

To: Ms Daphney Haywood, Planning Policy Team, Havant Borough Council

Objection to the Barratt David Wilson Homes (BDWH) application

Ref: APP/20/01093: Erection of 195No. dwellings, associated open space, pumping station, substation and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area (Resubmission of APP/18/00724) | Land at Sinah Lane, Hayling Island

Dear Ms Haywood

This letter is our objection to the above planning application.

As the application is also a resubmission of the previous application APP/18/00724 any points already made in previous letters of objection 28/08/2018 and 05/08/2019 are also attached and we wish for the points made to be included and resubmitted in this objection for Land North of Sinah Lane.

Existing Policy

In the Pre-submission Local Plan 2037 policy E 17, this site has been included as an exception.

“Core Areas and Primary Support Areas: Development proposals, other than on those sites specifically allocated in this Plan, which would involve the loss of all or part of a Core Area or Primary Support Area, will be refused.”

It is **reprehensible** that such important sites for the SPA, specifically the Land North of Sinah, are still on the Local Plan and sacrificed to make up the housing numbers for the 5 year supply and to gain CIL money for other projects. There are many other complex and interrelated constraints to properly comprehend and mitigate successfully for and demonstrate that large housing development on this site is inappropriate and unsustainable in perpetuity.

It then states “5.2005.242 This Local Plan has allocated residential development on two Primary Support Areas” including “Land north of Sinah Lane (H29) . In these instances, planning permission will only be permitted where the development proposals provide suitable replacement habitat.” “Land north of Sinah Lane will be providing a refuge on the north of the proposed housing development **adjacent** to the Hayling Island Brent Goose Refuge IN1) (E26)”. This replacement Land does not fulfil the criteria and is not sustainable in perpetuity as explained in this objection below, in the section on Brent Geese and Refuges.

Reasons stated by the council as to why a similar application at Land at Rook Farm, Hayling Island APP/17/00007 was refused in 2017 are **still highly relevant to this site at Land North of Sinah Lane and this application APP/20/01093:**

“The proposal fails to meet the three dimensions of Sustainable Development: economic, social and environmental as set out in the National Planning Policy Framework and policies CS1, CS7, CS15, CS19, CS20, CS21, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL1 of the Havant Borough Local Plan (Allocations) 2014.”

When the “suitability of the site for residential development was assessed under the Local Plan Housing Statement it was classified as having uncertain potential for development due

to sustainability concerns in particular in relation to Highway Capacity and the single access onto the Island, Flooding, Healthcare,” “and provision of Utilities.”

Today specific and highly significant infrastructure issues on Hayling Island **remain and still require the scrutiny** that was erroneously ignored in the case of the Transport Assessment Addendum by certain councillors. There are other infrastructure, geographical and environmental issues which **cannot be ignored** or their importance diverted and lost in the bureaucracy of policy and guidance.

This site is not sustainable under the National Planning Policy Framework and this application must be refused.

Flooding

The **combined effect of all types of flooding** affecting this site must be considered together. They are interrelated and the sum of the combined effects are much greater than when each one is looked at in isolation. Independent scrutiny, and important cross agency joint working must be properly facilitated by HBC to include HCC Lead Local Flooding Authority (surface water and groundwater), Environment Agency and Coastal Partnership at least along with potential management companies. In addition the consultees and agencies responsible for the Habitat Regulations Assessment should be part of these joint discussions as the whole flooding issue significantly affects the habitats and environment.

We cannot just depend on a Flood Risk Assessment March/ November 2020 (FRA), commissioned by BDWH, for a site with so many risks and constraints and expect each consultee to then look at their specific issues in isolation, when, for example, surface water flooding is not just about the amount and intensity of precipitation but also influenced by tidal forces in both harbours, the amount of water in storm surges and the threats of climate change.

This has serious implications for the whole of Hayling due to its low lying coastal position and brings into question the sustainability of any more large development on Hayling Island.

Surface Water Drainage, Groundwater Issues and Tide locking

In the Pre-sub Local Plan 2036 it is stated that just one of the many constraints of the site (H29) included the *‘complex drainage system in the area - affected by tide locking, coastal change and tight levels; likely to require drainage solutions and maintenance of systems beyond site boundary’*.

This needs to be fully understood, scrutinised by independent experts and communicated to all councillors, planners and politicians.

Tide Locking

This is a complex process with regards to groundwater (underground fresh water) in coastal areas and international research is taking place to global concerns and the implications of Climate Change.

The effects of not only the Moon but also the pressure changes around the coast due the tidal movements of the ocean, all play a part. However, for the purposes of this objection, it is already recorded that the groundwater held beneath the surface of this site just 45cm below, rises when the tide comes in and falls when the tide goes out. This influences the high water table and explains why the site is designated as ‘affected by tide locking’ - **the**

water of the harbours and the water already existing in and under the site inexorably linked. This cannot be ignored.

Recent SuDS Changes

The newly amended drainage plan is to be found in the detail of the FRA. This document was first produced in March 2020 just before the original date for the DMC in March for this site, giving no time for the scrutiny it needed. However, as the DMC concerning APP/18/00724 was then postponed, due to Covid-19, and there was more time to look at the details. Whilst the FRA has been resubmitted (Nov 20) but there are no significant changes.

It is important to reiterate that in earlier correspondence regarding the site, it needed to be highlighted that there was no record of a Specific FRA or Exception Test for the site, yet these were clearly required due to the size of the site and the coastal boundary of the proposed onsite refuge area is in flood zone 3. **Now they have been produced, they need scrutiny not just acceptance.**

In the original proposal, to deal with the overflow from the attenuation pond, Southern Water's infrastructure was to be involved but **this has been changed after rejection from Southern Water**, as described in the recent FRA. It will now be draining out into Langstone Harbour and could introduce further pollution and damage to existing sensitive off-site habitats. This has not been accounted for as any examination appears to stop at the boundary of the site.

The drainage plan is now as follows:

- 1st to pump up the water from storage tanks and hold water within a raised attenuation pond - encouraging further issues with the mosquitoes which are a problem in this area (the type that could carry malaria. Pesticide spray will be needed to control this, introducing further chemical imbalance to the water after it has been filtered.)
- 2nd to allow the overflow from this pond to go northwards offsite via the existing drainage ditches (neglected for years and overgrown but needing continuous maintenance to be effective in any way)
- 3rd to drain into an offsite previously untouched ancient natural pond (at the northern boundary of the site containing rich ecology and which needs to be assessed regarding this application at least)
- 4th to flow through another offsite ditch adjacent and seeping into the sensitive saltmarsh habitat
- 5th to eventually drain into the Langstone Harbour (deceptively named in the FRA by stating 'Sinah Lake', a lesser known *channel* within Langstone Harbour) via the drainage outlet valve (owned by the Environment Agency) that frequently become blocked by the pebbles and shingle on the eroded west coast next to the rare habitat of the saltmarsh.

Bodies of Water Affecting the Site

It is imperative to understand that this site itself is affected by 3 separate (but closely interlinked) bodies of water, one of which is hidden underground and all of which cause flooding now and will do increasingly in the near future:

1. Langstone Harbour – borders the site and is internationally protected RAMSAR, SPA, SSSI etc
2. Surface water – especially after heavy rainfall in the winter months **which currently**

- does not drain away quickly in any particular direction (as confirmed on the diagram in the FRA)
- percolates downwards very slowly due to high water table and poor permeability due to the clay
- slowly evaporates therefore reducing the pressure on other drainage infrastructure for the area
- will include polluted hard surface run off post development

3. Fresh 'groundwater' that runs **under** the field which we discovered when servicing a soakaway in our back garden (adjacent to the field). This is recognised in data recorded from measurements taken from this field in the last few years.

This fresh groundwater

- lies only about 1m to 0.45m below ground level in sandy, shallow superficial deposits which are more porous than the surrounding London Clay
- links to the surface water, especially at times of heavy rainfall, due to percolation
- rises and falls with the tide due to tidal forces
- is continually replenished and this will increase with Climate Change
- is most likely derived from surface water, precipitation and with some contribution from sandy layers/lenses within the London Clay Formation. Groundwater is likely to be perched on a low permeability horizon, i.e. the London Clay Formation
- receives water from the Chalk Aquifer of the South Downs. The Chalk receives recharge from rainfall at surface, overlying superficial deposits and the Chalk bedrock aquifer of the South Downs

Clay Layer Compromise

The site has a less permeable clay layer just below the surface of the field that currently separates surface water from the fresh groundwater below the surface. This will be compromised by the development.

The clay will be punctured by man-made structures such as housing foundations, which necessarily go deeper than 0.45 - 1m, creating a link connecting the groundwater to the surface. Therefore what would have been two fairly distinct bodies of water - (a) surface water and (b) confined underground fresh groundwater - will instead become directly connected.

Once these connections are made, the squeezing effect from the tide locking and the sucking effect from the pumping of the surface water will mean that both bodies of water will be as one.

Whilst the compromising and puncturing of the clay layer between groundwater and surface water has already happened across Hayling due to the existing developments and infrastructure, there is a huge difference between the drainage techniques already in use such as soakaways etc. and this site's proposed SuDS. Soakaways allow water from the surface to drain down (percolate) underground but the proposed SuDS for H29 development will instead be storing this water in huge tanks underground and then pumping water up and out of the area.

It has already been recognised that soakaways are not effective enough drainage due to the fact that the drained surface water meets the underground water about 1m below ground level, so pumping the water has been put forward as an alternative solution. However with the connection between surface water and groundwater being made, the pumping of this surface water will include groundwater that has risen to the surface and the SuDS will be attempting to pump it up and out.

Furthermore, as the site is 'affected by tide locking', this endless supply will be exacerbated during high tides, spring tides, low pressure storm systems, rising sea levels and in particular, high levels of rainfall (all events that are further amplified with climate change).

Subsidence

The continual pumping, disturbance and extraction of groundwater is a known cause of subsidence. This is a potential issue for this site (H29). Already on Hayling, there has been drainage, water supply and sewerage infrastructure breakdown due to old pipes cracking due to the superficial deposit movement. Sinkholes developed under the A3023 in the location of the burst water pipes in 2019.

Even as writing this letter, today, there has been a burst water main in Sinah Lane adjacent to the proposed site. Portsmouth water has explained that the pipes are 80 years old and have cracked due to a combination of movement of under the ground in the silts related to the groundwater held in these sedimentary layers; increased water pressure demand from the population in tier 4 and staying at home and even changes in the weather and temperature. 195 new dwellings will increase the pressure on this ageing infrastructure and any disturbance to groundwater and drainage will make this far worse, as described above. Climate change will exacerbate the situation further still.

Rate of Overflow

Post development, holding the combination of ground and surface water on-site - especially in the winter - is very questionable. In any case, once the capacity of the onsite attenuation pond has been reached, any additional water then entering the system will initiate the overflow measures and will need to be moved off-site at the same rate it enters to avoid flooding.

For example, during a rainstorm, once the attenuation pond reaches capacity, the SuDS will need to move water offsite at the same rate and volume that the storm is generating.

The vast volume and rate of this overflow will overwhelm any filtration system allowing unfiltered water into offsite areas. Not only will this contaminated water reach Langstone Harbour, it will destroy the saltmarsh and other natural pond habitats by forcing them to accept water containing decades of farming fertiliser along with pollutants and nutrients from households and building processes.

This can be likened to what happens to Southern Water's raw sewage after high rainfall in what is described as a 'licensed discharge'. However this is a reasonably foreseeable failure of planning and insufficient infrastructure capacity - certainly not a starting point for development.

Unsuitability

This SuDS might well be suitable inland and away from any groundwater systems but pumping a site that: is coastal and known to be tide locked; is a surface water 'reservoir'; has groundwater systems close to the surface; is surrounded by previously untouched habitats that are sensitive ecologically which the SuDS is to overflow into, seems highly inappropriate.

Off-site Impact

There are huge ramifications of the SuDS for ALL adjacent **off-site** areas:-

- to the North East, the saltmarsh will be destroyed by the polluted and nutrient rich overflow from the SuDS

- to the North West, Langstone Harbour will be receiving this same nutrient rich and polluting overflow
- to the South and West of the site, homes will become reliant on the robustness of the pumping systems to avoid flooding as their drainage will be linked to the H29 site.
- to the East, the Hayling Billy Trail will be impacted by changes to the saltmarsh and will also become reliant on the robustness of the pumping systems.
- failure of the pumps or bunds will lead to large-scale flooding of the local area.

The use of Langstone Harbour (including Sinah Lake) as the destination of this overflow is clearly totally unacceptable. It is even surprising however that if this is to be the destination of the water, why is the overflow directed 1st into offsite untouched areas such as the ancient pond and saltmarsh? This site has a long boundary with the harbour, if filters were good enough to prevent contaminated water moving off-site then why not drain straight out into the harbour? It is both needless and unacceptable to destroy these off-site areas simply to hide the uncomfortable truth about the final destination of this overflow.

It is also highly likely that these changes to the Flood Risk Assessment are yet to be reviewed by consultees such as Natural England, HCC Ecologist, Environment Agency, the Langstone Harbour Board or RSPB - the change from first believing that Southern Water would likely deal with the overflow, to the plan now being to direct flow offsite to Langstone Harbour has clear ecological consequences. I am aware that the Lead Local Flood Authority is taking this very seriously but time constraints and lack of joint and cross agency working is a major cause of concern.

Several other points that need addressing:-

- there is no clear future management of SuDS confirmed for the future
- costs will be born by residents of the proposed development - this is scandalous
- Southern Water have rejected responsibility for this system so the presumptions of the consultees have not been realised and they therefore need to be informed further.
- as the level of the harbour and the level of the water within the site are linked, pumping one into the other may well prove futile in reducing the amount of water in the site

Summary of potential Effects

Potential Effects of the Proposed SuDS	Cause
Direct discharge into Langstone Harbour SPA, RAMSAR (nutrient neutrality etc.)	SuDS will overflow into Langstone Harbour with polluted and nutrient rich water, full of man-made contaminants. In order to prevent flooding, discharge will need to be at such a rate as to overwhelm any filtration in place (similar to Southern Water's discharge of raw sewage directly into Langstone Harbour post rainfall)
Ecological disturbance to offsite pond	SuDS will overflow into this untouched pond with polluted and nutrient rich water, full of man-made contaminants forever changing the ecology of this area (has there been a survey of this pond to ascertain the

	ecology and potential protected species such as great crested newts etc?)
Ecological disturbance of offsite saltmarsh	Drainage channels for the SuDS overflow will allow seepage into the adjacent saltmarsh with polluted and nutrient rich water, full of man-made contaminants forever changing the ecology of this area
Subsidence and sinkholes affecting buildings and infrastructure (onsite and offsite)	Possible compromise and movement of the clay layer from the effects of pumping that draws up previously confined fresh groundwater to the surface along with squeezing and pressure changes driven by tide locked bodies of water
Flooding of adjacent properties	Currently the field holds on to a vast capacity of water post rainfall which will be replaced by hard surfaces. Should any part of the SuDS fail or a blockage occur in the drainage channel, properties on and around the site will be flooded
Flooding of Hayling Billy Trail and bird refuge	Currently the field holds on to a vast capacity of water post rainfall which will be replaced by hard surfaces. Should any part of the SuDS fail or a blockage occur in the drainage channel, the nature trail and bird refuges will be flooded with man-made contaminants
Mosquito population will increase	The onsite attenuation pond will likely provide the perfect environment for mosquitoes to thrive, exacerbating an existing issue. If this attenuation pond is treated with pesticides to control mosquitoes, this will contaminate surrounding refuges and sensitive offsite ecology (Billy Trail, offsite pond, saltmarsh, Langstone Harbour etc.)
Ongoing management fees	To keep this development feasible, the SuDS will need to continually function creating reliance and requiring significant and ongoing management and maintenance costs for residents
Legal action and consequences	Should any surrounding properties be detrimentally affected by the reasonably foreseeable impacts of this SuDS, residents of adjacent properties will no doubt pursue legal action
SuDS is found to be unworkable post development	If there is found to be a fundamental inability to overcome the practicalities relating to: the relationship in water levels between Langstone Harbour, field groundwater and surface water or simply

	the effect of sea level rise and climate change; then the ramifications could be disastrous for not only the surrounding community but financially for the entire borough
--	---

Articles that may be of interest

<https://www.nature.com/articles/s41598-020-60762-4>

<https://theconversation.com/squeezed-by-gravity-how-tides-affect-the-groundwater-under-our-feet-74928>

https://en.wikipedia.org/wiki/Groundwater-related_subsidence

<https://projectblue.blob.core.windows.net/media/Default/Imported%20Publication%20Docs/Field%20drainage%20guide%200818.pdf>

Brent Geese and Refuges

This whole site is already a designated Primary Support Site for Brent Geese and Waders. The application is unsuitable for this area and does not provide for enough replacement land from this or previous developments. It contravenes policies:

The Draft Local Plan 2036 5.226 “Where a negative impact upon a Brent Goose and/or Solent Wader site cannot be avoided or mitigated, or appropriate replacement habitat is not or cannot be provided, the proposal will be refused.”

The Pre-submission Local Plan 2037 policy E 17, this site has been included as an exception.

“Core Areas and Primary Support Areas: Development proposals, other than on those sites specifically allocated in this Plan, which would involve the loss of all or part of a Core Area or Primary Support Area, will be refused.”

It then states “5.2005.242 This Local Plan has allocated residential development on two Primary Support Areas” including “Land north of Sinah Lane (H29) . In these instances, planning permission will only be permitted where the development proposals provide suitable replacement habitat.” “Land north of Sinah Lane will be providing a refuge on the north of the proposed housing development **adjacent** to the Hayling Island Brent Goose Refuge IN1) (E26)”. This replacement Land does not fulfil the criteria and is not sustainable in perpetuity as explained in this objection below, in the section on Brent Geese and Refuges.

Off-site Refuge Issues

The proposal for IN1K or E26 in the Draft Pre-submission Local Plan 2037 states that the remaining hectares of Brent goose and Waders Primary Support Site already lost to the Oysters development and from this new development, will be compensated for in the Hayling Bird Refuge.

This is not even mentioned in this application. HBC policies following the NPPF, have stated that any replacement land for Primary Support or Core Sites should **not be fragmented** and should be **adjacent** to each other. This is **NOT** the case.

1. The IN1K/E26 site is separate from this onsite refuge which is too small on its own. It is also separated by the Salt Marsh habitat which is NOT suitable used by the Brent Geese, yet environmentally sensitive in its own right.

2. IN1K land is currently arable farmland but it is **within Flood zone 3** and so has coastal flooding as a major threat **as well as** the existing **surface water and groundwater drainage** issues as described above.
3. This IN1K/E26 land is owned by many parties and therefore is NOT under the control of HBC and management of this mitigation is unresolved.

Winter Bird Mitigation Strategy by WYG

There are several points in the Winter Bird Mitigation Strategy by WYG commissioned by BDWH which are very questionable (see excerpt below).

Water supply for the scrapes will come from rainfall and surface water runoff. The primary objective is to hold perched water during the winter, but it is anticipated that deeper areas will also hold water for part of the summer and provide an enhancement for breeding birds. Scrapes will be created using an excavator with arisings piled adjacent to the margins to improve water retention and provide bare ground areas suitable for invertebrates. Soakage testing has identified that soils across the site have high permeability therefore a clay cap will be required to make sure the scrapes retain water. Where possible, suitable clays will be reused from arisings during construction. These will be tested to ensure the permeability of the clay is less than $1 \times 10^{-7} \text{m/s}$. If no suitable clays are recovered, a clay liner will be used consistent with that proposed for the attenuation basin and on-site SuDS. This will be a Bentomat Geosynthetic Clay Liner.

The strategy describes the northern part of the field, where the proposed on site refuge is located, as having high permeability. This which calls the whole strategy into question. They have not accounted for the groundwater under the surface that sits on the London Clay and significantly affected the amount of surface water flooding across the whole area in the winter months. Any scrapes will be rendered pointless when the Brent Geese are only there in the winter months anyway. (see photos of the surface water flooding in this part of the field in the previous additional objection letter 2019).

In addition, the proposal is to replant the existing Primary Support Site with mixed grassland. This will NOT attract the Brent Geese which prefer to forage on their favoured crop of winter wheat regardless of the farmers efforts to disturb the Geese or existing the crop rotation by the unusual planting regimes that were recorded over the past 2 years. (see previous additional objection letter 2019). The birds simply fly to nearby fields where they can forage and roost on the winter wheat if this field is planted differently in any way as described in earlier objection.

Other nearby bird refuges have been tested in the SPA in Portsmouth and Southsea and have failed despite the bird decoys and grassland provided.

It is also known that the Brent Geese need long, open and clear site lines which the whole site (now H29 or H34C) currently provides. A large man made development, human noise, fencing and even the raised attenuation pond actually situated in the refuge will NOT provide the site lines and NOT attract the Geese.

The proposed refuge has to be proven to work before any construction can happen. This will take 3 years of proper surveying. If this fails, will the area be planted with winter wheat to test if the birds return? Will the field be returned to good grade arable farmland? Will Havant Borough Planners and Councillors be guilty of removing both valuable farmland as well as destroying and reducing the land for these rare and protected birds?

Biodiversity Contradiction

The purpose of the proposed refuge is to focus on replacing the land lost to development for the Brent Geese and Waders. Yet this land is already a Primary Support Site so to create

a net gain in biodiversity does not make sense. The claim is contradictory yet it suggests it anticipates it will meet the G13 criteria habitat for wintering waders and wildfowl in the Farm Environmental Plan Manual.

To remove the current Primary Support Site along with potentially damaging the unassessed and very likely biodiverse rich habitats at the northern border of the site - the ancient pond and the salt marsh - and then provide a suitable foraging crop to re-attract these Birds to an increasingly disturbed and changed landscape, from the bird's point of view, will involve monocropping, more fertiliser and pesticide than the current crop rotation requires.

This will increase the nutrient imbalance seeping into the soil or draining off the field into the Langstone Harbour directly, as this part of the site is not serviced by the SuDS plan.

Furthermore it will actually decrease the existing biodiversity that can be already claimed for this Primary Support Site which already attracted up to 1000 Brent Geese in winter 2017-18. There are bats, slow worm, stag beetles and other rarer species in the edges of the site, let alone the increase in all types of wild life witnessed over the past year due to lack of air pollution and when the field lies fallow in the crop rotation.

Attempts to encourage further biodiversity will attract predators and less suitable plants in the longer grasses used to disguise the attenuation pond. The Geese will stay away from this landscaped area and any man made fencing will interrupt their site lines.

It should be noted that this pond takes up a significant area of the proposed refuge, reducing the mitigation area available for foraging. It is situated just where the Brent Geese are shown to be foraging in photographic evidence formally submitted to the Bird Aware survey in the winter 2017 -18.

Management of on-site refuge

The amount of money to manage just this onsite refuge has already been questioned by the County Ecologist but has not even considered the cost of the surface water drainage issues as described above and the current need to protect the coastline from further erosion and coastal flooding - all of which are current problems that do not appear to have been fully understood or taken into account by the planning team and certainly not communicated to councillors or consultees. At the most recent DMC information was only briefly conveyed to councillors at the important decision making meeting through the restricted number of words and time given to present my deputation on 29th Oct 2020.

The RSPB has not been made completely aware of all the possible issues in the recent past. it was clear from a telephone conversation and the response recorded that they had not been given all the relevant information on which to form decisions.

They have now been offered a seemingly large sum of money from the Developer for the management of this proposal but ALL the potential management problems they could face, **including surface water drainage and groundwater tide locking issues**, are difficult to quantify. CIL money is not ring-fenced for this proposal.

It is for HBC to share the information fully and will be held to account if this has not been the case. Knowledge of the groundwater and surface water issues must be shared with them as potential managers of the onsite refuge.

It must be stressed that this proposed onsite refuge is already shrinking in size due to the coastal border with Langstone Harbour (NOT CHICHESTER and LANGSTONE HARBOUR as wrongly named in the diagram) which is suffering a greater rate of erosion than first thought and is in flood zone 3. It is not enough to say that the RSPB knows about this and are not concerned when the ESCP have already stated their concerns that the rate of erosion is more rapid than first thought.

Neither onsite nor offsite refuge are sustainable in perpetuity and the application conflicts, in this case, with the environmental sustainability required by the NPPF.

Mitigation, Binding Agreements and other Constraints

This site has already many important constraints as listed in the Pre-submission Local Plan 2037 and more as explained above. The previous application APP/18/00724, objected to by over 540 residents and the Langstone Harbour Board, demonstrated that nearly 30 S106 Binding Conditions are needed before any construction could go ahead.

BDWH have not adhered to binding agreements and Conditions on the Oysters Development (2013-2015) regardless of the unsuccessful lip service paid to repairing fencing when this was pointed out in 2017 -18.

Mitigation proposals for important constraints regarding infrastructure, traffic, flooding and drainage, rare and protected species, biodiversity and pollution are not proven to work and the modelling and calculations for new national initiatives still requires testing and scrutiny. Irreversible change of land use including removal of good grade arable farmland and greenfield sites is to be avoided at all costs with the pressure to help the environment and combat Climate Change.

Transport Network

"The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant movements generated could not be accommodated adequately on the existing transport network. This would result in a severe impact on road safety and the operation of the local transport network contrary to the NPPF and policy DM12 of the Havant Borough Local Plan(Core Strategy) 2011."

"The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that there is insufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and environment contrary to the NPPF and policies DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2014." The current Transport Mitigation is seriously flawed and has not resolved these issues.

NPPF 109 "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The additional traffic generated by adding 195 new houses to the already overburdened A3023 would therefore put the new development at odds with council and government policy as it would clearly *"result in severe cumulative impacts on the transport network "* so obviously *"the residual cumulative impacts on the road network would be severe."*

The sustainability of the transport network is clearly threatened by such an increase in traffic and it is the planners and council's duty to ensure development is sustainable, according to government policy.

Greenfield Site

*"...the proposed development would not represent an efficient use of greenfield land. This would fail to make the best use of a finite land resource and constitute an unsustainable form of development failing to address housing need in an **efficient** manner. The development would therefore be contrary to policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework."* This is not efficient use of this specific site. The benefits of the current use of this land outweighs those of a new development on this currently successful existing Primary Support Site.

Agricultural Land

“The application site constitutes primarily Grade 2 and 3a land which is classed as best and most versatile agricultural land. Such land represents a valuable resource for local food production with associated economic benefits. The proposed development would result in the loss of a significant area of such land. Given that the development is not considered to meet the requirements of sustainable development the loss of this land to agriculture is not justified. The development is therefore contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.” (APP/17/00007 refusal in 2017). This argument is even more relevant today with the uncertainty due to the current and emerging mutations of the pandemic and Brexit issues.

Cross Agency work, Full Communication and Scrutiny

Much more time and scrutiny is needed to examine BDWH reports and submissions. Important Consultees have not had the chance, within this latest time frame, to be made fully aware of all the interrelated aspects of this contentious site, let alone focus fully on their specialisms in isolation. They have been rushed to resubmit in isolation again in order to reach unreasonable deadlines, during an unprecedented pandemic and just before Christmas.

Genuinely researched concerns from local residents must be looked at properly.

Scrutiny and joint discussion and working is called for with all these agencies.

HBC Planners should be carrying out their responsibility to facilitate much better accessible communication and proper discussion regarding all the points raised and call for more independent reports and surveys to be made. This will take time, regardless of Covid restrictions and no excuses should be made.

Duty of Care

HBC Planners and Councillors have a duty of care to the existing residents of Hayling Island as well as possible new residents who will be living in these new developments. Any increased risk to people or their homes due to current issues being exacerbated by the development proposals must be accounted for and the risks reduced significantly in order to ensure economic and social sustainability as stated in the NPPF.

HBC Planners and Councillors have a duty of care for the sustainability of the environment as stated by the NPPF and unmeasurable nutrient neutrality mitigation, air pollution mitigation along with spurious biodiversity claims and calculations must be scrutinised further.

The advisory DMC for the application 29th October 2020 has received formal complaints regarding procedures and content.

The issues with this site form part of a formal document and letter to the Secretary of State.

Conclusion

There are many reasons why planning applications for housing development on this site have been disputed for more than 5 years.

The proposed development is unsustainable in perpetuity.

It is unacceptable that:

- this site is sacrificed in order to both receive Community Infrastructure Levy monies from development companies such as BDWH or to help achieve a 5 year housing supply for the whole Borough. New plans for inner city and urban development could now go a long way to achieve these numbers for the more appropriate housing for first time buyers and people who need to commute off Hayling Island for work.
- planning officers weigh up the planning balance using CIL and 5 year housing numbers as their main argument to accept a planning application.
- Barratt David Wilson Homes, Councillors and Planning Managers have either misinformed or deliberately misled other councillors if permission for this application is advised again
- some councillors are not prepared to listen and work with members of the community who have taken time to engage with the planners to improve mitigation or raise awareness of potential risks and disastrous consequences.

We sincerely hope that this objection and the information presented here along with any previous comments made, will assist in ensuring that this application is thoroughly scrutinised and shown to be unsustainable for the sake of all the residents present and future, for Hayling Island, the environment and for the reputation of Havant Borough Councillors and Planning department.

[REDACTED]

To:
Planning Policy Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

From:

Dear Sir or Madam

Ref: APP/18/00724 Response to the Barratt Homes proposal at Site: Land at Sinah Lane, Hayling Island. Proposal: Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.

Whilst we understand the need for the Government to provide more affordable housing, especially for the first time buyer market and the need for HBC to fulfil its quota of new homes, there are very good reasons for preventing the development of an inappropriate and unsustainable residential development on land North of Sinah Lane, also known as UE18, H31 and H34C.

Other Site Refusals

Other sites on Hayling Island (HI) have had recent planning applications refused permission based on arguments by the council that we believe also apply in this case.

These were reasons stated by the council as to why the application at Land at Rook Farm, St Mary's Road, Hayling Island APP/17/00007 was refused in 2017:

"The proposed development has failed to demonstrate that it would constitute sustainable development as it does not adequately address the infrastructure requirements for the development by itself and in combination with other sites on Hayling Island. The suitability of the site for residential development has been assessed under the Local Plan Housing Statement and at this stage the site is classified as having uncertain potential for development due to sustainability concerns in particular in relation to Highway Capacity and the single access onto the Island, Flooding, Healthcare, Education and provision of Utilities. The consultation on the Draft Local Plan Housing Statement highlighted specific infrastructure issues on Hayling Island which will require further investigation before future development can be considered sustainable under the National Planning Policy Framework. The proposal therefore fails to meet the three dimensions of Sustainable Development: economic, social and environmental as set out in the National Planning Policy Framework and policies CS1, CS7, CS15, CS19, CS20, CS21, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL1 of the Havant Borough Local Plan (Allocations) 2014 together with the Local Plan Housing Our Ref: APP/17/00007 Statement Guiding Principle 4 and the National Planning Policy Framework."

"The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant movements generated could not be accommodated adequately on the existing transport network. This would result in a severe impact on road safety and the operation of

the local transport network contrary to the NPPF and policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011.”

“The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that there is insufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and environment contrary to the NPPF and policies DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2014.”

“...the proposed development would not represent an efficient use of greenfield land. This would fail to make the best use of a finite land resource and constitute an unsustainable form of development failing to address housing need in an efficient manner. The development would therefore be contrary to policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.”

“The application site constitutes primarily Grade 2 and 3a land which is classed as best and most versatile agricultural land. Such land represents a valuable resource for local food production with associated economic benefits. The proposed development would result in the loss of a significant area of such land. Given that the development is not considered to meet the requirements of sustainable development the loss of this land to agriculture is not justified. The development is therefore contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Our Ref: APP/17/00007 the National Planning Policy Framework.”

As the reasons given for this recent refusal on HI apply to this site as well, we fail to understand how the council could put this site forward as suitable for development, let alone accept a planning application like this. To 'choose' to not apply the same reasoning to UE18/H31 would be inconsistent at best and would call into question the decision making process.

Transport Network

The greatest concern is the overall increase in traffic developing this site will generate for the already overloaded single carriageway A3023. We understand that this is subject to the ongoing traffic surveys which are likely to, assuming no significant improvements in infrastructure on the scale required to address the problems, result in a halt to any further building on the island.

New residential site development will also be contrary to Policy CS20 Transport and Access Strategy 2. which stipulates that new development should '*not increase congestion and promotes better use of existing transport networks*'.

We believe this could also be in breach of: DM11, DM12, DM15 and DM16.

The integrity of the bridge structure is an issue and there are questions as to whether it would stand up to further increases in traffic following new site development.

The majority of people moving to the proposed development would need to commute on and off the Island for work. This is due to the fact that HI does not provide enough work that pays enough to economically facilitate mortgage payments or rent on houses of the type proposed by Barratt Homes. Therefore the location of this site is significant in that it will force residents of the new development to rely on, and add the pressure on, the A3023. The government expects councils to focus significant

development “on locations which are or can be made sustainable” (Nation Planning Policy Framework 103) and this is clearly not possible for this site.

Nation Planning Policy Framework (NPPF) 108 c) “any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

It is unreasonable and inconceivable that any infrastructure provision will be enough to have any significant impact on the extra traffic which comes with the new development as there is only one main road using one bridge.

The main Hayling road is already very busy throughout the day and there is consensus that traffic has dramatically increased over recent years. This single carriageway off HI will become significantly more congested due to the increase of hundreds of new homes.

With increased traffic, the ability of emergency services to access the island has become a major source for concern. The bridge is the only lifeline for services to access HI other than using emergency helicopters. If and when the area around the bridge is compromised by flooding, this considerably hinders the ability of emergency services to access the island at all.

People are moving off HI because their commute over the bridge has become so difficult due to existing congestion in traffic on the Island; further development will only make matters worse. Furthermore policy CS6 on regeneration recognises the need to reduce travel off HI by local residents for employment. People are missing appointments made in the middle of the day because of unpredicted traffic congestion on the Island. Also, people's frozen shopping has defrosted in their car as they return from Havant in the summer due to major hold ups on the Island transport network.

The congestion is not just affected by weather - with summer tourists in good weather and more car users in bad weather - or the rush hour. The build up of traffic can be at any time of day and the flow can be adversely affected by for example: one removal van, tractor, waste collection vehicles, cars turning right into or coming out of West Lane, road works, bus stops not to forget breakdowns, accidents and emergencies. Also, cars driving in and out of the Ship Inn car park disrupt the already hugely susceptible flow of traffic.

It is therefore obvious that increases in the volume of cars arriving to or leaving HI will make an already difficult situation unbearable to the extent that this could harm HI's tourism industry and quality of life for residents.

The single carriageway roads through West Town and the surrounding area are already congested with a variety of transport including builders merchant lorries, buses, cars, and cyclists. Car park spaces on the bend may also not be appropriate for elevated traffic flow and density. Traffic speeds up when it reaches Station Road - Sinah Lane after it has negotiated the obstacle course within West Town. Another road leading into this will increase the obstructions further still and add to the danger already present for cyclists, pedestrians, families, children and older people, many of whom use mobility vehicles.

Barratt Homes Planning Statement 5.125 “The development would provide a financial contribution towards improving the Hayling Billy Trail, located 60m from the proposed site access. This route forms part of the NCN Route 2 and with improvements, should help to reduce the number of residents travelling by car.”

Barratt Homes say pedestrian site access is 60m from Hayling Billy Trail however the site access is on

the original trail but somehow the entrance to the Billy Trail has been recently moved in the winter months of 2018, 200m north of the original entrance with new signage. This was 'very convenient' for Barratt Homes. There is a question about the ownership of this 200m strip of land which Barratt Homes have conveniently requisitioned to their own advantage. How did they manage to do this? Also the new development would be vastly increasing the number of residents travelling by car by building 195 extra houses on the proposed development, not reducing numbers by improving the Billy Trail.

Barratt Homes' development of these homes would result in many more children walking to and from school along narrow roads with restricted pedestrian access e.g. Station Rd near West Town Pub and St Mary's Rd.

The pavements in the area around UE18/H31 and West Town are erratic, missing in several places and some are already very narrow. Recent work to widen them has caused pinch points around bends e.g. by Jaspers Restaurant and West Town pub, causing traffic to slow as they must allow larger oncoming vehicles, such as buses and lorries, to pass through prior to navigating such bend themselves. Traffic has already increased due to the Oysters development with a significant increase in cars, huge lorries and service vehicles.

The limited current access point to the field at UE18/H31 would need enough width for 2 way traffic and pavements. It opens onto Sinah Lane near to the Staunton Avenue Junction which also links the Hayling Billy Cycle Trail to the beach used very often by young families of cyclists. Traffic calming and a zebra/pelican crossing would be the bare minimum needed if development takes place in order to maintain the valued amenities that come from the recreational use of this part of HI and keep HI attractive to the essential demographic of young professional families.

Draft Local Plan 2036 IN3 a. *"The traffic generated by the development, taking into account any proposed avoidance and mitigation measures, would not result in severe cumulative impacts on the transport network or the environment."*

NPPF 109 *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

The additional traffic generated by adding 195 new houses to the already overburdened A3023 would therefore put the new development at odds with council and government policy as it would clearly *"result in severe cumulative impacts on the transport network"* so obviously *"the residual cumulative impacts on the road network would be severe."*

The sustainability of the transport network is clearly threatened by such an increase in traffic and it is the council's duty to insure development is sustainable, according to government policy.

Health Centre Provision

The Hayling Island Health Centre is under huge pressure with an increasingly elderly population let alone further population increases. The Elms Practice states, in its August 2017 news letter, that GPs are consulting typically up to '80 patients a day'. What's more, there has been no support in developing the Hayling Island Health Centre over the past 20-30 years. This is unacceptable especially with the potential of a dramatic step up in population proposed by the DLPHS. This development quite clearly poses a massive threat to the viability of health provision on HI. The Health Centre is over capacity already for the type of population currently. The Primary Health care statistics, claiming that the ratio

of GPs to patients was adequate, does not address the ageing population and different and varied needs of the residents already on Hayling. Emergency services will be adversely affected due to increased traffic as Hayling has only a single access route and hospitals are off the Island.

The Character of Hayling and Amenity to Current Residents and Visitors

The increase in traffic volume as a result of the extra houses planned for HI could be ruinous to the Island attracting tourism. The Hampshire County Integrated Character Assessment 2012 at 9H Hayling Island Coastal Plain 7.1 specifically mentions increased traffic as a 'threat' to the character/amenity that aids Hayling's reputation, a vital reputation that encourages tourism and quality of life for residents.

'Increase in traffic along the main road to the bridge (often busy with slow traffic)' and continues: this 'could affect the island as a tourist attraction and place to live'.

'Balancing tourism and residents development demands with retention of character of remaining rural areas'

In the Havant Borough Townscape, Landscape and Seascape Character Assessment, February 2007 UE18/H31 falls within the 'LCA31' area of The Havant Borough Landscape Character Assessment Sensitivity Report 2007 (HBLCASR): Central Hayling plain. This clearly categorises UE18/H31 as sensitive to urban expansion.

3.15 states *'for Wider Landscape the score is high sensitivity; for the Havant Borough Ecological Sensitivity Study Assessment of Sensitivity is high; the biodiversity of this area is judged to be of high sensitivity to urban expansion within this LCA.'*

We also draw attention to another part of the HBLCASR:

'The Historical LC type is assessed as being of high sensitivity as it is the only example of this form of enclosure to exist not only on Hayling Island but also within Havant Borough. The small area of small regular parliamentary type fields (1.9) on Verner Common and the small rectilinear fields with wavy boundaries (1.16) at the southern end of the LCA are also both assessed as being of high sensitivity. Archaeological Sensitivity is also high where archaeological sites either extant above ground or buried have been confirmed as being in existence by previous observations.'

Therefore UE18/H31 is highly sensitive to urban expansion and should not be built on.

We reside on Sinah Lane and back onto the field. Not only have we, like many other residents along our road and North Shore Road, enjoyed the space and views for decades but have had planning permission to develop and adapt our houses and gardens to this end. Development in the field will considerably adversely affect the quality of life and character/amenity of our locality.

The residents around site UE18/H31 have all moved to this area (some only in the last year or 2) for the views, tranquillity, to enjoy nature and less pollution. Neighbouring properties are very concerned with issues including possible noise and disturbance from extra traffic, overlooking, loss of privacy and possible overdevelopment.

Any new development in the area should be very carefully designed. However, it is evident from current developments that there has been a lack of regard for the following policy:

Policy CS16 High Quality Design in which the new development *'draws inspiration from and respects local context'*.

We are very concerned that large expanses of housing development impact negatively on the character of the Island. Sinah Lane and North Shore Road are lanes of varying and unique housing and this quality in itself is a positive for the character of this part of Hayling. For Hayling Island in general, the HCICA stresses the importance of maintaining the character of Hayling: *'Retaining the winding historic lane character whilst looking at solutions to ease congestion could be a specific issue to influence transport policy on the island.'*

This is an area with, as agreed at a Consultation Meeting in August, individual and detached housing to which established home owners tend to move. The **HCICA 2012** explains the opportunity to: *'Emphasise the importance and contribution some of the original south coast properties with their large leafy gardens have to the overall quality of the built environment especially in the south west of the island'*. It goes on to express that: *'retaining the remaining open space landscape should be an important part of development on the island'*, classifying as a threat: *'inappropriate development within the setting of.... other buildings of architectural merit particularly in the south west of the island'*

The very new bland housing at The Oysters just being built in West Town at e.g. £280,000 - £380,000 is certainly not doing this. It is not 'in character' with the area or, indeed, the right price bracket for first time buyers. In addition many of these people also need to use the roads to get off and on Hayling for work and leisure hence increasing the congestion further still. There is no evidence of high quality design and inspiration in The Oysters or the other development in West Town.

Barratt Homes' Planning Statement states that:

"2.3 The majority of the dwellings in the vicinity of the site are detached and of unique design"

We believe, as evidenced by the adjacent Oysters development, that the Barratt Homes' proposal for UE18/H31 would result in extensive bland housing, totally out of character with the surrounding housing styles that Barratt Homes themselves acknowledge are of *"very wide variation in materials and architectural detailing"* at 2.3 of the Planning Statement.

At 5.97 of their Planning Statement, Barratt Homes' state: *"There will be no significant residual landscape or visual effects. The landscape concept and vision seeks to ensure that the new development sits within the existing mature landscape structure, retaining the site's relationship with the wider landscape. The layout has been designed to ensure that the existing trees and hedges are retained where possible to soften the development periphery."*

Existing views across to the harbour and S Downs beyond will be destroyed for existing residents. The *'existing mature landscape structure'* will be changed from farmland to housing, so how can this be *'retaining the site's relationship with the wider landscape'* as Barratt Homes say here.

In conclusion, the planned building of Barratt Homes' bland and non-unique houses upon this site will not only permanently change the character and amenity of the area for local residents, it further puts at risk Hayling's tourism industry which, as previous assessments have shown, relies upon retaining the current delicate character of the Island.

Conservation

Development of UE18/H31 with a location adjacent to and between protected areas of conservation would have disregard for the rich ecology of the area. Planners need to take this valued amenity of Hayling Island very seriously. Policies **CS11**, **CS12** and **AL8** make this clear.

National Planning Policy Framework 2012

The 'restricted' policy areas include sites protected under the Birds and Habitats Directive, designated sites, including Green Belt, Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONB), as well as locations at risk of flooding or coastal erosion (footnote 9).

Development at UE18/H31 is likely to have a significant effect on sites protected under the Birds or Habitats Directive principally due to its vicinity to the Hayling Billy Track, which is a Statutory Designated Site in HBC.

DM8 Conservation, Protection and Enhancement of Existing Natural Features states that '*Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria...*

1. Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality....

4. Ensures sequences of green spaces are maintained and protects the attractiveness and visual amenity of all green open spaces that contribute to the identity of the borough'

Building in UE18/H31 will have detrimental environmental impact on the Hayling Billy Track and Nature Reserve. It already requires better maintenance as it is heavily used by walkers, dog walkers, cyclists, runners and horse riders. The contrasting change in land use within such close proximity to the trail (farm to housing) will affect the wildlife and the tranquil nature of this most valued asset to Hayling and visitors to it.

DM9 States that development '*has no harmful effects on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINC's and Local Nature Reserves.*' Surely this must be taken into account as these areas will be adversely affected by any more new development nearby. In the previous local plan ALP 2014, UE18/H31 was not considered for development due to impact on wildlife and its location adjacent to already protected sites.

There are protected species such as Brent Geese, Stag Beetles, Slow-worms etc. which use the field in which UE18/H31 is situated so building homes here is in conflict with council policies DM23 and DM24 and possibly illegal. This field provides habitat for a wide ecological system with a large range of flora and fauna.

The NPPF also reflects the Natural Environment White Paper - 'to contribute to sustainable development, planning should help to move from a state of net loss in biodiversity to achieving net gains for nature (Para 9) and recognise the wider benefits of ecosystem services' (Para 109).

Many of the large gardens along with the Hayling Billy Track surrounding the field support the ecosystem and encourage the deer, rodents including shrews and field mice, adders, stag beetles, slow-worms, birds, butterflies, bats and insects. Some less common birds of prey have been spotted by local bird watchers such as osprey, red kite, sparrow hawk along side wheatear, spotted and green woodpeckers which have been seen from and in our garden.

There are informal paths used by residents along the edge of the field and on the western waterfront which need protection from flooding let alone from more use following the proposed residential development. Several metres of field coastline including their trees have been eroded by wave action in recent years.

Relating to council policy DM1 any development of UE18/H31 is very likely to be a threat to the mitigation for previous and current developments at The Oysters invalidating the DMP for this site. Does the Hayling Billy Track and woodland/hedgerows also provide a natural boundary and screen to allow mitigation and won't using UE18/H31 encroach upon this?

Draft Local Plan 2036 Policy E17 e. *"Refuge habitat for Primary Support Areas must be provided upfront with evidence to show it works prior to development taking place. It must also be supported by an agreed costed Habitat Management Plan and fully secured for 80 years by a legal agreement."*

Requiring 'evidence to show it works prior to development' suggests that the agricultural land currently in use must have to be changed prior to development with evidence *"for at least the number of Brent Geese and waders recorded on the site in terms of habitat type and area, timing and availability of habitat and quality of habitat"* – according to E17 d (ii) of the Draft Local Plan 2036.

This means that to allow development, a large area of currently in use, "best and most versatile", agricultural land will have to be converted to the refuge even before building takes place to provide the evidence that the refuge 'works'.

Are the council really prepared to allow this to happen to such good quality farm land just to provide evidence?

In the scenario that the birds do not use the refuge during this 'test period', evidence could not be provided to show the refuge had worked. Furthermore, this work would be at a cost both economically and ecologically to the area and be against the Oysters mitigation strategy and local and national laws for deliberately disturbing the areas which have been so recently proven to provide 'Primary Support' to the protected species of Brent Geese.

The comprehensive mitigation strategy agreed between Barratt Homes and Havant Borough Council for the Oysters development is a key reason why there should be no building on any part of H34C which includes UE18/H31. Barratt Homes have not, as agreed in the mitigation strategy for the Oysters, maintained the fences on the east side of UE18/H31 to deter dog walkers from regularly using the field for daily walks and scaring wildlife. They have only recently attempted to do this, coinciding with their application and some 5 years since the discharge of condition was agreed with the council. The fencing recently erected is a token gesture of a few small sections of mesh fencing stapled, in places, to a tree and is not attached to the original fencing but now encroaching on the trail itself. (See pictures) This has been pulled down by angry dog walkers already. The strategy also states that H34C, in which UE18/H31 is located, should be **continually** used for crop rotation to provide for the foraging and roosting of Brent Geese.

The change of land use is in direct contravention to the agreed mitigation for the Oysters related to the Brent Geese which stated that the whole field should undergo continuous crop rotation, not change the land use to housing and create a grassland refuge, which also is drastically reducing the space and surrounding environment which is necessary for the birds.

Tyler Grange Land off Station Road, Hayling Island Brent Goose Mitigation Strategy:

2.17 Brent geese prefer large open sites where they have clear sight lines (in order to best avoid predation)

The current land of H34C is large open farmland so the Brent Geese have clear sight lines, a major contributing factor as to why the geese visit it so frequently – even if they are actively discouraged by bird scaring bangers. Allowing the building of houses on the field of H34C would cause significant

reduction in these sight lines and as a result a negative impact on the Brent Goose – contrary to the requirements of council policy when dealing with Primary Support sites.

The Draft Local Plan 2036 5.226 *“Where a negative impact upon a Brent Goose and/or Solent Wader site cannot be avoided or mitigated, or appropriate replacement habitat is not or cannot be provided, the proposal will be refused.”*

This policy also states an *“appropriate **replacement** habitat”* would have to be provided – the refuge proposed by Barratt Homes cannot be seen as a **replacement** for the loss of the agricultural land to the south of the refuge due to the fact that this area plays a key role in providing the “clear sight lines” and will instead be replaced by houses. The refuge will not be replacing the “clear sight lines”, it will only be replacing land the geese **already** use in the area that the refuge would be situated; this therefore equates to a negative impact on the sites attractiveness to the geese.

Not only does the land south of the refuge provide “clear sight lines”, it is itself also used directly for foraging by the geese – this land will not be replaced, only lost, not to mention the 2.5ha of land that was lost from the “Oysters” development that H34C was, due to legal agreement, supposed to mitigate for. Furthermore, a large part of where the Geese have been proven to use this winter will not be replaced by a refuge suitable for the Geese, but by a large *“SuDS pond that will be utilised for drainage”*. This pond will clearly not be suitable for the Brent Geese and therefore equates to another direct loss of foraging land, not to mention the likely increase in human activity around the pond providing more disturbance to the Geese – something else that was supposed to be reduced as part of the mitigation for the “Oysters”. 2.4 *“Disturbance from recreational use as a result of uncontrolled access from the Hayling Billy Trail on to H34C will be reduced, thereby making it more attractive to geese and waders”*

On top of this, as the SuDS pond is to be used for drainage from the water displaced by the loss of surface water holding from the new buildings, this water will be full of pollutants/chemicals and substances from the properties that would make the area in and around the pond unsuitable for the birds to forage safely. This is therefore a further negative impact on the Brent Geese as currently they use the exact area where the SuDS pond will be to forage on agricultural land that is also used for crops, meaning that the land is managed in such a way as to provide crops that are safe for ingestion. To replace this area with a SuDS pond threatens the healthy environment the birds use to forage. Another impact of this contamination will also mean the permanent loss of even more greenfield.

Water treatments oils and pesticides used will flow into the drainage ditches and Langstone Harbour via tidal vents which are not maintained sufficiently and often blocked (see pictures). This would result in polluting the local sensitive ecosystem across the salt marsh and the spread to the harbour itself. The harbour water mixes with the groundwater especially during high spring tides and storm surges in the harbour and in the longer term with sea levels rising. Overall this would therefore create more pollution in the runoff compared with the pre-development situation.

Tyler Grange Land off Station Road, Hayling Island Brent Goose Mitigation Strategy:

2.3 H34C. *“It is identified as a Site of Interest for Nature Conservation (SINC) on account of its value to Brent geese, with 66 recorded using the field.”*

If the site is deemed a SINC after only 66 Brent Geese were recorded then it clearly has even more standing after 500+ that were formally recorded this winter so therefore the change in land use and the upsetting of the natural environment will have an effect on the Solent Spa as well.

Draft Local Plan 2036 5.214 *"Where the development would be likely to lead to a significant effect on the Solent SPAs and sufficient avoidance or mitigation measures of an appropriate type cannot be put in place, planning permission will be refused"*

Draft Local Plan 2036 5.223 *"Development proposed on Primary Support Areas need to include a particularly robust avoidance and mitigation package based on making suitable alternative habitat available to the SPA species in question. This must include either: a) The creation of new feeding and roosting sites (or 'refuges') on adjacent sites; or b) Improvements to the management of adjacent less frequently used sites to provide an equivalent level of resource, which can comprise of: i. Ensuring that a nearby Core Site is maintained permanently in favourable habitat; or ii. Upgrading a nearby Secondary Support Area or Low Use Site so that it can support an increased bird population, similar to a Primary Support Area"*

Barratt Homes' refuge proposal does not meet the criteria here - *"the creation of new sites"* is not met due to the site **already** being used by the geese in great numbers and therefore it is: not new; not adjacent to; not an improvement to adjacent less frequently used sites; will not provide an equivalent level of resource due to reduction in foraging land and removal of clear sight lines; does not upgrade other support Areas.

Therefore we suggest the council invokes their policy 5.226 in the Draft Local Plan which states: *"Where a negative impact upon a Brent Goose and/or Solent Wader site cannot be avoided or mitigated, or appropriate replacement habitat is not or cannot be provided, the proposal will be refused."*

Current Agricultural Land Use

Not only is the land north of Sinah Lane a green field site, it is currently used for agriculture and according to the SHLAA 10th Edition December 2017, is of grade 2, or grade 3a according the Draft Local Plan 2036. Either grade 2 or 3a classifies the land as "best and most versatile" agricultural land according to the government and keeping this grade of agricultural land for farming is a **priority**. As you are aware, the government and the council have many policies aimed at dissuading housing development on this type of site, especially if the site is currently used for farming.

Havant Borough Council Core Strategy 2011

CS11 10 *"Protects the best and most versatile agricultural land that has the greatest potential for local food security."*

In fact, any development at UE18/H31 goes against the Core Strategy 7.20 in which the council will *'balance the need to allocate land for new development with the protection of the best agricultural land'*.

The best agricultural land, including UE18/H31, should therefore be protected by HBC.

With an uncertain future, food security is also of major importance; the replacing of continually farmed agricultural land in UE18/H31 with residential development is counter to this.

'Agriculture shapes the landscape character of the non-urban areas and provides land to produce food. Local food production and security were reasons why the planning system was set up after World War II and the principle of protecting the best and most versatile land remains important, as set out in PPS7. Government is again asking about our food security and is developing policy (Defra Food Security Assessment)'.

A lot of what is deemed 'best agricultural land' in North Hayling is currently used for horse paddocks and grazing. UE18/H31 is only used for crops and therefore should be prioritised by the council for protection.

Barratt Homes say in their Planning Statement:

"5.106 ...due to the Brent Geese and Waders present on the site, the crops are utilised as a food source for these species. Whilst it is accepted that there would be a loss of "very good" agricultural land, the change of use to a Wader and Brent Goose Refuge area is a positive benefit for the environment and enhances biodiversity with the provision of a "core site" for Winter Birds."

The crops are not *only* utilised as a food source for Brent Geese and Waders, even though there is a requirement due to the discharge of condition mitigation for the loss of winter birds grazing land from the adjacent "Oysters" development. The site is farmed year round with only the winter being used to maintain the primary support for the protected winter bird species. Furthermore, Barratt Homes' argument that enhancing biodiversity will somehow compensate for the loss of "best and most versatile" agricultural land is entirely flawed. It is inappropriate to compare agricultural losses with untested biodiversity gains so the use of this very weak argument by the developer illustrates that there is no real answer for the loss of this high quality agricultural land. In fact, losing the entire sites' agricultural contribution and permanent loss of greenfield land mainly for housing, surely cannot be "a positive benefit for the environment" as Barratt Homes state.

The NPPF states under 15. *Conserving and enhancing the natural environment:*

170. *"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

This clearly shows that the best and most versatile agricultural land itself should be recognised as of benefit to the environment adding greater weight against the argument made by Barratt Homes in their Planning Statement at 5.106.

In conclusion, we see no arguments of any merit that support the loss of grade 2/3a "best and most versatile agricultural land", especially as the land is: continuously farmed; of primary support for protected species; brings economic and food security; adds to the "intrinsic character and beauty of the countryside"; is a **key** part of the discharge of condition for the mitigation for loss of grazing land for Brent Geese and Waders due to the adjacent 'Oysters' development.

As stated in recent Government initiative this quality of arable farmland should be protected at all costs for food production post Brexit.

Flooding and Poor Drainage including Sewerage and Waste Water

The maps of flood zones and vulnerable areas do not include the field at UE18/H31. However, it is imperative that the council recognises that UE18/H31 is already prone to severe flooding, in the form of surface water, in the winter due to current drainage rate.

Suitability of new site development at UE18/H31 must be scrutinised applying the following policies:

PUSH Strategic Flood Risk Assessment – 2016 Update Guidance Document: Havant Borough Council

'Hayling Island is the most sensitive area to sea level rise, particularly the southern half of the island. With much of the island low-lying, predicted sea-level rise could result in extreme tidal events inundating more of the island. In addition to this effect of rising sea levels, it is anticipated that climate change will result in an increase in fluvial flood flows...'

'To sustain future development ...particularly on Hayling Island, significant investment in flood defences and flood defence infrastructure will be required.'

*'When undertaking a site specific FRA for a large development site, consultation with Southern Water should always be undertaken to investigate whether **the proposed development will have an adverse impact on the local drainage system.**'*

Policy CS15 Flood and Coastal Erosion Risk

'All development will be required to ensure that there is no net increase in surface water run off....Where Suds are provided arrangements must be put in place for their whole life management and maintenance.'

'They must ensure that development avoids areas at risk from coastal erosion and coastal flooding and that areas required to offset coastal squeeze and prevent habitat fragmentation, to allow species to adapt to climate change, are identified and protected from development.'

'...moderately permeable superficial deposits overlie the majority of this permeable layer, reducing its permeability in terms of surface water runoff generation. This may make the implementation of Sustainable Drainage Systems (SUDS) difficult.'

These policies give weight to the fact that UE18/H31 is not a suitable site based on its extensive surface water flooding. This area is already prone to severe flooding in the winter after the many storms and high tides. This regularly leads to the field draining into our gardens. We have photographic evidence of this (see pictures).

The water table becomes very high and will even rise and fall with the tide. This renders the soakaways in our garden (the recommended drainage option in this area) useless once the field has become flooded. We have personally experienced this when we dug, cleaned up and checked our soakaways in a vain attempt to improve our own garden drainage.).

There would be huge cost to developers and HBC in order to address the drainage not just of this field but also the run-off into the surrounding gardens after more hard and impervious surfaces are added.

Whilst digging a soakaway in our garden at Sinah Lane, which backs on to UE18/H31, we reached water at about 1 metre down. On observing this for over a week we noted that the level went up and down with the tide. The level is at a higher level at high tide and lower at low tide, just below the surface. We are sure Barratt Homes have recorded this.

This will thus be a problem as sea levels rise and as the dynamic water table is connected underground to the harbour and sea.

If, as proposed, water is pumped from UE18/H31 at the surface or below into a reservoir above ground then:

- a) The reservoir will contain salt, oils and other surface chemicals, which will subsequently be discharged into surrounding ditches to be run into the harbour through tidal vents, which are often blocked for long periods. This will inevitably pollute and change and threaten ecology of the saltmarsh.
- b) Pumped water will be replaced, partially or completely, by water flowing in underground from the harbour to a level which will increase in future years placing a greater and greater burden and reliance on the pumping process. This will generate a continuous cycle of flow polluting the land further and have a great negative on local wildlife.

Also, has the council assessed the potential risk to buildings, new and old, if there is continuous flow in, and pumping out, of water with a system like this? We are concerned that such continual underground action over such an area may destabilise/unsettle/undermine the structural integrity of foundations of buildings and roads as it would no doubt cause some sort of movement and even erosion of underground terrain.

This pumping scheme may well be viable in the centre of a landmass remote from the sea. However we are extremely sceptical as to whether this engineering solution is appropriate and effective when involving water tables that are heavily influenced by tidal processes encountered at UE18/H31. The effects will magnify during atmospheric low pressure and storm systems coupled with spring tides. Who will fund maintenance and repair subsequent ecological damage caused by this ill-advised scheme? In their Planning Statement 5.133 Barratt Homes state *"The proposed onsite surface water pumping station is to be offered for adoption as part of an adoptable surface water drainage scheme and thus will become the responsibility of a Local Sewerage Authority."*

Barratt Homes will have moved on after releasing their profit. It will be the taxpayer, local council and residents of Hayling Island who will bear the cost both financially and with loss of quality of life.

Looking further ahead, why are we considering building more homes on land likely to be adversely affected by sea level rise as tidal movement just below the surface will emerge above the surface at some time in the future? In the short to mid-term this tidal action may well compromise the SuDS especially at spring tides combined with low pressure storm systems.

Nation Planning Policy Framework 149 *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."*

The western coastline just north of North Shore Road and adjacent and nearby to UE18/H31 is *'particularly vulnerable to managed coastal retreat'* and has suffered significant erosion in the more frequent winter storms with poor maintenance of flood defences along this part of the coast. This area will require significant and costly work on the coastal defences regardless of any new developments.

The northern part of this proposed development is right on the edge of a Zone 3 flood risk area; however currently the land is used for agriculture so there is local economic incentive for managing this northern area privately. If the proposed development goes ahead, the northern area will require some form of management in terms of flood risk otherwise it would itself become more susceptible to issues that concern Zone 3 areas. It is unclear where such management would come from and who

would pay for this. If left unchecked it would gradually decrease the area that is put aside for the Brent Geese and Wader refuge, impacting ever more negatively on already dubious mitigation proposals for these protected species.

Barratt Homes Planning Statement 5.68 *“Proposed soft landscaping with a diverse mix of grasses and native planting species proposed within the open space and SuDS features to increase habitat types and provide ecological improvements;”*

Ironically, another unintended but foreseeable consequence of creating a SuDS pond will be the creation of the perfect habitat for mosquitoes. As we have a significant mosquito population on Hayling and in this area in particular, a large additional still or stagnant body of water above ground would be disastrous as well as any insecticide treatment runoff to adjacent land and waterways and change to the ecology of the area. This does in fact pose a health risk due to diseases that can easily develop or spread via these insects.

Barratt Homes Planning Statement 5.128 *“...The areas are reflective of localised low points within the site and the risk to the future development can be mitigated through the detailed design of the finished ground levels of the development.”* This sentence from Barratt Homes is virtually asking us to blindly trust that Barratt Homes’ ‘detailed design’ will mitigate any risk. This is surely more evidence that the surface water mitigation proposed needs more scrutinising by the council who’s own Draft Local Plan 2036 identifies at 6.146 that the site is currently “affected by tide locking, coastal change and tight levels”.

Barratt Homes will no doubt try to raise the ground levels across the area to avoid the localised groundwater flooding which is larger than they allude to. This will have major effect on the flooding in adjacent gardens which already suffer from runoff from the field when it floods (see pictures). This needs much more scrutiny from HBC. The flood risk assessments are from generalised average data and take no account of this localised groundwater flooding which is affected by rain, harbour tidal water and runoff from the South Downs. Foundations for any new buildings would have to be laid seasonally.

This proposed development will also add massive pressure to current mains drainage systems during rainfall as the field currently acts to hold a vast quantity of water after heavy downpours. Instead of the field holding this water and draining slowly, (not to mention evaporation) this rainfall will enter the various drainage systems at the same time as water from currently developed areas causing greater surges and peaks that will not doubt stretch current infrastructure to its limit. It is therefore not a sustainable solution and thus goes against many council and government policies.

The Hampshire County Integrated Character Assessment 2012, Hayling Coastal Plain (HCICA 2012) has recognised the threat of *'breaching and dilapidation of sea defences, and flooding of former salterns and coastal grazing marsh and other important coastal habitats.'* It explains that *'sea level rise and policy towards sea defence' is a major issue.'*

This coastal erosion combined with sea level rise will require review of UE18/H31 in 5, 10, 20, 50 years. Is it therefore realistic when the lifetime costing of all proposals needs rigorous scrutiny to insure that future generations are not paying for inappropriate and hastily considered plans to meet a national housing need?

Nation Planning Policy Framework 155 *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).*

Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

Are the current facilities for sewerage adequate for Hayling Island and UE18/H31 especially if new development takes place? The Adopted Local Plan 2014 suggests it is not: ALP: 3.18 *'It is recognised that 'some localised wastewater infrastructure in parts of the Borough has limited capacity and may require mitigation or improvements to best serve some of the allocations.'*

In spite of assurances by Southern Water, there is evidence that pumping stations are already over capacity and often break down as all the sewerage needs to be pumped off the Island across waterways. Any further break down creates yet more health risk to the increasing population. This will occur more frequently with the stormwater runoff through the drainage system and more storms due to climate change. This cannot be a sustainable solution for this area. Southern Water has previously denied responsibility to maintain the proposed systems. Barratt Homes even suggested a private contractor at the expense of the taxpayer. The promises in the new proposal need more scrutiny and thoroughly checking out by the council as Barratt Homes were clearly not being completely honest in their original proposal.

Conclusion

With all the concerns stated above, we feel that the proposal for UE18/H31 site Land at Sinah Lane, Hayling Island cannot possibly be a sustainable development and that the building of houses on this greenfield land cannot be justified by the need for new houses.

There is powerful evidence within the issues surrounding groundwater flooding, biodiversity, protected species, character, amenity, tourism and health/emergency services to prevent any further new residential development on this site. The arguments regarding the transport network infrastructure should be sufficient to prevent further development on Hayling Island alone.

Furthermore, in addition to the lip service paid to binding legal agreements for previous mitigation, the timing of this application by Barratt Homes raises questions about their integrity. It is the holiday season when many residents are taking vacation with families and unavailable to make comment within the timescale set and this appears to be another tactic of the Developer to slip this application in, under the radar, in full knowledge that the results of the work of the Infrastructure Group or the traffic surveys, have not yet been finalised.

We hope Havant Borough Council and the Planning Department will treat this application with the same scrutiny as they have done for Rook Farm APP/17/00007 in 2017.

We trust each point and question we have raised is given very serious and full attention and anticipate a detailed response.

Yours faithfully

[Redacted Signature]



18th March 2018 – Brent Geese in area of proposed SuDS pond and evidence of high water table in field



December 2003 - groundwater flooding in our back garden



January 2010 – groundwater flooding across UE18



September 2012 – Soakaway in back garden showing water level in September



December 2013 - groundwater flooding across UE18



December 2013 - further groundwater flooding across UE18



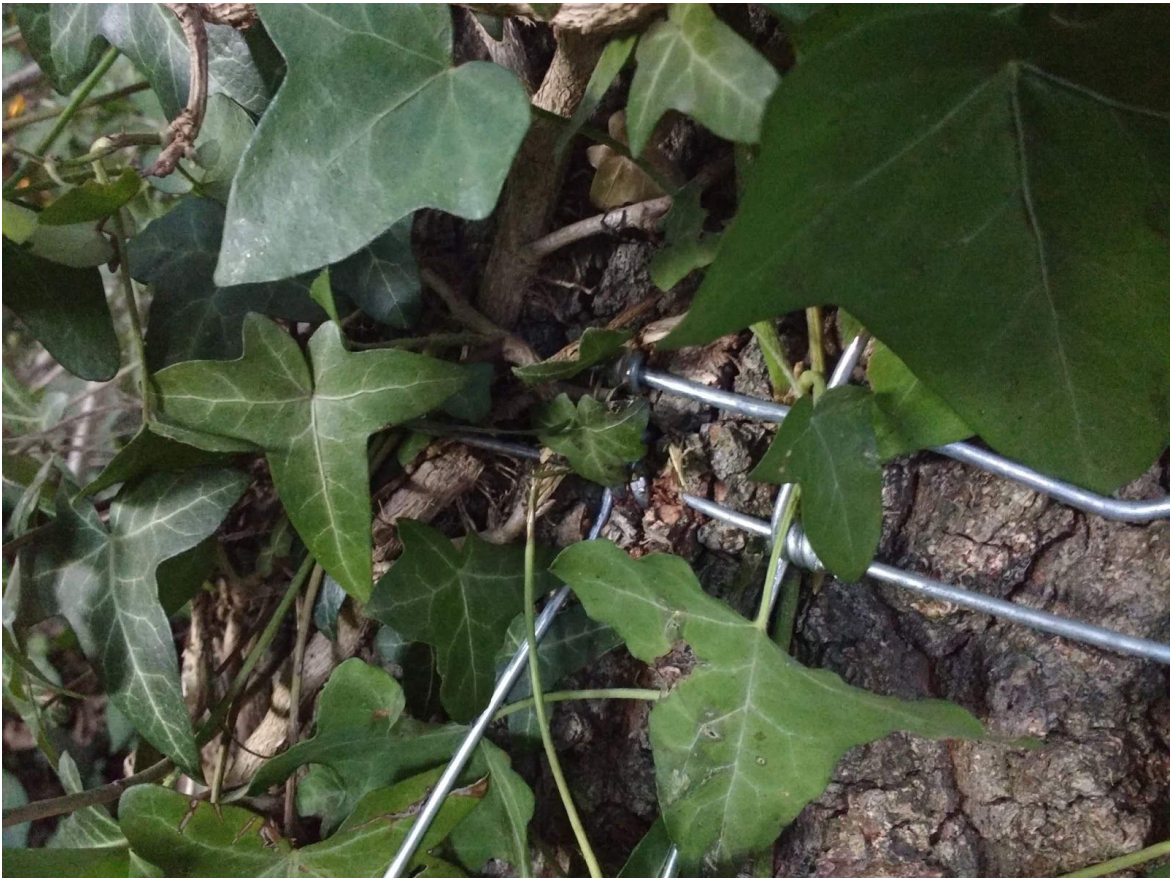
November 2017 - Shingle blocking drainage channel west side of Hayling Island



December 2017 – groundwater flooding this winter



July 2018 - Fencing put up to try and show compliance with Oysters mitigation 5 years after agreement with council



July 2018 - Mesh fencing simply stapled to trees in some areas

To:
Ms Daphne Haywood
Planning Policy Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

From:



Ref: APP/18/00724 Response to the Barratt Homes proposal at Site: Land at Sinah Lane, Hayling Island.

Proposal: Erection of 195 dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.

Dear Ms Haywood

This letter sets out more points we would like to add to our letter of objection to the planning application APP/18/00724 on 28th August 2018.

1) There has been activity clearly related to this planning application which is conflicting with national policy and HBC's own policies and guidelines and will confuse survey data. The existing habitat for protected species has been farmed in a way which could negatively affect its attractiveness to Brent Geese in the future. The field H34C in which H29 is situated has been unusually partially planted this year (see Photo a) and this has affected the use of the whole field by Brent Geese for foraging and therefore affects any surveying results. This means the crop rotation on field H34C has been *interfered* with this winter by strange partial planting which has made the field, unattractive to the Brent Geese this winter, with only a small area planted with a crop earlier on in the season but not kept weed free. (see Photo b) The rest of the field was left to stubble and then weeds. Conveniently, the Brent Geese have been foraging the fields further north where E26 is proposed, which have been planted with their favoured crop.



Photo a: Field H34C looking north showing different crop planting at northern end of field. (18th Nov 2018) The border between the planted and unplanted part matches the planning application with the proposed small refuge at the northern end and the residential housing in the southern end.



Photo b: Close up of border between planted area and unplanted area to the southern part of the field H34C, showing the lines of the planting (18th Nov 2018)

The HRA 5.224 states, 'It should be noted that how sites are used by SWBG, is not constant. The SWBG Strategy will continue to be updated to reflect new survey data. Therefore, reference should be made to the most up-to-date SWBG Strategy for the classification of sites.'

However this year's 2018-2019 surveys will be skewed due to partial planting on the proposed site H29. The proposed fields for the mitigation refuge at E26 have been planted with crops that attract the geese this winter (2018 -19) and have tempted them away from their regular and usual foraging grounds.

In addition before the geese migrated away again this February/March, the small area of planted field was sprayed and the crop was destroyed (See Photos: c and e) apart from areas where the tractor could not reach due to the poor drainage and groundwater flooding on the field! (See Photo d). This suggests that the purpose of this planting in a small area was very much related to testing out the behaviour of the brent geese when only the smaller area adjacent and north of the proposed housing is planted.



*Photo c showing the sprayed and destroyed crops planted at the North end of the field H34C, turned yellow by the spraying, and leaving the greener weeds and stubble in the southern end
(11th March 2019)*



*Photo d Northern end of field H34C showing destroyed crop due to spraying and healthy crop that was planted in November 2018 was left where tractor possibly could spray at that time due to groundwater flooding. The large flooded tracks in the field show this.
(24th March 2019)*



*Photo e close up of the sprayed damaged crop with weeds growing through.
(24th March 2019)*

Therefore, the survey results are being manipulated in favour of development and certainly not the result of fair testing. As the existing habitat has been tampered with, possibly negatively affecting its attractiveness to Brent Geese in the future, surely this action is in conflict and not compliant with the NPPF and therefore legally questionable?

2) Erosion and coastal squeeze is a major concern for the proposed refuge at the north of land north of Sinah Lane and North Shore Road and at E26, on which the planning proposal partly depends. (see Photo f)

It is recognised in the Pre-submission local plan 2036 which actually proposes to move the Hayling Billy Trail eastwards to protect it from coastal erosion. (Ref pre-submission Local Plan E26 e p284)



*Photo f: Active coastal erosion along the coastal footpath at northern end of H34C facing south on the west shoreline
(24th March 2019)*

Within the Infrastructure Delivery Plan it is stated: *"the most significant issue is that due to coastal erosion a section of the trail will fall into the sea in the short-medium term. As this section lies along the part of the coastline where the North Solent Shoreline Management Plan policy is one of 'no active intervention' the only solution would be to divert that section of the trail inland"*

(Infrastructure Delivery Plan, Page 121)

Furthermore, the border of both this proposed refuge E26 and the small refuge within the planning proposal for H29 is within the highest risk Flood zone (Z3) for Hayling Island. The flood risk map demonstrates parts of this area will be flooded due to sea level rise but within a 'no active intervention' area. (North Solent Shoreline Management Plan)

Policy Unit 5AH107 North Shore Road, New Town to West Lane (Stoke) of the North Solent Shoreline Management Plan (p295) states:

"Due to the environmental designations within Langstone Harbour, continued maintenance of defence structures will result however, in the continued loss of European and national nature conservation designated habitats such as inter-tidal foreshore habitats, through coastal squeeze.'... 'These losses will need to be mitigated within the same designated area or compensated for elsewhere and delivered through the Regional Habitat Creation Programme. Opportunities for habitat mitigation and compensation have been detailed within the Appropriate Assessment of the final policies. Adaptation options are being considered by Hampshire County Council for future management of Hayling Billy amenity footpath which may need to be rerouted or adapted in response to changes in shoreline position and sea level rises. The footpath is not considered as a defensive structure unless improvements to the seaward face will allow this to function as a secondary defence and create opportunities for natural processes to continue. In terms of mitigation for habitat losses, there are potential sites in the vicinity of Newtown that are topographically suitable for creation of inter-tidal habitats, although these sites would require further detailed economic and environmental studies to determine feasibility and could only proceed subject to landowners consent following further consultations."

At the Eastern Solent and Coastal Partnership (ESCP) explained at meeting 27/02/2019 that even with proposed coastal management scheme, priority funding would not be allocated to a non-residential area that is privately owned.

The ESCP explained the coast of Hayling Island including the west side where the northern part of the land north of Sinah Land is located for both the proposed adjacent refuge and the larger E26 mitigation, already urgently needs protection from predicted sea level rise, storm clusters and storm events all related to climate change. *'Hayling Island is most vulnerable to climate change'* (PUSH SFRA 2016), but there are currently no plans or strategies in place.

The above facts demonstrate that not only will erosion reduce the number of hectares available, but also predicted sea level rise in the next 50 -100 years will flood this area creating a loss of habitat for SWBG in perpetuity.

To select this land for proposed refuge makes no sense, as the loss of this land already needs mitigation so therefore cannot provide mitigation for loss of Brent Geese and Waders habitat due to residential development. Therefore, the proposal for these refuge area are

conflicting with E17 (a) and (d) p166 and means that there cannot be sustainable mitigation for the loss of Brent Goose and Wader habitat for H29.

Why propose new refuges when there is the existing (active for many years) habitat already in the field at H34C (already part of the mitigation for The Oysters development), proven to support hundreds of SWBG and designated as Primary Support the species?

3) Minimising the potential for disturbance has not been addressed properly up to this point in existing areas of mitigation e.g. legally binding commitments have NOT been adhered to on H34C in which H29 is located already.

Habitat Regulations Assessment Jan 2019, p19, 3.24 states: *'Site integrity is defined as 'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'* (JNCC, 2002). It therefore follows that for site integrity to be unaffected, there should be no impacts to a site's qualifying features resulting in harm to the ecological structure and functioning of the site, its supporting processes and/or adversely affecting the site's ability to meet conservation objectives.

Therefore there are major concerns that there will not be robust boundaries and screening for the smaller proposed refuge at H29.

4) There is no record of a SFRA or an Exception Test for the site of the small refuge proposal let alone the site at E26. The local authority has not produced a thorough risk assessment for flooding in accordance with NPPF for the north end of the field which borders the Langstone Harbour.

In addition HBC admits in the latest Strategic Flood Risk Assessment (Local Plan Sites) November 2018 had to be developed in partnership with the Environment Agency to satisfy concerns that the Council had taken a sequential approach to site selection, and as such risked the plan being found unsound. Soundness is clearly questionable: HBC state that SFRA 2018 does not provide sufficiently detailed information to satisfy all of the requirements of a site specific FRA as outlined in the National Planning Policy Framework.

"During the Regulation 18 Consultation on the draft Local Plan, the Environment Agency (EA) raised concern that the supporting information did not adequately demonstrate that the Council had taken a sequential approach to site selection, and as such risked the plan being found unsound. This document has been developed in partnership with the Environment Agency to satisfy these concerns."(SFRA 1.12 Nov 2018)

Furthermore *'When undertaking a site specific FRA for a large development site, consultation with Southern Water should always be undertaken to investigate whether the proposed development will have an adverse impact on the local drainage system.'*
(see Photo g)



Photo g severe groundwater flooding this winter affecting H34C and adjacent back gardens (20th Dec 2018)

Barratt Homes propose using onsite surface water pumping station that will become the responsibility of a Local Sewerage Authority.

HBC should not risk further issues with this proposal when Southern Water are currently under investigation by the Environment Agency due to pump break-down on Hayling during 2018 and raw sewage flooding gardens and discharging into the Harbour, SPA and RAMSAR. National Planning Policy Framework (Feb 2019) 149 states: *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."*

5) This proposed development is within the distance of 5.6km recommended as **not** suitable for development distance by Habitat Regulations Assessment 6.13 and Solent Recreation Mitigation Strategy. The points raised in the Habitats Regulations Assessment Jan 2019 (HRA) are enough to demonstrate that H29 is an inappropriate site for development:

HRA 6.13 *'For the purposes of this HRA it is concluded that any net increase in residential development within 5.6km of the two SPAs as a result of the Local Plan would lead to a likely significant effect from recreational disturbance, in combination with other development taking place within the wider Solent area.'*

'The background evidence, on which the 5.6km zone is based, is presented within the Solent Recreation Mitigation Strategy. '

This site is within 5.6km of the SPA and RAMSAR sites and so significant disturbance will occur.

HRA 6.9 *'Each of the policies and proposals listed above would, if implemented, result in the loss of SPA supporting habitat, either through direct habitat loss or functional habitat loss. Impacts to supporting habitat will result in the displacement of qualifying species and therefore would be highly likely to undermine the conservation objectives of the SPAs.'*

Habitats Regulations Assessment January 2019 also shows in Table 9 that the following local important sites will be affected:

- Chichester & Langstone Harbours SPA
- Chichester & Langstone Harbours Ramsar
- Portsmouth Harbour SPA
- Portsmouth Harbour Ramsar
- Solent & Dorset Coasts pSPA
- Solent Maritime SAC

The small area of 5.7ha N of H29 will be negatively affected by construction noise, increased human presence. The increase in human presence in previously-undisturbed areas could result in displacement of SWBG. The effects will be felt at considerable distance from the development site.

Habitats Regulations Assessment Jan 2019, 4.10:

'Functional loss can occur without direct physical impacts (e.g. through the effects of the proximity of adjacent built development rendering a site unattractive to bird species) This impact pathway is most relevant to habitats supporting SPA/Ramsar bird species which utilise this habitat for roosting, resting or feeding. The impact will result in total or partial loss of habitat and/or the permanent displacement of birds.'

Therefore the location, disturbance, resulting habitat loss and irreversible damage to the SPA/RAMSAR demonstrate that H29 should not be given planning permission or indeed in the Local Plan.

6) If sea levels rise as predicted, groundwater flooding in areas already affected by tide locking will become impossible to mitigate against if SUDs are the chosen method of mitigation. This raising of groundwater level, which is currently just below the surface across the site, as sea levels rise, will be exacerbated during low pressure systems, spring tides and storm clusters that are becoming increasingly prevalent, as a result of climate change.

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." (Nation Planning Policy Framework 155).

Therefore SuDs are an inappropriate method of flood mitigation in this case and also the use of SuDs in this area is unsustainable and as Southern Water are unlikely to allow extra demand on their waste water infrastructure, then the development of this site is in itself is unsustainable. It must be reiterated that pollution of local land and sensitive eco system will occur due to tide locking interacting with SuDS. Have Barratts acknowledged water levels in the field are close to the surface and affected by tide?

7) The development proposal at H29 on green-field, good-grade agricultural recently farmed land, and on a primary support site for Brent Geese, requires the mitigating proposal for a

refuge that is only delivered bit by bit, and will be not finished, tried nor tested and only phased in gradually.

This mitigation relies on purchasing third party land, funded by multiple, different development proposals. Therefore, the mitigation measures are not feasible.

8) The proposal to use the Northern end of the field H34C as a refuge is in direct contravention to the legally binding Tyler Grange Land off Station Road, Hayling Island Brent Goose Mitigation Strategy (11 September 2013). The mitigation strategy is still current. HBC Planning Officers admitted that there had been '*oversight*' in following up this legally binding mitigation and despite claiming that '*lesson's had been learnt*', follow up still appears to be lacking.

It should be stressed again:

a) The whole field H34C should undergo crop rotation with cereal in alternate years, reduce recreational disturbance, maintain fences and borders and the overall boundary of H34C in order to ensure the attractive to the Brent Geese of H34C, to compensate for the loss of SWBG habitat from the adjacent Oysters residential development.

b) The whole field H34C needs to remain as one in order to provide the open site lines for the birds.

Not only does the land south of the 'proposed' refuge provide '*clear sight lines*', it is itself also used directly for foraging by the geese – this land will not be replaced, but lost, not to mention the 2.5ha of land that was lost from the 'Oysters' development that H34C was, due to legal agreement, supposed to mitigate for.

c) The fences and borders need to be maintained properly in perpetuity to prevent further disturbance to the birds. This legal requirement has not been fulfilled. Only this winter, when this was highlighted again due to objections to the planning application of Barratt Homes, has there been a poor quality attempt to maintain fencing (see Photo i)



Photo i: Broken down fencing, recently installed by Barratt Homes after it was shown that they had not carried out agreed mitigation for the The Oysters Development. It is clearly not robust enough to keep dog walkers from walking into field at north end of H34C looking west over destroyed crops. (24th March 2019)

9) In the Pre-submission local plan, E6 states the importance of best and most versatile agricultural land adding that the council could not meet its housing targets through brown field alone thus questionably trying to justify that houses may be built on this type of land. However policies E26 and H29 show that the council intends changing the land use of current best and most versatile, green field agricultural land to refuges to make housing viable. Therefore, not only is there a loss of this best most versatile land on Hayling directly to development, there is even further loss of this important land for purposes other than directly building houses.

Policy E26 is proposing a refuge, not a development, on existing best and most versatile land (grade 3a or better agricultural land).

Policy H29 proposes both development and changing an existing Primary Support Site (for Brent Geese) to include a refuge on best and most versatile land (grade 3a or better agricultural land).

Having stated how important such land is, it then seems questionable that the council would try to justify losing so much best and most versatile land as a consequence of residential development.

In conclusion, given all the other constraints for this site, it is inappropriate and unsound to allow this planning application.

These constraints include:

- disturbance and inability to mitigate against disturbance with the Hayling Billy trail running adjacent to the SWBG site and the lack of follow up on previous mitigation strategy (Tyler Grange Mitigation, Land off Station Road Hayling Island, 2013)
- proposed alternative refuge that is unsustainable in perpetuity northern part of H29 and at E26

- green field sites that already exist on best and most versatile land (grade 3a or better agricultural land) for both H29 and E26
- complex drainage with increasing ground water flooding and tide locking on H29 will be subject to significant sea level rise over the next 50 to 100 years
- climate change vulnerability to sea level rise, flooding and existing erosion at H29 at the north end of the field H34C and E26
- proximity to SPA, RAMSAR, SSSI
- designated SINCR and existing primary support site (H29)
- existing mitigation currently affecting the site H29
- damage to existing habitat for Brent Geese and Waders H29

When taken together all these constraints and more, are enough to outweigh any justification for development on H29 or indeed to use E26 as an alternative refuge and show that this planning application is in conflict with the NPPF.

Building Barratt Homes' low grade houses on a low lying cul-de-sac island, such as Hayling, let alone building upon such high grade agricultural land, does not reflect sustainable practice and therefore goes against the NPPF.

The application can only be for the purposes of short-term profit and should be refused; it is unethical and unsustainable in perpetuity.

Yours sincerely

[Redacted Signature]