

Dear Lewis,

Following on from our previous correspondence, please see below the ESCP's updated response to the consultation request for Land at Forty Acre Farm (APP/18/00450), complete with additional environmental advice from the ESCP's Coastal Environmental Engineers.

Site Address: Land at Forty Acre Farm, Havant Road, Bedhampton

Proposed Development: Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings.

Reference: APP/18/00450

Response:

Thank you for your consultation on the above application. I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development in principle, subject to Havant Borough Council's satisfaction that the requirements of both the Sequential and Exception Tests have been met.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by RCP Architecture & Civil Engineering, dated April 2018. The FRA states that the majority of the proposed development site is located within the Environment Agency's Flood Zone 1, including the entirety of the residential portion located to the northwest of the site. However, the Partnership for Urban South Hampshire's Strategic Flood Risk Assessment (PUSH SFRA) shows the southern portion of the residential area to lie between Flood Zones 2 and 3, which may therefore be at risk of experiencing a 1:200 year (0.5% annual probability) to 1:1000 year (0.1% annual probability) extreme tidal flood event. It should also be noted that the entirety of the proposed SuDS area is shown to lie within Flood Zone 3.

Flood risk at the site is expected to increase with the effects of climate change, with approximately half of the residential area and the southern portion of the proposed biodiversity area predicted to lie within Flood Zones 2 and 3 by the year 2085. For information, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3 mAOD, increasing to a predicted 4.4 mAOD by the year 2115 (design tide level).

The FRA acknowledges that due to the partial proximity of the site within Flood Zones 2 and 3 and the proposed residential and care home development being classified as 'more vulnerable', both the Sequential and Exception Tests will be required. However, the FRA does not provide any evidence to show how the requirements of either test have been met.

Ground levels of the site vary from approximately 10.8 mAOD in the north to approximately 2.08 mAOD at the southern boundary. According to the FRA, the ground finished floor levels for all properties will be set at 4.7 mAOD, above the 1:200 year design tide level in Langstone Harbour of 4.4 mAOD in 2115 (including a 300mm freeboard). Therefore, occupants will be provided with safe internal refuge in the event of tidal flooding. Furthermore, the FRA recommends that all occupants of the site sign up to the Environment

Agency's Flood Warning Service, which will help to ensure that adequate warning is received prior to any extreme tidal flood event.

In addition to the above, the ESCP would also advise that further flood resistance and resilience measures be incorporated into the detailed design and construction of the development, where practical to do so. Considering the scale of the proposed development, it is also strongly recommended that a Flood Warning and Evacuation Plan for the site be prepared in accordance with advice from both the Environment Agency and Havant Borough Council's Emergency Planning team.

Environmental Considerations:

Concerns raised by the ESCP in our pre-application advice regarding the lack of consideration of the Solent Waders and Brent Goose Strategy have now been addressed by the applicant in the Extended Phase 1 Habitat Survey and the Wintering Bird Report submitted in support of the full planning application.

This land is used periodically by Brent geese and was used regularly this past winter by a small group of Brent and lapwings. The data from this winter has not been included in the latest SWBGS update (2017), however even if it had been included it would not change the classification.

A Winter Bird Mitigation Strategy has been proposed to address impacts on wintering waders and Brent geese. The proposed mitigation consists of:

- Enhancement of the eastern end of the development site as a biodiversity area/habitat mitigation zone to be managed *in perpetuity* for Brent geese to offset the loss of the SINC and wintering bird supporting habitat in the western part of the site. The mitigation area will be screened off from the rest of the development by a native hedgerow and seeded with a rye grass / clover mix, managed with an appropriate cutting regime to ensure provision of suitable habitat for Brent geese. The existing tree line within the site will be removed to improve sight lines within the mitigation area to increase its suitability for Brent geese use. There will be a footpath around the edge of the mitigation area, but this will be fenced to prevent access into the mitigation site (including stock fencing to prevent access by dogs).
- An area of public open space will be created in the southern part of the development site to provide an alternative recreational space and dog walking area away from the designated harbour and the on-site mitigation zone.
- A contribution will be made to the Solent Recreation Mitigation Partnership (Bird Aware Solent) to address the in combination effect of increased recreational disturbance on the Solent SPAs.

Assuming that these measures are agreed with Natural England and are a requirement for implementation as part of any planning consent issued, the ESCP concur with the applicant's conclusion that the proposed development will not have an adverse effect on the SPA/Ramsar sites. It is important that the long term management and monitoring of the mitigation site is legally secured, as this responsibility is to be passed over from the

developer to the site management company following completion of the construction phase.

Additional Advice:

It should be noted that the proposal being screened out of EIA development does not remove the requirement for Havant Borough Council to undertake an HRA, as that falls under separate Regulations. In the EIA screening opinion, Havant Borough Council advised that they don't expect the development to have a LSE under HRA because a mitigation area will be provided for Brent geese. However, before issuing any planning consent, Havant Borough Council should undertake and document their HRA of the full application to show how they have considered the use of the site by Brent geese (as functionally linked land supporting qualifying species of the nearby SPA) and how they have come to the decision that the proposed project will not have an adverse effect on the integrity of the SPA. The ESCP would advise it is particularly important that Havant Borough Council do document their HRA decision-making clearly in this case, given the sensitive nature of this application and therefore the potential for challenge.

When undertaking the HRA, Havant Borough Council should consider the implications of the recent 'Sweetman 2' ruling from the European Court – this ruling has indicated that mitigation measures should no longer be taken into account at the HRA screening stage to conclude no LSE, but instead should be considered in Stage 2 - Appropriate Assessment (AA). There is still some uncertainty about this ruling; for example, what counts as an integral part of the proposed project and what is a mitigation measure, however given the possible chance of challenge to any decision on this application, Havant Borough Council would be wise to follow this ruling and undertake an AA. Natural England and HCC Ecology will be able to advise further on this and Natural England will also need to be consulted on the AA.

If you have any questions or require any additional information regarding the advice above, please do not hesitate to contact the Partnership to discuss this further.

Kind regards,

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Our website: <http://www.escp.org.uk>

Also, to find out more about our Solent Bird Studies project please visit our new website:

<http://solentbirds.org.uk/>