

Consultee Comments for Planning Application APP/18/00943

Application Summary

Application Number: APP/18/00943

Address: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposal: A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.

Case Officer: Steve Weaver

Consultee Details

Name: Mr Tristan Norton

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Email: tristan.norton@hants.gov.uk

On Behalf Of: County Ecologist

Comments

Dear Steve,

APP/18/00943 | A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use. | Tournerbury Woods, Tournerbury Lane, Hayling Island 20.1400

Thank you for consulting me again on this retrospective application. As you know, I have been in communication with the applicants ecologist as well as Natural England in respect to the updated ecological information submitted. I acknowledge that the applicants ecologist has been in discussion with NE through their Discretionary Advice Service and that proposed mitigation measures have been agreed through that process.

The application is accompanied by a Shadow Habitats Regulations Assessment (Holbury Consultancy Service, November 2020), an Ecological Impact Assessment (HES, December 2020) and a Bat Survey report (HES, December 2020). The Shadow HRA includes a Visitor Management Strategy, designed primarily to address identified impacts in relation to recreational disturbance.

HRA

The Shadow HRA sets out, in a logical order, the potential impacts on the identified international sites (Chichester & Langstone Harbours SPA and Ramsar, Solent Maritime SAC) and their qualifying features and conservation objectives. Potential impacts identified comprise noise and light disturbance, increased recreational disturbance and waterborne pollution. These potential impacts are discussed in further detail within the second stage of the HRA.

There is existing available data for wintering bird species within Chichester Harbour dating from winter 2017/18. These data show that a range of bird species, including SPA qualifying species, are present within the My Lords Pond area lying south of the application site. I am willing to agree that some bird species (e.g. brent geese) will indeed be accustomed to existing background levels of noise and visual disturbance, however some species (e.g. curlew) do not appear to tolerate disturbance at all. It is important to highlight that the proposal comprises a novel source of potential noise and visual disturbance and that birds estimated behavioural responses should be viewed in that context. It is almost impossible to predict what birds responses would be and, in accordance with HRA, a precautionary approach must be taken.

Overall, I accept that evidence suggests that noise levels will not exceed c.68dB at the foreshore and that noise impacts are unlikely to be an issue. In terms of noise and visual disturbance from guests, the proposed rope barrier and signage along the Harbour Lawn boundary will hopefully ensure that guests do not access the most sensitive areas within the wintering period, as will the restriction on jetty access. I accept that outdoor areas are less attractive in the winter months and that the foreshore itself is not an attractive area to access for wedding guests. The house rules on dogs and fireworks are welcome and it is hoped that these rules will continue to be enforced by the site managers as it is not possible to enforce these through planning. I note that in recent correspondence, Natural England have requested clarification of the periods within which noise disturbance and visitor access restrictions will apply. The recognised overwintering period is 1 October to 31 March and NE had requested that this period is used throughout. The agreed DAS meeting minutes also state that agreement was made on the 1 October 31 March period. The Shadow HRA recommends that mitigation measures commence on 1 November and that the noise restrictions period is 30 November to 31 March. I note that email correspondence to the applicants ecologist from NE (dated 19 November 2020) states provided the competent authority are satisfied that use of the jetty area in October will be infrequent and that dogs are kept on leads at all times there is unlikely to be adverse effect on integrity of the SPA. The stated use of the jetty is a maximum of 3-4 times across the month and of short duration. I am of course unable to confirm if this is indeed the case but, if this is correct, I am willing to agree that this is not likely to result in significant impacts to birds within the SPA/Ramsar. Some localised redistribution of bird species within intertidal areas (if access is away from high-tide periods) can be expected, but this is unlikely to be substantial provided that e.g. dogs are not present off-lead. Again, it is the implementation of the rules that is the key to success here.

Overall, I am content with the submitted information and consider that, with the agreement of Natural England, Havant Borough Council can be confident that the proposed works as submitted will not result in impacts to the integrity of the international designated sites. I will add that if further amendments are required that would result in additional potential impacts (from recreational disturbance in particular e.g. through increased use of the jetty and lawn, or additional events within the winter period), then I would recommend that bespoke surveys of wintering birds are carried out. This would allow a more robust assessment of potential impacts and tailored mitigation measures.

Other ecology issues

The submitted bat survey report demonstrates that Woods Cottage supports a suspected non-breeding roost of common and soprano pipistrelle bats, with a peak of at least ten bats observed. It is understood that no works to Woods Cottage are proposed that would result in impacts to the identified bat roost. On that basis, no mitigation measures are necessary. If at any future time works to the roof materials, roof void or timber cladding of Woods Cottage are required, then updating bat surveys and a fully-detailed mitigation strategy will be required. Bat surveys identified that foraging/commuting bats are present across the site. Impacts to flying bats would occur from inappropriate lighting and some sensible recommendations for the use of artificial lighting are provided.

Mitigation measures to avoid and minimise impacts to the established heronry entail signage (to prevent vehicles stopping within the woodland) and restrictions on visitor pedestrian access to avoid the nesting season between January and June each year. These measures are acceptable and have been agreed in advance with NE.

I am content that sufficient detail has been provided on the general ecology of the site and that ecological impacts are understood and are not likely to be significant. Some sensible enhancement measures have been provided e.g. bird nest boxes.

If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

Development shall proceed in accordance with the Shadow Habitats Regulations Assessment (Holbury Consultancy Service, November 2020), Ecological Impact Assessment (HES, December 2020) and Bat Survey report (HES, December 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation and enhancement measures shall be implemented as per ecologists instructions. All ecological enhancement measures shall be retained in a location and condition suited to their intended function Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

If you have any queries please dont hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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