

Houghton, Michelle

From: Norton, Tristan <Tristan.Norton@hants.gov.uk>
Sent: 30 August 2018 10:45
To: Haywood, Daphney
Cc: Havant Planning and Development Mailbox New
Subject: APP/18/00724 Land at Sinah Lane, Hayling Island 18.1604

Dear Daphney,

APP/18/00724 | 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 | Land at Sinah Lane, Hayling Island 18.1604

Thank you for consulting me on this application advice. Please accept my apologies for the delay in responding to you.

The application includes a Winter Bird Mitigation Strategy, an Ecological Mitigation and Management Plan, an Information to Inform a Habitats Regulations Assessment report, a Biodiversity Net Gain Assessment, a Reptile Presence/Likely Absence Survey and a Bat Survey Report (all WYG, June 2018). No initial ecological assessment has been provided, although one has apparently been produced.

SPA issues

They key ecological issue at this site is the loss of supporting habitat for bird species associated with the adjacent Chichester & Langstone Harbours SPA/Ramsar. The proposed development is featured in the Solent Waders & Brent Goose Strategy (SWBGS) as Site H34C, a Primary Support site the HRA report incorrectly describes H34C as a Secondary Support site). H34C has regularly supported high numbers of brent geese and some waders, as demonstrated by the SWBGS data as well as the applicant's own field surveys and those related to a nearby development site. The site's location adjacent to the harbour, as well as the regular presence of winter wheat crop, makes this a highly attractive site for brent geese in particular. It is stated within the EMMP that the proposed development site has not been used by SPA bird species: in fact surveys have recorded 100 brent geese within the application site. It is important to provide accurate information.

Following intensive field surveys and a review of existing data between 2016 and 2018, the SWBGS has undergone revision in order to make it more robust and to remove sources of uncertainty in the data. A new system of site classification has been developed, taking into account not only the number of birds each site supports but also the site's value in terms of the overall network of supporting habitat within the wider Solent ecosystem. A new system of mitigation has also been developed, providing for the first time a framework for the expected level of mitigation required where impacts to supporting habitat will occur. One of the key principles of this new mitigation framework is that the loss of supporting habitat may be acceptable where sufficient compensatory habitat can be secured through the planning process. The compensatory habitat should be sufficient to enable no net loss of function to the overall supporting habitat resource. At its simplest, the provision of permanent supporting habitat, with a long-term costed management plan, is seen as viable approach which can offset the loss of some supporting habitat which, in reality, may only be available intermittently.

In this case, the use of the northern half of H34C as a permanent bird refuge is proposed, allowing the development of the southern half. In principle this is acceptable and is consistent with the SWBGS mitigation framework. Key factors that will make this proposal acceptable are its

permanence, boundary security (especially blocking informal access from North Shore Lane and the Hayling Billy Trail), grassland establishment and ongoing management and the presence of freshwater scrapes/pools. The establishment of a suitably-improved grass sward may entail the use of fertilizer: research on brent goose nutritional requirements and grazing behaviour has suggested that fertilised swards of between 5 and 7cm are favoured.

In terms of costs, I consider that those proposed are substantially underestimating the required funds. The proposed costs do not include initial establishment, reverting arable to permanent grassland. Costs need to be agreed with the prospective land manager.

As ever, it is the deliverability of the mitigation that is key to making it wholly acceptable and for concluding that there will be no likely significant effect on the conservation objectives of the SPA/Ramsar. In this case, it is stated that the applicant and the RSPB have been in discussion and that the RSPB have 'agreed' to accept a commuted sum for the ongoing (80 year) management of the site. The RSPB already have an interest in some land north of Sinah Lane anyway (although details are vague), and therefore it seems sensible for them to take on the ongoing management of the mitigation land. It is unclear whether the land itself will be transferred or simply leased. Clearly the preference would be for land ownership to be transferred so that the site is secured permanently.

In order to be able to conclude no likely significant effect, the LPA needs to see clear evidence that the ongoing management of the mitigation land is secured: there must be absolute certainty that the mitigation is deliverable. This should include evidence that the RSPB has agreed to take on responsibility and that they agree that the proposed commuted sum is acceptable for agreed purposes. The commuted sum should include funds for ongoing monitoring to assess the efficacy of the mitigation area – the proposed sums for land management are a guide only and cover only the ongoing management of the habitat. There must be scope for adapting management as necessary and this must be reflected in the agreed sum: it is entirely the responsibility of the applicant to enable appropriate funds to achieve the in perpetuity management of the mitigation land. Examples include the use of fertiliser, ongoing grass seeding and treatment of weed species. The use of goose decoys should be seriously considered as a means of attracting birds quickly.

At this stage there is insufficient evidence of the deliverability of the proposed mitigation. As such, the LPA must conclude that a likely significant effect is probable and that mitigation is not sufficient to avoid the impact. There needs to be a fully-detailed strategy with no uncertainty over deliverability. The mitigation area needs to be in place and functioning prior to impacts occurring.

Other ecological matters

In terms of other issues, the site is generally unconstrained (although the initial ecological assessment is missing). The bulk of the site comprises arable crops and is of minimal value. Boundary hedgerows and trees are present to the north, south and east. Surveys have identified a small population of slow-worms and between four and six species of foraging/commuting bat: no bat roosts have been identified.

Overall, the site is of limited ecological value and the proposals allow for the retention and protection of the bulk of boundary features. There are opportunities for ecologically-valuable enhancements within the application site, including semi-natural habitats and a range of bat and bird boxes.

If you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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