Pollution Impacts (Construction Phase)

Prior to the commencement of construction works, a Construction Ecological management Plan (CEcMP) will be produced. The CEcMP will be informed by updated ecological survey work and will set out the necessary timings and safe working practices that will be implemented to minimise disturbance of qualifying species and avoid pollution of qualifying/supporting habitats during the construction phase of the proposed development. As a minimum, the CEcMP will include the following measures:

- Any construction phase works with the potential to cause disturbance to birds during the key period of 1st October to 31st March should be completed under the supervision of a suitably qualified and experienced ornithologist.
- Details of protective fencing and hoarding installed prior to construction to demarcate works areas and to safeguard sensitive ecological features;
- Any pre-construction checks required before the commencement of the construction phases (i.e. for nesting birds);
- Relevant pollution prevention guidelines and working practices to be adopted to prevent silt and contamination entering watercourses or waterbodies;
- Adherence to best practice guidelines to minimise noise disturbance, suppress dust and limit disturbance to retained areas of habitat; and,
- Outline of construction phase lighting measures to minimise light spill on sensitive habitat areas.

The CEcMP can be secured via an appropriately worded planning condition and the contents agreed with Havant Borough Council. Should any issues be identified during the course of works, all works will cease temporarily and Havant Borough Council will be contacted for advice on how to proceed.

7.2.3 Mitigation to address Loss of Functionally Linked Land and Increased On-Site Recreational Disturbance (Operational Phase)

Prior to the commencement of construction works, a Landscape and Ecological Management Plan (LEMP) will be produced. The LEMP will be informed by updated ecological survey work and will include the following measures:

- Management prescriptions for habitats within the retained section Solent Wader and Brent Goose Strategy Site H43 (the former pitch and put golf course), including management of encroaching scrub (to include rotational thinning/cutting to provide a diverse age structure) within grassland areas at the eastern extent of the site to provide a habitat mosaic and maximise the ecological value of this area;
- Restricted access to the managed wildlife area and to the sea wall during sensitive periods for wintering birds; and,
- Provision of interpretation boards and information packs detailing the importance of the site and surroundings for wildlife.

The LEMP would also include proposals for monitoring of habitat types to allow the success of management to be determined and the requirement for any changes in management practices to be determined.

The LEMP can be secured via an appropriately worded planning condition and the contents agreed with Havant Borough Council.

7.2.4 Mitigation to address Increased Off-Site Recreational Disturbance (Operational Phase)

The Solent Recreation Mitigation Strategy details the need for any development which will deliver additional dwellings (including holiday accommodation) within the 5.6 km Zone of Influence of Solent SPAs and Ramsar sites to provide a developer contribution proportional to the likely scale of impact due to increased recreational pressure. This funding will pay for the delivery of the mitigation measures detailed within the Solent Recreation Mitigation Strategy.

The costs are determined based on how many net dwellings are to be created as part of the development and the number of rooms within each dwelling.

The development will deliver an uplift of 18 two-bed dwellings. Assuming planning permission is granted on or after 1st April 2021, the contribution per two-bed unit will be £522.00, plus a 5% monitoring fee and fixed-rive administration fee. The total developer contribution calculation is outlined in Table 7.1.

Net Number of Units	Amount per 2-bed Unit	Total
18	£522.00	£9,396.00
	5% Monitoring Fee	£469.80
	Administration Fee	£23.00
	Total Developer Contribution	£9,888.80

Table 7.1: Solent Recreation Mitigation Strategy Developer Contribution

The funding can be secured via an appropriately worded schedule within an S106 agreement, or collected via a Unilateral Undertaking.

7.2.5 Mitigation to address Increased Disturbance due to Lighting (Operational Phase)

An Operational Lighting Strategy should be produced and implemented. This document will be prepared with ecological input, and would detail the specification and location of lighting, selected to minimise illumination of adjacent habitats (including the managed wildlife area).

The Operational Lighting Strategy can be secured via an appropriately worded planning condition and the contents agreed with Havant Borough Council.

7.2.6 Mitigation to address Increased Discharge of Dissolved Nitrogen (Operational Phase)

In accordance with Natural England (2020), Havant Borough Council's Nutrient Neutrality Mitigation Plan requires that for any development which will deliver additional overnight accommodation (including holiday accommodation) anywhere within the borough, a developer contribution proportional to the likely scale of impact due to increased levels of dissolved nitrogen is provided.

The scale of mitigation has been determined using Natural England's (2020) Nutrient Budget Calculator. This confirmed that the proposed development is likely to increase the total nitrogen discharge into the Solent's European sites by a maximum of 36.4 kg/year. The full calculation for the development is provided in Appendix 1. In line with Havant Borough Council's strategic mitigation package, £1,235.00/kg of nitrogen is payable. As such, a contribution of £44,954.00 will be required.

The funding can be secured via an appropriately worded schedule within an S106 agreement, or collected via a Unilateral Undertaking.

8. CONCLUSIONS AND RECOMMENDATIONS

8.1 CONCLUSIONS

Evidence has been collected and an assessment has been undertaken to assist the competent authority, Havant Borough Council, in conducting its Habitats Regulations Assessment as per the requirement placed upon it by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The evidence provided it deemed sufficiently robust (being determined by use of the best scientific evidence available) to allow the authority to determine if it can be certain that there will be no adverse effect on the integrity of any European sites as a result of the proposed development.

Potential impacts on several different European sites have been detailed and considered. It has been displayed that, with appropriate mitigation, the proposed development will not result in a likely significant impact upon qualifying habitats and species, supporting habitats upon which qualifying species rely, or the delivery of the conservation objectives of the European sites under consideration.

Recommendations regarding the necessary actions to deliver mitigation proportional to the determined scope of impact (where it has been deemed likely to occur) are provided below in addition to appropriate mechanisms by which the mitigation can be secured by the competent authority.

8.2 RECOMMENDATIONS

R1 Proportional Developer Contribution towards the Solent Waders and Brent Goose Strategy

A developer contribution proportional to costs detailed in the Solent Waders and Brent Goose Strategy will be provided to Havant Borough Council in order to fully mitigate the loss of functionally linked land from a Low Use Site (Site H43) during the construction phase of the development.

The mitigation should be secured via an appropriately worded schedule within an S106 agreement.

An appropriate trigger for this calculated payment should be set as 'prior to the commencement of works on site', with the scale of the developer contribution calculated in accordance with any amendments to policy, legislation or guidance that may have occurred.

R2 Creation and Submission of CEcMP

Prior to the commencement of works a final Construction Ecological Management Plan (CEcMP) should be compiled and submitted to Havant Borough Council. The avoidance and mitigation measures within the final CEcMP will adhere to appropriate national guidelines and best practice principles. The avoidance and mitigation measures will be sufficient in their scope and scale to fully avoid or mitigate against any likely significant harmful impacts to European sites during the construction phase of the development.

The submission of the final CEcMP to Havant Borough Council prior to commencement and its enactment thereafter can be secured via an appropriately worded planning condition.

R3 Creation and Submission of LEMP

Prior to the commencement of works a final Landscape and Ecological Management Plan (LEMP) should be compiled and submitted to Havant Borough Council. The management and monitoring measures within the final LEMP will adhere to appropriate national guidelines and best practice principles. The management and monitoring measures will be sufficient in their scope and scale to fully avoid or mitigate against any likely significant harmful impacts to European sites due to inappropriate habitat management or access by residents to sensitive ecological areas during the operational phase of the development.

The submission of the final LEMP to Havant Borough Council prior to commencement and its enactment thereafter can be secured via an appropriately worded planning condition.

R4 Proportional Developer Contribution towards the Solent Recreation Mitigation Strategy

A developer contribution proportional to costs detailed in the Solent Recreation Mitigation Strategy will be provided to Havant Borough Council in order to fully mitigate for the likely increase in public disturbance to the qualifying species of the Solent SPA's during the operational phase of the development.

The mitigation should be secured via an appropriately worded schedule within an S106 agreement or via a Unilateral Undertaking.

The scale of the developer contribution must be calculated in accordance with any amendments to policy, legislation or guidance that may have occurred.

R5 Creation and Submission of Operational Lighting Strategy

Prior to the commencement of works an Operational Lighting Strategy should be compiled for the proposed scheme and submitted to Havant Borough Council. Lighting will be designed in accordance with best practice principles. The lighting will be designed in such a way so as to avoid any likely significant harmful impacts to European sites during the operational phase of the development.

The submission of the Operational Lighting Strategy to Havant Borough Council prior to commencement of the development and the enactment of the measures detailed in this document could be secured via an appropriately worded planning condition.

R6 Proportional Developer Contribution towards Havant Borough Council's Nutrient Neutrality Mitigation Plan

A developer contribution proportional to costs detailed in Havant Borough Council's Nutrient Neutrality Mitigation Plan will be provided to Havant Borough Council in order to fully mitigate for the likely increase in dissolved nitrogen entering Solent European sites during the operational phase of the development.

The mitigation should be secured via an appropriately worded schedule within an S106 agreement or via a Unilateral Undertaking.

The scale of the developer contribution must be calculated in accordance with any amendments to policy, legislation or guidance that may have occurred.

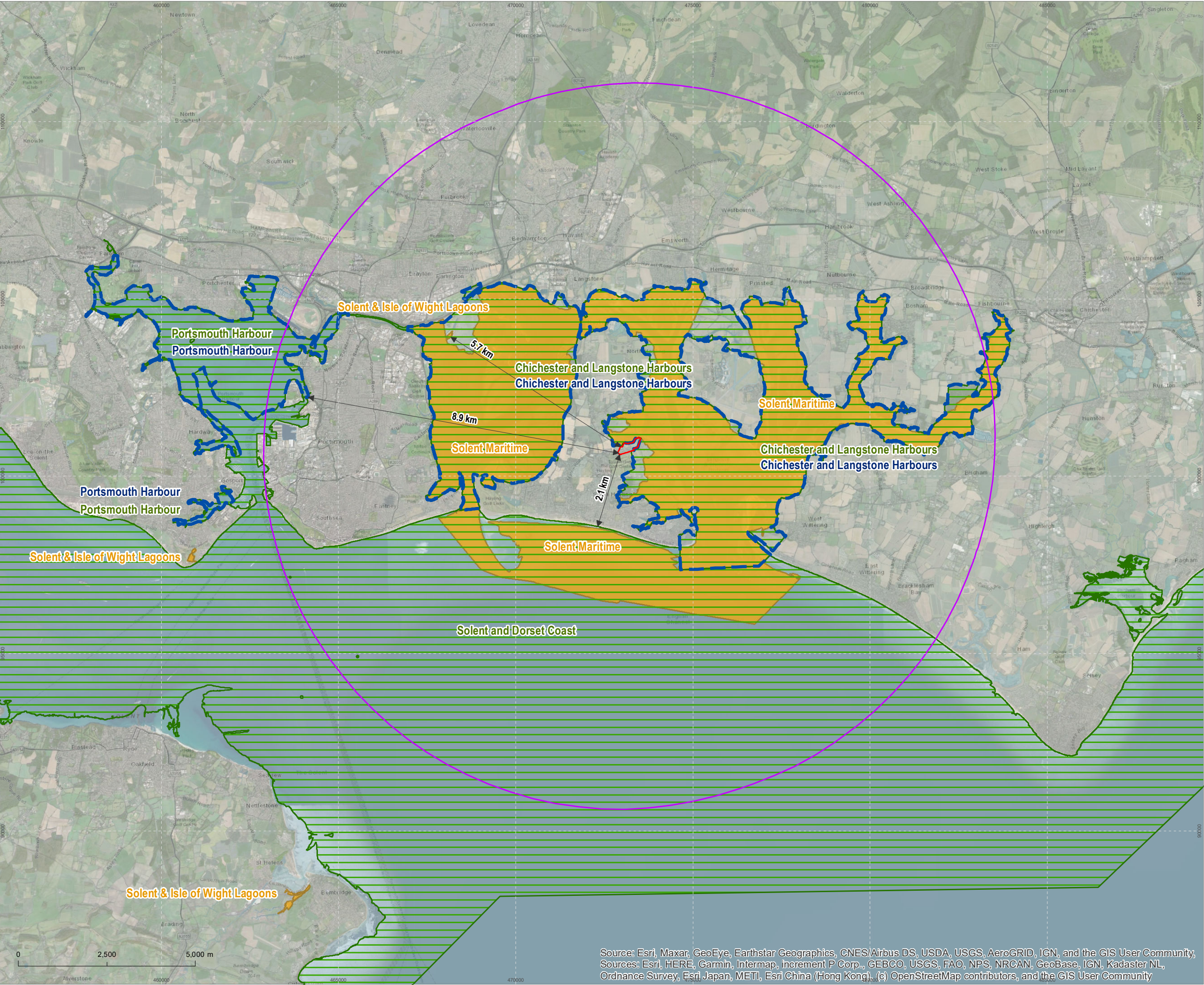
R7 Re-Assessment if Material Change

All future material revisions to the development proposals should be subject to an updated screening to determine whether they could give rise to a likely significant effect on a European site, either alone or in-combination with other plans and projects.

9. DRAWINGS

Middlemarch Environmental Ltd Drawing C153231-05-01 – Location of European Sites

A&M Architectural Partnership LLP Drawing 3877-410 Rev R – Proposed Site Plan



C153231-05-01

Legend

Site boundary

10 km radius from site boundary

Special Areas of Conservation (SAC)

Special Protection Areas (SPA)

RAMSAR

Project

Mill Rythe Holiday Village, Hayling Island

Drawing

Location of Natura 2000 Sites

Client

Avison Young

Drawing Number

C153231-05-01

Revision

00

Scale @ A3

1:100000

Date

March 2021

Approved By

HT

Drawn By

RP

MIDDLEMARCH ENVIRONMENTAL

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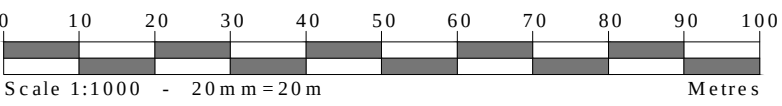
E:admin@middlemarch-environmental.com

This drawing is based on site survey

"3189-200-201-202-203-204 Site Survey.dwg", supplied by the client.

MILL RYTHE HOLIDAY VILLAGE

PROPOSED MASTERPLAN - PROPOSED SITE PLAN

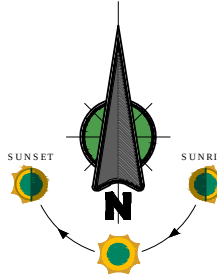


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LEGEND:

- Site Ownership Boundary
- Site Area - **131,400m² (13.14ha)**
- Planning Application Area a - **57,288m² (5.7ha)**
- Building
- Managed Wildlife Area - **19,522m² (1.95ha)**
- Existing Landscaping
- Proposed Landscaping
- Open Recreational Space (Grassed and Surfaced) - **18,023.4m² (1.8ha)**
- Pathways
- 22No. Caravans approved as part of Planning Application Ref: APP/11/01080
- 175 No. Caravans approved as part of Planning Application Ref: APP/16/01237
- 112 No. Caravans proposed in substitution of 86 No. approved chalets
- Total Holiday Accommodation Units
- 22 No. Units
- 175 No. Units
- 112 No. Units
- 309 No. Units



R	Amendments for consultants comments	RW	28.10.20
Q	Amendments for consultants comments	RW	27.10.20
P	Minor Amendments	RW	19.10.20
O	Minor Amendments	RW	23.09.20
N	Site Areas Amended	RW	23.09.20
M	Showing 2 Additional areas	RW	28.07.20
L	Showing 1 Additional areas	RW	27.07.20
K	ADDITIONAL PATH INDICATED	SJM	05.04.17
J	REC AREA AMENDED AS GVA COMMENTS	SJM	03.04.17
H	SITE AREA FIGURES INDICATED	SJM	31.03.17
G	MINOR AMENDS TO LEGEND & REC AREAS	SJM	09.03.17
F	MINOR AMENDS TO PATHWAYS & COLOURS	SJM	08.03.17
E	AMEND FOLLOWING PLANN OFFICER MEET	SJM	01.03.17
D	LANDSCAPING & MINOR AMENDMENTS	SJM	08.11.16
C	AMENDED FOLLOWING TREE REPORT	SJM	03.11.16
B	AMENDED FOLLOWING TREE REPORT	SJM	01.11.16
A	REVISED TO REFLECT 16/17 DEVE PROPS	SJM	25.10.16
Rev.	Details	Name	Date



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T: 01424 200222 W: amarchitectural.co.uk E: admin@a-and-m.co.uk

Client: Away Resorts Ltd.

Site Address: Mill Rythe Holiday Village
Havant Road, Hayling Island,
Hampshire, PO11 0PB

Project: Proposed Masterplan

Drawing Title: Proposed Site Plan

Date: Oct 2016 Scale: 1:1000@A1 Drawn: SJM

Computer File Name: 3877-410R - Proposed Site Plan.dwg Checked By: -

Status: Planning

Drawing Number: 3877-410 Revision: R

APPENDICES

Appendix 1 Nutrient Budget Calculator: Mill Rythe Holiday Village, Hayling Island, Hampshire

Nitrogen Budget Calculation

Planning Application Reference No.	APP/20/01127
Site Name:	Mill Rythe Holiday Village
Additional Information:	
The proposed development will result in a net increase of 18 units (holiday caravan, sui generis) over existing site usage.	
Full application details: 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 (a net increase of 18 units compared with existing) 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'.	
Date:	17 December 2020

Stage 1	Calculate total Nitrogen in kg per year derived from the development that would exit the Wastewater Treatment Works (WwTW) into Solent catchments after treatment	
Step 1	Calculate additional population	
	Enter the number of units proposed	18
	Net population increase per housing unit	2.40
	Total net population increase generated by the development	43.20
Step 2	Calculate wastewater volume generated by the development	
	Water use in litres per person per day	110
	Total wastewater volume generated by the development (litres per day)	4,752
Step 3	Confirm receiving WwTW and permit limit	
	Select the wastewater treatment works the development will connect to	Budds Farm
	Wastewater treatment works' permit limit (mg per litre)	9.7
	Wastewater treatment works' discharge level (mg per litre)	8.7
Step 4	Calculate total nitrogen in kg per year discharged by the WwTW	
	Deduct acceptable Nitrogen loading in wastewater (mg per litre)	6.7
	Total Nitrogen discharged by WwTW (mg per day)	31,981.0
	Total Nitrogen discharged by WwTW (kg per day)	0.0320
	Total Nitrogen discharged by WwTW (kg per year)	11.7

Stage 2	Calculate existing (pre-development) nitrogen from current land use of the development site	
Step 1	Total area of development site	
	Enter the total area of the development site (hectares)	13.52
Step 2	Identify current land uses of the development site	
	Enter area currently used for urban development (hectares)	8.57
	Enter area currently used for open space / greenfield (hectares)	4.95
	Enter area currently used for woodland (hectares)	0.00
	Enter area currently used for community food growing / catchment average (hectares)	0.00
	Enter area currently used for cereals (hectares)	0.00
	Enter area currently used for dairy (hectares)	0.00
	Enter area currently used for general cropping (hectares)	0.00
	Enter area currently used for horticulture (hectares)	0.00
	Enter area currently used for pig farming (hectares)	0.00
	Enter area currently used for lowland grazing (hectares)	0.00
	Enter area currently used for mixed farming (hectares)	0.00
	Enter area currently used for poultry farming (hectares)	0.00
	Check to help ensure that sum total of land uses in Step 2 equals site area in Step 1	13.5
Step 3	Calculate nitrogen load from current land usage	
	Total Nitrogen load from current land usage (kg per year)	147.3

Nitrogen Budget Calculation

Stage 3	Calculate nitrogen load for the non-built land uses proposed for the development site	
Step 1	Identify proposed land uses of the development site	
	Enter the total urban area to be created (hectares)	10.58
	Enter the total designated open space / SANG area to be created (hectares)	2.94
	Enter the total nature reserve area to be created (hectares)	0.00
	Enter the total woodland area to be created (hectares)	0.00
	Enter the total community orchard area to be created (hectares)	0.00
	Enter the total community food growing / allotment area to be created (hectares)	0.00
	<i>Check to help ensure that sum total of proposed land uses equals site area in Stage 2</i>	13.52
Step 2	Calculate total Nitrogen load from proposed land uses	
	<i>Total Nitrogen load from future land uses (kg per year)</i>	165.99

Stage 4	Calculate the net change in Nitrogen load from the proposed development	
Step 1	Identify Nitrogen load from wastewater (Stage 1)	
	<i>Nitrogen leaving wastewater treatment works (kg per year)</i>	11.67
Step 2	Calculate net change in Nitrogen load from land use changes	
	<i>Total Nitrogen load from future land use (kg per year)</i>	18.69
Step 3	Calculate total Nitrogen budget for the development site	
	<i>Nitrogen budget for the site (kg per year)</i>	30.37
Step 4	Calculate precautionary buffer if Nitrogen budget exceeds zero	
	<i>Precautionary Nitrogen buffer (kg per year)</i>	6.07

Total Nitrogen budget for the proposed development (kg per year)	36.4
Development will generate additional Nitrogen - Mitigation is required Please liaise with your Local Planning Authority for advice on next steps	

**MILL RYTHE HOLIDAY VILLAGE
HAYLING ISLAND, HAMPSHIRE**

WINTER BIRD SURVEY

A Report to: Avison Young

Report No: RT-MME-153231-06

Date: April 2021



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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	06/04/2021	Tim Hextell MCIEEM (Principal Technical Ecological Consultant)	Hannah Train ACIEEM (Principal Consultant)	Tom Docker CEcol MCIEEM (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

In August 2020, Avison Young commissioned Middlemarch Environmental Ltd to undertake a Winter Bird Survey at the site of a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed a suite of ecological surveys and assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site. Permission for the development was granted by Havant Borough Council in May 2017 (Application Number: APP/16/01237), after which Middlemarch Environmental Ltd prepared a number of documents to discharge various planning conditions.

A new planning application (Ref: APP/20/01127) was submitted in November 2020 to seek to vary the development commenced under APP/16/01237, to allow for further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission.

Further information is required to be submitted in support of the planning application, including a Report to Inform Habitats Regulations Assessment (Report RT-MME-153231-05), due to the proximity of the application site to various European statutory nature conservation sites, some of which support internationally important populations of birds over winter. These include Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar wetland. There are also a range of UK statutory and non-statutory sites within a 2 km radius of the application site which support wintering wildfowl and wading bird species.

The survey visits were undertaken between 8th October 2020 and 2nd March by Mike Doughty-Lee (Field Ornithologist), with the results informing the required Habitat Regulations Assessment. Findings of the survey are summarised in Table A.

Total Number of Wintering / Passage Species Recorded	45
Wintering/Passage Species of Principal Importance in England	5 – black-tailed godwit, brent goose, curlew, herring gull and lapwing
Wintering/Passage RSPB Red List Species	4 - black-tailed godwit, curlew, herring gull and lapwing
Wintering/Passage RSPB Amber List Species	19 – avocet, black-headed gull, brent goose, common gull, dunlin, greenshank, grey plover, mallard, Mediterranean gull, mute swan, oystercatcher, pintail, redshank, Sandwich tern, shelduck, teal, turnstone, water pipit and wigeon
Significant Concentrations of Wintering/Passage Species	Excellent range of birds of conservation concern recorded with notable counts of dark-bellied brent goose (peak of 2000). The majority of notable species were recorded utilising the habitats outside of the Mill Rythe Holiday Village complex

Table A: Summary of Wintering Bird Evaluation Criteria – Mill Rythe Holiday Village, Hayling Island

Overall, the site is currently considered to be of low value for wintering birds. Rather few birds were recorded using the onsite habitats, with just a small number of wildfowl (including low numbers of brent geese) recorded on the north-eastern waterbody. Larger numbers of wildfowl and wading birds were, however, observed using the surrounding habitats. Patterns of behaviour were largely influenced by the state of the tide. Up to 2000 brent geese were observed in the local area, generally feeding on arable farmland and the managed short grass swards of Tournembury Golf Course, located over 100 m from the site boundaries.

The proposals for the site will lead to a loss of a portion of the existing disused pitch and putt golf course. However, it is understood that the retained portion, which includes the north-eastern waterbody, will be enhanced for biodiversity. It is considered that site development works have the potential to impact bird species during construction and operational phases, although these impacts can be largely controlled by the implementation of appropriate working practices and timings.

As the Winter Bird Survey was undertaken to inform the accompanying Report to Inform Habitats Regulations Assessment, the recommendations provided in Report RT-MME-153231-05 should be adhered to.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In August 2020, Avison Young commissioned Middlemarch Environmental Ltd to undertake a Winter Bird Survey at the site of a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed the following assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site:

- Preliminary Ecological Appraisal (Report RT-MME-123420-01);
- Preliminary Roost Assessment (Report RT-MME-123420-02); and,
- Endoscope Bat Survey (Report RT-MME-124714-Rev A).

Due to the proximity of the site to Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Isle of Wight Lagoons SAC, and Portsmouth Harbour Ramsar wetland and SPA, Middlemarch Environmental Ltd also completed a Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-06-Rev C) in 2017.

Permission for the development was granted by Havant Borough Council in May 2017 (Application Number: APP/16/01237). Middlemarch Environmental Ltd subsequently prepared a Construction Ecological Management Plan (CEcMP, Report RT-MME-125561-01) and a Landscape and Ecological Management Plan (LEMP, Report RT-MME-125561-02 Rev B) in order to discharge two conditions of the planning permission.

A new planning application (Ref: APP/20/01127) was submitted in November 2020 to seek to vary the development commenced under APP/16/01237, to allow for further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission.

Middlemarch Environmental Ltd carried out a suite of updated ecological survey and assessment work to support the planning application, including a Preliminary Ecological Appraisal (Report RT-MME-153231-01), a Reptile Survey (Report RT-MME-153231-02) and Bat Surveys (Report RT-MME-153320) at the site in 2020. An Ecological Mitigation Strategy (EMS, Report RT-MME-153231-03) was also prepared.

Further information is required to be submitted in support of the planning application, including a Report to Inform Habitats Regulations Assessment (Report RT-MME-153231-05), which has been informed by the results of the Winter Bird Survey.

This report details the results of monthly survey visits completed between October 2020 and March 2021. The site was assessed for its suitability to support wintering and passage birds, and species were recorded by experienced field ornithologists.

1.2 SITE DESCRIPTION AND CONTEXT

The site comprises an irregular parcel of land approximately 13 ha in size, located on the eastern coast of Hayling Island, centred at National Grid Reference SU 7292 0061. The site effectively divides into two discrete areas. The western half of the site is dominated by the existing Mill Rythe Holiday Village, encompassing a number of self-catering accommodation units and associated leisure facilities. At the time of the survey, the site included approximately 50 buildings, tennis courts, structured play areas, bowling green, swimming pool, boating lake, car parking, access roads and associated hard and soft landscaping, the latter including extensive areas of formal mown grassland. The eastern half of the site is dominated by a former pitch and putt golf course of just over 2.5 ha in extent which is no longer in use and has developed a ranker sward with scattered blocks of scrub and tall ruderal vegetation. In the north-east corner of the former pitch and putt course is a large triangular lake.

Bordering the site to the north and east are a range of intertidal habitats separated from the surveyed areas by sea defences frequently occupied by dense scrub. To the south is Tournerbury Golf Course and to the west are a series of medium-scale fields occupied by rough grazed pasture and arable crops delineated by well-timbered boundaries.

The site is adjacent to a number of statutory designated sites including Chichester and Langstone Harbours Ramsar wetland, Site of Special Scientific Interest and Special Protection Area and Solent Maritime Special Area of Conservation. These sites form large estuarine systems comprising habitats such a mud and sand flats and salt meadows.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
3877-410 Rev R / Proposed Site Plan	A&M Architectural Partnership LLP

Table 1.1: Documentation Provided by Client

2. METHODOLOGY

2.1 DESK STUDY

As part of the Preliminary Ecological Appraisal (Report RT-MME-153231-01) an ecological desk study was undertaken. The consultee for the desk study was Hampshire Biodiversity Information Centre.

Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations. Relevant bird data are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 FIELDWORK METHODOLOGY

The site was surveyed by an experienced field ornithologist, with the objective of identifying how the site is used by overwintering and migratory bird species, and to identify any notable species of habitat areas present on site. Particular attention was paid to the presence of birds of conservation concern (species that are listed as either Red or Amber by the Royal Society for the Protection of Birds) and those species listed as Priority Species on the UK and Local Biodiversity Action Plans.

A total of six survey visits were completed between 8th October 2020 and 2nd March 2021 to allow the value of the site to non-breeding bird species to be assessed. The survey comprised a walkover in line with the method described by Hilden (1986, 1987), highlighted in 'Bird Census Techniques' (Bibby *et al*, 1992). The surveyor followed a defined route, taking in all the major habitats on site and maintaining a slow, steady pace. The observer logged all birds and their activities both visually and by call. Care was taken not to log the same birds twice, although some duplication is inevitable due to the dynamic nature of bird species. In addition, some point counts were undertaken at dusk in order to establish important roosting sites. Survey visits were timed to occur at high water and low water and intervening periods in order to establish important feeding, roosting and loafing areas, primarily for wildfowl and wading bird species. Survey visits generally lasted between four and six hours.

3. DESK STUDY

3.1 RELEVANT NATURE CONSERVATION SITES

The desk study exercise included a search for statutory and non-statutory nature conservation sites of ornithological interest. A search radius of 5 km was used for European statutory sites, 2 km for UK statutory sites and 2 km for non-statutory sites. Relevant sites for which the citations include information regarding bird species are summarised in Table 3.1.

Site Name	Designation	Proximity to Site	Description
European Statutory Sites			
Chichester and Langstone Harbours	Ramsar and SPA	Adjacent	This Ramsar and SPA covers two large, estuarine basins containing extensive intertidal mudflats and sandflats with areas of seagrass beds, saltmarsh, shallow coastal waters, coastal lagoons, coastal grazing marsh and shingle ridges and islands. These habitats support internationally and nationally important numbers of overwintering and breeding bird species.
Solent and Dorset Coast	SPA	2.23 km south	The SPA regularly supports more than 1% of the Great Britain populations of three breeding tern species comprising sandwich tern <i>Sterna sandvicensis</i> , little tern <i>Sternula albifrons</i> and common tern <i>Sterna hirundo</i> .
UK Statutory Sites			
Chichester Harbour	SSSI	Adjacent	Chichester Harbour SSSI forms a component part of the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. The SSSI comprises a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels which unite to make a common exit to the sea. The site is of significance for wintering wildfowl and waders and also breeding. There are a wide range of habitats supporting important plant communities and notable invertebrates.
Langstone Harbour	SSSI	1.58 km west	This SSSI forms a component part of the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. The SSSI comprises a tidal basin which at high water resembles an almost landlocked lake. At low water extensive mud flats are exposed. The harbour is of international importance as a rich intertidal system supporting high densities of intertidal invertebrates and large populations of migrant and overwintering waders and wildfowl, dependent upon them and upon the extensive beds of eelgrass <i>Zostera</i> species. The <i>Zostera angustifolia</i> and <i>Z. noltii</i> beds are among the largest in Britain.
Non-statutory Sites			
Mill Rythe Holiday Village	SINC and SW&BGS	Overlaps with site	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including spiny retharrow <i>Ononis spinosa</i> . Secondary support area for Brent geese.
Mill Rythe Lane Saltmarsh	SINC and SW&BGS	220 m north-west	The site is designated for its semi-natural coastal or estuarine habitats. Core area for Brent geese.
Fields & Saltmarsh South of Copse Lane	SINC and SW&BGS	860 m north	The site is designated for its semi-natural coastal or estuarine habitats. Primary support area for Brent geese.
Gutner Lane Meadow	SINC and SW&BGS	910 m north	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including parsley water-dropwort <i>Oenanthe lachenalii</i> , Golden samphire <i>Inula crithmoides</i> , divided sedge, slender hare's-ear <i>Bupleurum tenuissimum</i> and sea wormwood. Comprises both core areas and low use areas for Brent geese.
Chichester Road Meadow	SINC and SW&BGS	1.52 km north	The site is designated for its agriculturally unimproved grasslands, semi-natural coastal or estuarine habitats and the notable species they support, which includes divided sedge and seaside brookweed <i>Samolus valerandi</i> . Primary support area for Brent geese.

Table 3.1: Summary of Nature Conservation Sites of Ornithological Significance (continues)

Site Name	Designation	Proximity to Site	Description
Non-statutory Sites			
Long Marsh	SINC and SW&BGS	1.62 km north-west	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including divided sedge <i>Carex divisa</i> , common glasswort <i>Salicornia europaea</i> and sea wormwood <i>Seriphidium maritimum</i> . Secondary support area for Brent geese.
Pill Box Field	SINC and SW&BGS	1.63 km north-west	Designated for its unimproved grassland community and for supporting more than one notable species including divided sedge. Primary support area for Brent geese.
Plot 6114 South of Knott's Marsh	SINC and SW&BGS	1.73 km north-west	Designated for its agriculturally unimproved grassland habitat. Primary support area for Brent geese.
West Lane Field A	SINC and SW&BGS	1.8 km north-west	The site is designated for its semi-improved grassland which retain a significant element of unimproved grassland. Primary support area for Brent geese.
Plot 5835 South of Knott's Marsh	SINC and SW&BGS	1.98 km north-west	The site is designated for its agriculturally unimproved grasslands, semi-natural coastal or estuarine habitats and the notable species they support. Primary support area for Brent geese.
Key: SPA: Special Protection Area SSSI: Site of Special Scientific Interest Ramsar: Site listed on The Convention on Wetlands of International Importance (Ramsar Convention) SINC: Site of Importance for Nature Conservation SW&BGS: Solent Wader and Brent Goose Strategy Site			

Table 3.1 (Continued): Summary of Nature Conservation Sites of Ornithological Significance

In addition to the designated sites listed in Table 4.1, there are over 50 further Solent Wader and Brent Goose Strategy sites within a 2 km radius of the site, including one 'Core Area' (H50C) adjacent to the site.

3.2 SPECIES RECORDS

Records of bird species within a 2 km radius of the proposed development area are summarised in Table 3.2.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Hen harrier <i>Circus cyaneus</i>	9	2010	+Potentially on site	✓	WCA1i
Mediterranean gull <i>Larus melanocephalus</i>	97	2018	+Potentially on site	-	WCA1i
Merlin <i>Falco columbarius</i>	22	2018	180 m east	-	WCA1i
Red-backed shrike <i>Lanius collurio</i>	9	2015	180 m west	-	WCA1i
Whimbrel <i>Numenius phaeopus</i>	65	2018	320 m north	-	WCA1i
Black-tailed godwit <i>Limosa limosa</i>	45	2018	350 m south-east	✓	WCA1i
Greenshank <i>Tringa nebularia</i>	56	2018	350 m south-east	-	WCA1i
Kingfisher <i>Alcedo atthis</i>	38	2018	350 m south-east	-	WCA1i
Little tern <i>Sternula albifrons</i>	28	2017	350 m south-east	-	WCA1i
Slavonian grebe <i>Podiceps auritus</i>	43	2018	350 m south-east	-	WCA1i

Table 3.2: Summary of Protected/Notable Bird Species Records Within 2 km of the Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Avocet <i>Recurvirostra avosetta</i>	17	2018	620 m north	-	WCA1i
Black-throated diver <i>Gavia arctica</i>	26	2018	620 m north	-	WCA1i
Great northern diver <i>Gavia immer</i>	46	2018	620 m north	-	WCA1i
Long tailed-duck <i>Clangula hyemalis</i>	30	2018	620 m north	-	WCA1i
Scaup <i>Aythya marila</i>	11	2017	720 m east	✓	WCA1i
Barn owl <i>Tyto alba</i>	16	2017	820 m north	-	WCA1i
Osprey <i>Pandion haliaetus</i>	52	2018	820 m north	-	WCA1i
Ruff <i>Calidris pugnax</i>	7	2015	950 m north	-	WCA1i
Firecrest <i>Regulus ignicapilla</i>	24	2018	1.45 km south-west	-	WCA1i
Bee-eater <i>Merops apiaster</i>	2	2008	1.52 km west	-	WCA1i
Cetti's warbler <i>Cettia cetti</i>	8	2018	1.58 km north-west	-	WCA1i
Black redstart <i>Phoenicurus ochuros</i>	38	2018	1.98 km south	-	WCA1i
Snow bunting <i>Plectrophenax nivalis</i>	10	2012	1.98 km south	-	WCA1i
Bearded tit <i>Panurus biarmicus</i>	1	2006	*Potentially within a 2 km radius	-	WCA1i
Bewick's swan <i>Cygnus columbianus</i>	3	2014	*Potentially within a 2 km radius	✓	WCA1i
Black tern <i>Chlidonias niger</i>	21	2018	*Potentially within a 2 km radius	-	WCA1i
Black-necked grebe <i>Podiceps nigricollis</i>	32	2018	*Potentially within a 2 km radius	-	WCA1i
Brambling <i>Fringilla montifringilla</i>	10	2017	*Potentially within a 2 km radius	-	WCA1i
Crossbill <i>Loxia curvirostra</i>	7	2015	*Potentially within a 2 km radius	-	WCA1i
Common scoter <i>Melanitta nigra</i>	34	2018	*Potentially within a 2 km radius	✓	WCA1i
Dartford warbler <i>Sylvia undata</i>	10	2018	*Potentially within a 2 km radius	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	13	2018	*Potentially within a 2 km radius	-	WCA1i
Garganey <i>Anas querquedula</i>	3	2013	*Potentially within a 2 km radius	-	WCA1i
Golden Oriole <i>Oriolus oriolus</i>	3	2013	*Potentially within a 2 km radius	-	WCA1i
Goshawk <i>Accipiter gentilis</i>	1	2007	**potentially within a 2 km radius	-	WCA 1i
Green sandpiper <i>Tringa ochropus</i>	8	2018	*Potentially within a 2 km radius	-	WCA1i
Eurasian hobby <i>Falco subbuteo</i>	14	2018	**Potentially within a 2 km radius	-	WCA1i
Honey-buzzard <i>Pernis apivorus</i>	7	2013	**Potentially within a 2 km radius	-	WCA1i
Hoopoe <i>Upupa epops</i>	2	2016	*Potentially within a 2 km radius	✓	WCA1i
Indet. Diver <i>Gavia</i> Sp.	3	2017	*Potentially within a 2 km radius	-	WCA1i

Table 3.2 (continued): Summary of Protected/Notable Bird Species Records Within 2 km of the Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Unidentified Harrier <i>Circus</i> Sp.	1	2005	*Potentially within a 2 km radius	-	WCA1i
Kentish Plover <i>Charadrius alexandrinus</i>	1	2009	*Potentially within a 2 km radius	-	WCA1i
Lapland Bunting <i>Calcarius lapponicus</i>	5	2011	*Potentially within a 2 km radius	-	WCA1i
Leach's Petrel <i>Oceanodroma leucorhoa</i>	4	2009	*Potentially within a 2 km radius	-	WCA1i
Little gull <i>Hydrocoloeus minutus</i>	20	2018	*Potentially within a 2 km radius	-	WCA1i
Little ringed plover <i>Charadrius dubius</i>	7	2018	**Potentially within a 2 km radius	-	WCA1i
Marsh harrier <i>Circus aeruginosus</i>	23	2018	*Potentially within a 2 km radius	-	WCA1i
Montagu's harrier <i>Circus pygargus</i>	2	2009	**Potentially within a 2 km radius	-	WCA1i
Peregrine <i>Falco peregrinus</i>	33	2018	**Potentially within a 2 km radius	-	WCA1i
Purple sandpiper <i>Calidris maritima</i>	8	2018	*Potentially within a 2 km radius	-	WCA1i
Red kite <i>Milvus milvus</i>	7	2014	*Potentially within a 2 km radius	-	WCA1i
Red-throated diver <i>Gavia stellata</i>	26	2018	*Potentially within a 2 km radius	-	WCA1i
Redwing <i>Turdus iliacus</i>	14	2018	*Potentially within a 2 km radius	-	WCA1i
Roseate tern <i>Sterna dougallii</i>	7	2018	**Potentially within a 2 km radius	✓	WCA 1i
Serín <i>Serinus serinus</i>	5	2017	*Potentially within a 2 km radius	✓	WCA1i
Shore Lark <i>Eremophila alpestris</i>	7	2016	*Potentially within a 2 km radius	-	WCA1i
Spoonbill <i>Platalea leucorodia</i>	10	2018	*Potentially within a 2 km radius	-	WCA1i
Stone-curlew <i>Burhinus oedicnemus</i>	4	206	**Potentially within a 2 km radius	✓	WCA1i
Velvet scoter <i>Melanitta fusca</i>	20	2018	*Potentially within a 2 km radius	✓	WCA1i
White-tailed eagle <i>Haliaeetus albicilla</i>	1	2010	*Potentially within a 2 km radius	-	WCA1i
Whooper swan <i>Cygnus cygnus</i>	1	2007	*Potentially within a 2 km radius	-	WCA1i
Wood sandpiper <i>Tringa glareola</i>	3	2018	*Potentially within a 2 km radius	-	WCA1i
Woodlark <i>Lullula arborea</i>	8	2018	*Potentially within a 2 km radius	✓	WCA1i
Wryneck <i>Jynx torquilla</i>	11	2018	*Potentially within a 2 km radius	-	WCA1i
Key: +: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site. *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.					

Table 3.2 (continued): Summary of Protected/Notable Bird Species Records Within 2 km of the Survey Area

In addition to the species listed in Table 4.2, the desk study provided numerous additional records of protected and notable bird species within a 2 km radius of the survey area comprising:

- Lesser redpoll *Acanthis cabaret*, skylark *Alauda arvensis*, white-fronted goose *Anser albifrons*, tree pipit *Anthus trivialis*, hawfinch *Coccothraustes coccothraustes*, cuckoo *Cuculus canorus*, corn bunting *Emberiza calandra*, yellowhammer *Emberiza citrinella*, herring gull *Larus argentatus*, linnet *Linaria cannabina*, twite *Linaria flavirostris*, grasshopper warbler *Locustella naevia*, yellow wagtail *Motacilla flava*, spotted flycatcher *Muscicapa striata*, house sparrow *Passer domesticus*, tree sparrow *Passer montanus*, arctic skua *Stercorarius parasiticus*, turtle dove *Streptopelia turtur*, starling *Sturnus vulgaris*, song thrush *Turdus philomelos*, ring ouzel *Turdus torquatus* and lapwing *Vanellus vanellus* (Species of Principal Importance and Red List bird species);
- Pochard *Aythya ferina*, ringed plover *Charadrius hiaticula*, pied flycatcher *Ficedula hypoleuca*, nightingale *Luscinia megarhynchos*, grey wagtail *Motacilla cinerea*, shag *Phalacrocorax aristotelis*, red-necked grebe *Podiceps grisegena*, kittiwake *Rissa tridactyla*, whinchat *Saxicola rubetra*, woodcock *Scolopax rusticola* and mistle thrush *Turdus viscivorus* (Red List bird species);
- Brent goose *Branta bernicla*, nightjar *Caprimulgus europaeus* and reed bunting *Emberiza schoeniclus* (Species of Principal Importance and RSPB Amber List bird species); and,
- 19 Amber List bird species including short-eared owl *Asio flammeus*, barnacle goose *Branta leucopsis*, snipe *Gallinago gallinago*, bar-tailed godwit *Limosa lapponica* and sandwich tern *Sterna sandvicensis*.

4. FIELD SURVEY RESULTS

4.1 INTRODUCTION

The survey visits were undertaken between 8th October 2020 and 2nd March 2021 by Tim Hextell MCIEEM (Principal Technical Ecological Consultant) and Mike Doughty-Lee (Field Ornithologist). Survey dates and weather conditions are listed in Table 4.1.

Date	Parameter			
	Temperature (°C)	Cloud (%)	Wind (Beaufort)	Precipitation
08-10-20	17	100	3-4	Nil
16-11-20	11	90	3-4	Nil
15-12-20	10	40	3	Nil
13-01-21	6	100	0-1	Nil
12-02-21	1	80	4-5	Nil
02-03-21	9	0	2	Nil

Table 4.1: Dates and Weather Conditions of Winter Bird Surveys at Mill Rythe Holiday Village

4.2 SURVEY CONSTRAINTS

No constraints were experienced during the survey visits.

4.3 HABITAT ASSESSMENT

The Mill Rythe Holiday Village occupies a total area of approximately 12.5 ha, of which just over 8 ha consists of the formal part of the holiday complex. This area is confined to the western end of the site and is dominated by the built environment with associated access roads, hardstanding, formal areas of close mown amenity grassland, shrub beds, scattered trees and a range of sports and recreational facilities including a swimming pool and a small boating lake. This highly managed area, well used by the guests staying at the complex, is considered to offer no habitat that is suitable for protected/notable species supported by the surrounding inter-tidal and coastal habitats. In particular, it provides no roosting or loafing areas for wildfowl or wading birds and provides negligible suitable feeding habitat for brent geese over the winter period.

The eastern section of the Mill Rythe site consists of a former pitch and putt golf area extending to approximately 4 ha in extent. This pitch and putt area has been unused for several years and at the time of the field surveys was occupied by unmanaged grassland with scattered scrub and stands of tall ruderal vegetation. In the north-eastern corner of the pitch and putt course was a triangular-shaped waterbody surrounded by dense thorn and bramble *Rubus fruticosus* agg. scrub and linked to a wet ditch which forms the northern site boundary. Immediately beyond the ditch is a sea wall, which stands several metres above the level of the waterbody and adjacent disused pitch and putt area. It is considered that the former pitch and putt golf area is likely to provide habitat for common passerine species but is unlikely to offer suitable feeding areas for grazing wildfowl (including brent geese which favour a very short grass sward) or wading birds. It is also considered unsuitable as a roosting area for wading birds due to reduced visibility as a result of the long grass and its enclosed nature (the areas of scrub and sea wall screen this area effectively). Wading birds (and wildfowl) tend to favour open habitats in the winter in order to see the potential approach of predators (which may include disturbance by humans).

The large waterbody in the north-eastern corner of the survey area is considered likely to provide potential habitat for a range of waterbirds. However, it should be noted that the wider area surrounding the Mill Rythe Holiday Village is dominated by extensive areas of open water, wet channels, inter-tidal habitats (including saltmarsh and coastal grassland), mixed farmland and Tournembury Golf Course. All of these surrounding areas are considered to provide optimal habitat for a range of bird species, particularly wildfowl and wading species.

4.4 SURVEY RESULTS

During the survey visits a total of 45 bird species were recorded using the site and/or immediate surroundings. Survey findings are summarised in Table 4.2. It should be noted that the counts within Table 4.2 refer to the peak count of a species made at any one time during the survey visit.

Species	Scientific Name	Conservation Status	Number of Birds Recorded					
			08/10/2020	16/11/2020	15/12/2020	13/01/2021	12/02/2021	02/03/2021
Avocet	<i>Recurvirostra avosetta</i>	Amber	-	-	-	1	-	-
Black-headed gull	<i>Chroicocephalus ridibundus</i>	Amber	-	20	-	-	-	30
Black-tailed godwit	<i>Limosa limosa</i>	Red. SPI.	-	-	2	7	-	-
Brent goose	<i>Branta bernicla</i>	Amber. SPI	90+	c. 2000	1100	1500	1200	900
Canada goose	<i>Branta canadensis</i>	-	20	-	-	-	-	-
Cetti's warbler	<i>Cettia cetti</i>	WCA1i.	-	H	3	1	-	1
Common gull	<i>Larus canus</i>	Amber	-	5	1	-	-	-
Cormorant	<i>Phalacrocorax carbo</i>	-	10	-	-	-	-	2
Curlew	<i>Numenius arquata</i>	Red. SPI.	12	200+	250	50	200	200
Dunlin	<i>Calidris alpina</i>	Amber	-	200+	200	300	500	200
Golden plover	<i>Pluvialis apricaria</i>	-	70+	50+	400	700	1	-
Great black-backed gull	<i>Larus marinus</i>	Amber.	-	1	-	-	-	2
Great crested grebe	<i>Podiceps cristatus</i>	-	5	-	8	2	-	2
Great northern diver	<i>Gavia immer</i>	Amber.	-	-	-	1	-	-
Greenshank	<i>Tringa nebularia</i>	Amber	-	1	1	1	-	-
Green woodpecker	<i>Picus viridis</i>	-	-	-	-	1	-	2
Grey plover	<i>Pluvialis squatarola</i>	Amber	5	80+	10	120	200	150
Herring gull	<i>Larus argentatus</i>	Red. SPI.	-	4	-	-	-	10
Kestrel	<i>Falco tinnunculus</i>	Amber	-	-	-	-	1	-
Kingfisher	<i>Alcedo atthis</i>	Amber. WCA1i.	-	-	-	1	-	-
Lapwing	<i>Vanellus vanellus</i>	Red. SPI.	30+	60+	80	100	70	12
Long-tailed tit	<i>Aegithalos caudatus</i>	-	-	-	-	-	-	5
Little egret	<i>Egretta garzetta</i>	-	10	-	3	2	2	4
Little grebe	<i>Tachybaptus ruficollis</i>	-	2	-	4	2	3	1
Mallard	<i>Anas platyrhynchos</i>	Amber	10+	3	-	4	2	2
Marsh harrier	<i>Circus aeruginosus</i>	Amber	-	-	-	1	-	-
Mediterranean gull	<i>Larus melanocephalus</i>	Amber	-	2	-	-	-	-
Moorhen	<i>Gallinula chloropus</i>	-	-	H	-	1	-	2
Mute swan	<i>Cygnus olor</i>	Amber	18	-	-	1	-	1
Oystercatcher	<i>Haematopus ostralegus</i>	Amber	10+	70+	50	80	100	50
Peregrine	<i>Falco peregrinus</i>	WCA1i.	-	-	-	-	2	1
Pintail	<i>Anas acuta</i>	Amber	-	-	1	-	-	-
Raven	<i>Corvus corax</i>	-	-	-	-	-	1	-
Red-breasted merganser	<i>Mergus serrator</i>	-	2	-	10	7	4	-
Redshank	<i>Tringa tetanus</i>	Amber	40+	30+	150	30	-	30
Ringed plover	<i>Charadrius hiaticula</i>	Red	-	-	-	-	1	-
Sandwich tern	<i>Sterna sandvicensis</i>	Amber	3	3	-	-	-	-
Shelduck	<i>Tadorna tadorna</i>	Shelduck	-	30	150	60	80	50
Stonechat	<i>Saxicola rubicola</i>	-	-	-	-	1	-	-
Teal	<i>Anas crecca</i>	Amber	4	30+	80	70	50	100
Tufted duck	<i>Aythya fuligula</i>	-	-	-	-	1	-	-
Turnstone	<i>Arenaria interpres</i>	Amber	-	2	4	3	-	-

Table 4.2: Wintering Birds Recorded at Mill Rythe Holiday Village, Hayling Island (continues)

Species	Scientific Name	Conservation Status	Number of Birds Recorded					
			08/10/ 2020	16/11/ 2020	15/12/ 2020	13/01/ 2021	12/02/ 2021	02/03/ 2021
Water pipit	<i>Anthus spinoletta</i>	Amber	-	-	-	-	-	1
Water rail	<i>Rallus aquaticus</i>	-	-	H	-	H	-	-
Wigeon	<i>Anas Penelope</i>	Amber	40+	200+	-	-	-	1
Key: SPI: Species of Principal Importance in England. Red: Species included on RSPB Red List of Conservation Concern. In addition to Amber-listing criteria, species on this list have had a rapid (>50%) decline in breeding population over the last 25 years, a historic population decline in the UK 1800-1995, and are species with unfavourable conservation status in Europe. Amber: Species included on RSPB Amber List of Conservation Concern. Species on this list have had a moderate (25-49%) decline in UK breeding range and over the last 25 years, a historic population decline during 1800-1995 but recovering, and an unfavourable conservation status in Europe with >20% of European breeding population in the UK and >20% of north-western European wildfowl, East Atlantic waders or other European non-breeding populations in the UK. H – species heard but not seen								

Table 4.2 (continued): Wintering Birds Recorded at Mill Rythe Holiday Village, Hayling Island

5. DISCUSSION AND CONCLUSIONS

5.1 SUMMARY OF SITE PROPOSALS

The description of proposed development is as follows:

“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’.”

5.2 SUMMARY OF DESKTOP STUDY FINDINGS

5.2.1 Nature Conservation Sites

A number of sites were identified within a 2 km radius of the application site which are considered to be of value for their ornithological interest. These are discussed further below:

Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site

This SPA/Ramsar comprises two large estuarine basins situated adjacent to the application site which support internationally and nationally important numbers of overwintering bird species, some of which may occur within the Mill Rythe landholding e.g. brent goose. These European sites are underpinned by Chichester Harbour Site of Special Scientific Interest (SSSI) and Langstone Harbour SSSI.

Mill Rythe Holiday Village Site of Importance for Nature Conservation (SINC) and Solent Wader and Brent Goose Strategy (SW&BGS) Site

The eastern portion of the application site, which is occupied by a lake and a disused pitch and putt golf course, is designated as SW&BGS Site H43, which recognises its potential importance in providing functionally linked habitat for qualifying bird species of nearby European sites. Site H43 is a ‘Low Use Site’, where records of birds have been recorded, but in low numbers. It is deemed to be of importance for wintering brent geese.

Mill Rythe Lane Saltmarsh SINC and SW&BGS Site, Fields and Saltmarsh South of Copse Lane SINC and SW&BGS Site and Gutner Lane Meadow SINC and SW&BGS Site

These sites are located within 1 km of the application site and are designated as core areas for brent geese, a species which could potentially occur on, or adjacent to, the application site.

Chichester Road Meadow SINC and SW&BGS Site

This site is situated 1.52 km north of the application site and although primarily designated for non-ornithological features it is also a primary support area for brent geese.

A further five sites are also designated as SINC and SW&BGS Sites. These sites are located in excess of 1.5 km north-west of the application site and are cited as being primary/secondary support areas for wintering brent geese.

5.2.2 Species Records

The desk study included records of over 100 bird species within a 2 km radius of the site, comprising over 70 listed on Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended), as well as a range of Species of Principal Importance and Red and Amber Listed Species of Conservation Concern.

However, the application site is considered to provide limited suitable habitat for species such as black-tailed godwit, greenshank, avocet, ruff, green sandpiper, purple sandpiper and wood sandpiper. These are all wading birds that frequent areas of fresh and saltwater. Such areas need to be open with good surrounding visibility and free from excessive disturbance. Although there is a large waterbody in the north-eastern corner of the site, it is considered sub-optimal to support wading birds as it is enclosed by surrounding vegetation and does not have the requisite shallow areas for feeding. Wading birds also require safe areas in which to roost over high tide periods. The former pitch and putt golf course adjacent to the north-eastern lake has been unmanaged for a number of years and has become vegetated by rank grassland, tall ruderals and patches of scrub, which is considered to render it sub-optimal to support roosting wading birds.

A selection of wildfowl species was also identified within the desk study data retrieved for a 2 km radius of the survey area. These species include Slavonian grebe, red-throated diver, velvet scoter, black-throated diver, great northern diver, long-tailed duck, scaup, black-necked grebe and common scoter. The majority of these species are generally rather scarce in the surrounding area and are primarily associated with coastal waters, although they are occasionally recorded on suitable inland waters. The north-eastern waterbody is considered potentially suitable to support these species on very infrequent occasions.

The desk study highlighted a selection of passerine species comprising firecrest, Cetti's warbler, black redstart, snow bunting, brambling, crossbill, Dartford warbler, fieldfare, Lapland bunting, redwing and shorelark. These species are generally relatively scarce or rare within the surrounding area. It is considered that the majority of these passerines are unlikely to occur within the application site due to a lack of suitable habitats, perhaps with the exception of Cetti's warbler and fieldfare.

Raptors recorded within the desk study comprised hen harrier, merlin, peregrine, barn owl, marsh harrier and red kite. Records of all of these species were generally low and largely logged as being 'Potentially within a 2 km radius' of the application site. Of these six species, it is considered that only barn owl is likely to occur with any degree of regularity on site, and even then this will be confined to the east of the site where the unmanaged pitch and putt golf course may offer some hunting habitat. The presence of extensive areas of coastal habitats to the north and east of the application site, which support a large number of wading birds and wildfowl, particularly over the winter period, provides a potentially rich foraging resource for raptors. It is therefore considered that some of the raptor species recorded within the desk study could occur within the survey area.

The desk study also included records for Mediterranean gull and kingfisher. Mediterranean gull is an established breeding species in Hampshire and a large breeding colony occurs close to the application site. It is a species that could occur on site although this is likely to be only sporadically. Kingfisher is a species that could occasionally occur within the survey area, utilizing the north-eastern lake for foraging purposes.

5.3 FIELD SURVEY FINDINGS AND EVALUATION

5.3.1 Survey Findings

Passerine Species

The field surveys recorded a very small selection of passerine species. Green woodpecker and long-tailed tit are common and widespread species within the county and occupy a wide range of habitat types. The site provides suitable wintering habitat for both species. Raven has become an increasingly common species within the county and is generally associated with areas of livestock pasture and woodland. It is unlikely to occur on site and the single February record was of a bird flying over the survey area.

Three more notable/interesting species recorded during the surveys comprised Cetti's warbler, kingfisher, stonechat and water pipit.

Up to three Cetti's warblers were recorded during the survey, primarily from the dense scrub habitat surrounding the north-eastern waterbody and along the wet ditch feature which runs east/north-east from the main holiday complex. This warbler is largely sedentary, and unusually for a UK warbler does not migrate to any great extent (although first-winter birds will make some short distance movements). It is a bird of wet scrubby habitats and those along the northern boundary of the survey area, surrounding the north-eastern waterbody and along the eastern margin of the site provide highly suitable habitat.

A single kingfisher was recorded during the January site visit, disturbed from around the north-eastern waterbody. This area of open water may offer some suitable fishing habitat for this species, although the very murky/turbid water is considered to be a limiting factor. In winter, birds often disperse to coastal areas where more favourable hunting opportunities occur, particularly during hard weather.

A single stonechat was recorded during the January site visit within the former pitch and putt golf course. This is a reasonably common breeding species in Hampshire where suitable habitat (primarily heathland) exists, although this species will move to coastal areas during the winter months where it can occupy a range of habitats. The former pitch and putt area provides suitable habitat for this species, but additional and extensive areas also occur to the east of the site.

Water pipit is a winter visiting species from the continent. It is a scarce species within the county and generally is to be found in undisturbed coastal habitats or favoured inland sites e.g. water meadows and watercress beds. The survey area offers rather limited habitat, although the extensive inter-tidal habitats to the east of the survey area are considered much more favourable. The single individual recorded during the last survey visit in early March may well be a bird returning to the continent and stopping off briefly on site.

Non-passerine Species

A wide range of non-passerine species were recorded during the surveys, generally comprising waterfowl and wading birds. However, only a handful of species were observed utilizing the onsite habitats, primarily the areas of open water and adjacent areas of scrub/grassland. These species consisted of brent goose, Canada goose, mallard, moorhen, mute swan, teal, tufted duck and water rail.

In terms of brent geese, the general area surrounding the application site supported good numbers throughout the survey period, with a peak count of approximately 2000 birds recorded during the November survey visit. Very few birds were recorded using the application site, with the majority of activity logged being of feeding birds utilizing the open grassland habitats associated with Tournerbury Golf Course to the south, the extensive areas of saltmarsh to the east and the arable fields located in excess of 300 m west and north-west of the holiday complex. Birds were also noted using the inter-tidal habitats to the north and north-east of the holiday park. Occasionally a small number of brent geese visited the north-eastern lake i.e. four briefly on 13th January, up to fifty on 12th February and up to 60 on 2nd March. All of the recorded birds were observed flying onto the north-eastern waterbody and dropping in briefly to bathe and preen before moving out into the wider landscape to continue feeding, loafing or roosting. No brents were observed actively feeding within the holiday complex and none of the birds utilising the onsite waterbody were subject to any levels of human disturbance.

A small number of Canada geese were recorded on the inter-tidal habitats to the north of the application site at low tide.

Rather small numbers of mallard, teal and tufted duck (peak count of any of the three species being 10 mallard) were recorded using the north-eastern lake and the small boating pool at the western end of the Mill Rythe Holiday complex. Significantly larger numbers of teal were recorded in the wider survey area using the inter-tidal areas over both high tide and low tide periods.

Very small numbers of moorhen were recorded around the north-eastern waterbody, although, as is the case with this species, it is likely that several more were present. This is a widespread and ubiquitous species that inhabits a wide range of aquatic habitats.

Mute swan was recorded on two of the survey dates. The 18 birds noted in October were on the adjacent inter-tidal habitats, although six of these did fly onto the north-eastern waterbody later and stayed for a short period of time. The single bird noted on the January survey was initially on the adjacent estuary but later moved onto the north-eastern lake for 10 minutes before returning to the estuary.

Water rail(s) were heard calling on two of the six survey visits from the north-eastern waterbody area. This is a widespread wintering bird species which favours a wide range aquatic habitats over the winter period.

The majority of bird species recorded occurred on the surrounding inter-tidal habitats and arable fields to the north and east of the site. Activity by both wading birds and wildfowl was dictated by the state of the tide. During periods of high tide, wildfowl (and including great crested grebe and great northern diver) tended to occur no closer than within 50 m of the seawall and many were actually much more distant. Wading bird species sought refuge in areas of undisturbed grassland/saltmarsh habitat approximately 300 m south-east of the north-eastern waterbody and former pitch and putt golf course. Birds were also observed to utilize suitable roosting habitats situated in excess of 450 m north of the seawall abutting the northern boundary of the site.

On the falling tide, wading birds would leave roost sites and begin to feed along the receding water line, following the tide as it ebbed. As channels became more accessible, wading birds would be widely scattered feeding amongst the complex of mudflats, channels and runnels, with redshank being the most obvious species and feeding within 50 m (at their closest point) to the northern seawall boundary. The redshank were occasionally joined by curlew and grey plover. Foraging wading birds were noted to be very widely and thinly spread throughout the whole of the inter-tidal habitats located to the north and east of the eastern section of

the application site. Those channels with water within them also supported species such as red-breasted merganser.

In addition to the wildfowl and wading birds, small numbers of gull species also appeared on an ebbing tide and at low water to feed amongst the exposed mud/sandflats. It was not known where these birds were at high tide, but they did not roost or loaf on, or adjacent to, the application site.

Three raptor species were recorded during the field surveys: kestrel, marsh harrier and peregrine. The former species was noted on a single date hunting briefly over the former pitch and putt golf course before leaving to resume hunting over the expansive area of rough grassland to the east. A female marsh harrier flew over the site in the early afternoon. This species has been increasing in the county over the last few years and a wintering population is thought to be in excess of 15 birds with coastal habitats the favoured location. Up to two peregrines were recorded during the February and March surveys. These birds were no doubt attracted by the numerous bird species utilising the surrounding coastal habitats. Birds were observed both hunting and resting on the exposed areas of inter-tidal habitat.

5.3.2 Evaluation

In terms of evaluating the site for its wintering bird significance, the following criteria have been taken into account:

- The species richness of the bird assemblage of the site, i.e. how many different types of species the site supports.
- The presence of species listed as being of Principal Importance in England, species on local and national Biodiversity Action Plans (BAPs) and Red or Amber listed Species of Conservation Concern.
- The occurrence of significant concentrations of a bird species, particularly if these comprise a significant proportion (1% or more) of the national breeding population.

Table 5.1 presents a summary of the above criteria based on the current field survey data for Mill Rythe Holiday Village.

Total Number of Wintering/ Passage Species Recorded	45
Wintering/Passage Species of Principal Importance in England	5 – black-tailed godwit, brent goose, curlew, herring gull and lapwing
Wintering/Passage RSPB Red List Species	4 - black-tailed godwit, curlew, herring gull and lapwing
Wintering/Passage RSPB Amber List Species	19 – avocet, black-headed gull, brent goose, common gull, dunlin, greenshank, grey plover, mallard, Mediterranean gull, mute swan, oystercatcher, pintail, redshank, Sandwich tern, shelduck, teal, turnstone, water pipit and wigeon
Significant Concentrations of Wintering/Passage Species	Excellent range of birds of conservation concern recorded with notable counts of dark-bellied brent goose (peak of 2000). The majority of notable species were recorded utilising the habitats outside of the Mill Rythe Holiday Village complex

Table 5.1: Summary of Wintering Bird Evaluation Criteria – Mill Rythe Holiday Village, Hayling Island

In terms of evaluating the application site for its ornithological value, it is deemed appropriate to split the surveyed areas into distinct zones. The application site itself (including the disused pitch and putt golf area and the associated north-eastern waterbody) was generally found to support relatively few birds, both in terms of species and individuals of species recorded. The north-eastern waterbody was occasionally visited by small numbers of wildfowl (including small numbers of brent geese), though species often only paused briefly in order to bathe and preen before returning to the wider landscape and its mosaic of habitats.

Areas outside of the holiday complex supported a greater selection of species (and including some large numbers of those species). Significant numbers of brent geese were recorded utilizing the surrounding area for feeding, loafing and roosting activities.

The potential impacts of the proposed development on wintering birds are considered further in Section 5.4.

5.4 POTENTIAL IMPACTS ON WINTERING/PASSAGE BIRDS FROM PROPOSED DEVELOPMENT

Habitat Loss/Fragmentation Impacts

The proposed development of the site is likely to lead to a loss of some existing habitat within the disused pitch and putt golf course area. At the time of the field surveys the former pitch and putt area comprised unmanaged grassland with pockets of colonising scrub and marginal zones of tall ruderal vegetation. These habitats were noted to support very few winter bird species and were considered to provide no suitable areas for use by brent geese either for feeding, loafing or roosting activities (this is due to the reduced visibility in this area caused by the height of the vegetation and surrounding blocks of linear scrub which also reduce sight lines for observation of potential predators).

It is understood that the north-eastern waterbody will not be impacted to any significant extent. However, it is understood that there are plans for improving the marginal zone of this waterbody through planting of appropriate aquatic species. In addition, up to three bird hides will be located at strategic points overlooking the pool together with screening. Further ecological enhancements within the former pitch and putt golf course area will include provision of a bund and ditch feature at the western end of the developed section of the former course with some tree/shrub planting to provide a buffer/screen between the developed area and the retained 'biodiversity area' of the former course. It is considered that these proposals are unlikely to detrimentally impact wildfowl (including brent geese) and wading bird species noted during the winter bird surveys. Small numbers of brent geese were logged flying in to utilize the north-eastern waterbody (peak count of 60 in early March). These birds stayed briefly, using the freshwater lake to briefly bathe before flying out again to surrounding areas of farmland, inert-tidal habitats and the extensive Tournerbury Golf Course area to the south.

Based on the results of the surveys, brent geese and other wildfowl or wading bird species, do not currently use the application site to any significant degree or for any considerable length of time. The brent geese and a host of other wildfowl and wading bird species utilize the wide range of coastal habitats within the surrounding area, which are extensive, throughout periods of high and low water and in the intervening periods too. It is therefore considered that the proposed development of a section of the Mill Rythe site will not deprive any of these important/notable wildfowl and wading bird species from important feeding, loafing or roosting areas during the winter months.

However, it is recognised that although much of the former pitch and putt golf course is not currently suitable for brent geese, this area has the potential to be suitable, subject to appropriate management. This is discussed further within the Report to Inform Habitats Regulations Assessment (Report RT-MME-153231-05) which should be read in conjunction with this report.

Disturbance Impacts

The proposed development has the potential to cause disturbance impacts to wintering birds, during both the construction and operational phases. Currently, access to the former pitch and putt golf course area appears unrestricted to users of the holiday complex. However, it is considered highly unlikely that guests would access an area where there are no formal or informal footpaths within the disused pitch and putt golf course area and where the vegetation is long and unmanaged. This is even less likely over the winter period when this area can be exposed to the elements. A rough surfaced access track along the southern and eastern side of the former pitch and putt golf course which allows access to the north-eastern extent of the application site. However, at this point there is a fence/barrier on the seawall which is difficult to negotiate. Again, it is considered that this path, as it leads nowhere, is unlikely to receive large numbers of users.

The waterbody in the north-eastern corner of the former pitch and putt golf course exhibited signs of informal human activity including angling activities (during site surveys an occasional angler was noted fishing this waterbody).

The seawall which runs along the western and northern sides of the Mill Rythe Holiday Village was noted to be little used by the general public over the winter period, with only the occasional dog-walker and birdwatcher recorded. Given the current low levels of activity, any increase in human activity and disturbance at the site during the winter period as a result of the operational use of the development may result in bird species being displaced from the site into surrounding areas.

It is considered that construction activities to provide the additional caravan pitches, access roads and infrastructure has the potential to disturb wintering birds, though levels of disturbance will be vary depending upon times of year when such activities are being undertaken. It is understood that the closest construction area to the north-eastern waterbody will be in excess of 100 m from it and therefore disturbance impacts on the small numbers of wildfowl using this waterbody is likely to be minimal. Disturbance impacts to birds utilizing the wider area surrounding the Mill Rythe Holiday Village could include noise and lighting impacts during both construction and operation phases.

Nevertheless, overall it is considered that the development proposals are unlikely to result in significant changes to the ornithological component of the site.

Future Management of Habitats

An additional consequence of development could be the lack of, or inappropriate, management of any retained or created habitats. At this stage it is understood that the north-eastern waterbody and a surrounding area of mixed habitat (including scrub, grassland and tall ruderal vegetation) will be managed to improve site biodiversity and ecology. This is likely to be informed by an appropriately targeted management plan specific to this area.

6. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

- R1** As the Winter Bird Survey was undertaken to inform the accompanying Report to Inform Habitats Regulations Assessment, the recommendations provided in Report RT-MME-153231-05 should be adhered to.

REFERENCES AND BIBLIOGRAPHY

- Balmer et al, (2013). British Trust for Ornithology. *Bird Atlas 2007-11: The Breeding and Wintering Birds of Britain and Ireland*.
- British Standards Institution (2013). *British Standard 42020: 2013. Biodiversity – Code of practice for planning and development*. British Standards Institution, London.
- Brown, A and Grice, P., (2005). *Birds in England*. T & A D Poyser.
- Bibby, C.J. Burgess, N & Hill, D (1992). *Bird Census Techniques*. R.S.P.B. and B.T.O. joint publication. Academic Press.
- Fuller R J (1980) *A Method for Assessing Ornithological Importance of Sites for Nature Conservation*, Biological Conservation, 17, pp.229-239.
- Fuller, R.J. (1982). *Bird Habitats in Britain*. T & A D Poyser.
- Gilbert et al (1998) 'Bird Monitoring Methods'. Pelagic Publishing.
- Hampshire Ornithological Society (2015). *Hampshire Bird Atlas 2007-2012*.
- H.M.S.O. (1981) *Wildlife and Countryside Act 1981*. H.M.S.O. London.
- R.S.P.B. et al (2015), *Birds of Conservation Concern 4*. Royal Society for the Protection of Birds, Sandy.

APPENDIX 1

LEGISLATION

The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.