

## PLANNING APPLICATION RESPONSE OF PLANNING POLICY

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|--------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b>   | APP/19/00374                                                                                                         |
| <b>Site Address:</b>     | Forty Acres, Havant Road, Havant, PO9 3LW                                                                            |
| <b>Development:</b>      | To create a Habitat Mitigation Zone for Brent Geese and Solent Waders (linked to planning application APP/18/00450). |
| <b>Case Officer:</b>     | Lewis Oliver                                                                                                         |
| <b>Comments by:</b>      | Simon Kennedy                                                                                                        |
| <b>Date of Comments:</b> | 31 <sup>st</sup> May 2019                                                                                            |

### Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough. The [Pre-submission Havant Borough Local Plan 2036](#) was approved by the Council on 30 January 2019 and must be afforded limited weight.

The mitigation area proposed to create a habitat for Brent geese and Solent Waders is associated with a wider residential proposal currently being considered by the Council under application reference APP/18/00450. However, as the application before me is only for creation of a mitigation zone for Brent geese and Solent Waders, the mitigation requirements relating to the residential proposal are not considered in this response.

### Principle of development

**The site is identified as a Secondary and Low Use site for Solent Waders and Brent Geese. However there is no obligation on the landowner to provide suitable habitat for the species. As such, the establishment of a permanent refuge is supported in principle. However there is no information on how the refuge would be maintained moving forwards.**

### Ecology and compliance with the Habitats Regulations

It is noted that the proposal includes the use of imported soil to the site with no information provided with regard to the nitrogen load of the imported soil against the nitrogen load of the existing soil. Any potential fertilisation required to maintain the plot should also be assessed with regard to the implications for additional nitrogen entering the water environment and increasing nitrification of protected sites. Any increase in the nitrogen load of the proposed site must be considered as part of a Habitats Regulation Assessment and an Appropriate Assessment if required.

From the documents before me I can see no evidence of any screening proposed to prevent recreational disturbance to any foraging Brent Geese or Solent Waders. There is also no information provided with regard to how the habitat will be maintained.

The timetable provided in the ecological report from WYG indicates that the works would take place between Mid-May and end with cutting in Late September. Given that it is now early June and the application has not been determined, it would be reasonable to conclude that this timeframe has slipped by at least a month which would threaten the ability to implement the project fully before the over-wintering season.

## **Conclusion**

The principle of creating a Habitat Mitigation Zone for Brent Geese and Solent Waders in this area is supported. Further information should be provided to confirm that there is no potential to increase the nitrogen load of the site through the importation of soils or fertilisation activities. Further information should be provided with regard to protection from recreational disturbance and the ongoing maintenance of the habitat. Under the Habitat Regulations applicants must provide all information required to enable the determining authority to prepare a Habitat Regulations Assessment (HRA). It is considered that sufficient information is currently not available to prepare an HRA that would meet the requirements of the regulations.

Regard should also be given to whether the currently proposed mitigation area will meet the policy requirements for mitigation required by the potential development being considered under application reference APP/18/00450. Should the current application be permitted but does not satisfy the mitigation requirements relating to application APP/18/00450 then further mitigation will be required.