



Our Ref: A108712

Date: 05th October 2018

Application APP/18/00450 – Response to consultee comments – Natural England and HCC Ecology

This letter is in response to comments made by Rachel Jones, Lead Advisor Solent, Natural England and Tristan Norton, Senior Ecologist, Hampshire County Council. It sets out responses to these comments including confirmation of how they have been addressed where relevant.

Natural England

Solent Recreation Mitigation Contributions

Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against the adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure for the 320 residential dwellings.

It has been confirmed that the developer will commit to this payment as standard, and it is typically secured through a Section 106 obligation.

It is noted that a 66-bed care home is proposed as part of the planning application. It is generally considered that a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation. However, mitigation may be required for any staff living on-site. Clarification is sought with regard to the specifications of the proposed care home to determine if mitigation is needed. As suggested in the comment above, these details can be addressed through a planning condition.

As per the Planning Statement (3.3) the proposed care home is for high-dependency residents. For example, it is confirmed in the statement that no resident parking is provided as residents will not have access to vehicles. It also confirms that staff will work on a rotation of three shifts with no staff living on site. Therefore it is considered that no mitigation in respect of recreational disturbance should be required in relation to the care home.





SPA Supporting Habitat

For the Wintering Bird Mitigation Area, further details of the value of the commuted sum and maintenance fund are required, as evidenced by an agreed, costed, 80 year management and monitoring plan.

This is provided in an update to the Wintering Bird Mitigation Strategy.

It is noted that the management of the proposed Wintering Bird Mitigation Area will be through a management company. It is Natural England's strong preference for the site to be managed specifically for the geese and / or waders, ideally as a nature reserve owned or leased by LPA or NGO partner (or similar stable management body such as the Land Trust) in perpetuity.

The applicants are currently in discussion with the RSPB regarding them taking on the long term management of the mitigation site along with a suitable commuted sum.

If a management company is used, Natural England strongly recommends that a NGO partner (such as the Hampshire and Isle of Wight Wildlife Trust or RSPB) or an accredited ecological consultancy is involved with the first ten years of the management of the site.

The Wintering Bird Mitigation Strategy includes provision for post development monitoring. This has been updated to cover the first ten years post-development.

Further details on the timing of the Wintering Bird Mitigation Area is required. The mitigation area will need to be operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site. This will need to be secured with any planning permission.

The updated Wintering Bird Strategy includes an indicative timetable for the implementation of the mitigation area. It is proposed that the main portion of the mitigation area is completed prior to the first winter in which works will take place within winter bird habitat.

During construction, mitigation measures to ensure there are no adverse impacts on the Wintering Bird Mitigation Area will need to be identified and secured with any planning permission. The development may need to be phased to avoid the construction of the most sensitive housing areas during the over-wintering period. The use of acoustic and visual screens may also be necessary.

Construction-phase mitigation, including the use of acoustic and visual barriers is detailed within the Wintering Bird Strategy.

It is noted that there is a footpath around the outside of this area. Whilst we appreciate the benefits of having the option of a longer walk for residents, we would advise that further consideration is given to the potential for unmanaged access and disturbance from dogs over the long term. It may be possible to route a footpath through the woodland to the west of the Wintering Bird Mitigation Area to the open space to the south avoiding the need for a circulatory walk. Alternatively, we advise that further consideration is given to additional measures to prevent disturbance and unmanaged access. For example by including additional



screening such as a wide buffer of scrub with thorny species immediately adjacent to the outer edge of the fence. Occasional bird hides and/or viewing platforms with interpretation would be beneficial.

The landscape proposals have been updated to include dense hedgerow planting as an additional buffer adjacent to the proposed footpath to further reduce the potential for disturbance.

We support the proposal for wader scrapes on site and note that these are proposed for the public access open areas to the south of the development area. Natural England strongly recommends that the Wintering Bird Mitigation Area is extended to the south to incorporate these scrapes within a larger nature reserve area. The eastern section of the site could then be managed appropriately for nature conservation without the potentially conflicting pressures of recreational disturbance.

The Winter Bird Mitigation Area has been extended south as recommended. This is reflected in the updated landscape plans.

We advise that the remaining green space within the wider site includes adequate space for ball games, perhaps in the area of the children's play park and picnic tables as well as a suitable area for dog walking with open space for dogs to run off-lead. We encourage the inclusion of dog splashes, dog agility equipment and a dog loo pen.

The open space includes an area for more formal recreation to the centre (Area 4 on the Landscape Principles Plan, DAS p.36). The remainder of the open space is designed to be informal and dominated by semi-natural habitats such as scrub, wetland and long grassland. It is not designed as a formal dog walking area (and a SANG is not required) and associated formal structures such as dog agility equipment are not considered appropriate.

Water Quality

The waste water from the new development will introduce an additional source of nutrient loading (Total Nitrogen) to the Chichester and Langstone Harbours SPA, Ramsar catchment. There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites.

In light of this uncertainty, Natural England advises that a nutrient budget is calculated for this development.

A nutrient budget has been calculated using draft guidance provided by Rachel Jones and is reported in the Habitats Regulations Assessment. This shows a decrease in total nitrogen post development of approximately 81.15kg per year. As such there will be a significant beneficial effect upon Chichester and Langstone Harbours SPA in respect of water quality.

Air Quality

We note that an air quality assessment has been undertaken. The air quality assessment needs to fully consider the in-combination effects in line with the Wealden Judgement 2017 (CO/3943/2016 Wealden District Council v Secretary of State for Communities and Local Government). Clarification is sought as to whether there is a 1000AADT increase on any road link adjacent to any international designated sites and whether modelling has determined a 1% increase in the critical load. If these thresholds are exceeded, further assessments will be required.

The modelling within the Air Quality Assessment submitted concludes that increases in deposition will be below 1% for all internationally designated sites.

HCC

Wintering Birds

I am a little confused with respect to the information submitted. The submitted report does not seem to include any data from the latest Solent Waders & Brent Goose Strategy (SWBGS) but relies solely on the WYG surveys from 2015/16 and surveys undertaken by Havant Borough Council in the period 2012-15. SWBGS data was requested but not provided at the time of submission. This is included within the updated Wintering Bird Strategy.

I agree with NE that a fully costed and timetabled management plan is needed so that the LPA can have certainty that the necessary resources are in place to secure in perpetuity management and that it can and will be delivered: this should not be left to condition but secured now.

See above – costings have been provided in the updated Wintering Bird Strategy.

I concur with NE that the optimum solution for management would be to allow a suitably-experienced NGO or specialist ecological contractor to manage the site.

See above – the RSPB are the preferred partner to manage the site. In the event a management company is required, this will be accompanied by 10 years of post-development monitoring.

I would suggest that at least the eastern third of the 'nature area' is incorporated into the refuge to create a single space for biodiversity (i.e. the entirety of H04C). This will need to be securely fenced and incorporated into the long-term management strategy for the site.

See above – this recommendation has been adopted and is reflected in the updated landscape plans.

I also agree that some form of vegetation screening, or at least an offset, around the perimeter fence would be preferable.

See above – this recommendation has been adopted and is reflected in the updated landscape plans.

**Other SPA, SAC, Ramsar and SSSI issues**

Natural England have requested further details on issues such as air quality and water quality which may result in impacts to the various designated sites nearby. I would strongly recommend that the applicant addresses these concerns.

These issues as raised by Natural England are addressed individually above and in detail within the Habitats Regulations Assessment