

Dear Lewis,

APP/21/01350 | Outline application for erection of up to 29 dwelling units and associated highway works with all other matters reserved. | Land north of Oysters, Station Road, Hayling Island 22.0338

Thank you for consulting me on this application. Thank you for your patience.

The application is accompanied by an Ecological Impact Assessment (Tyler Grange, October 2021). The site, much like the associated application site to the south of Saltmarsh Lane, comprises an area of arable-dominated land with associated semi-improved grassland, hedgerows, trees, scrub and ditches. The site has been subject to desk-based and field-based ecological assessments in 2020/21, with surveys for overwintering birds undertaken and supplemented by survey information arising from the adjacent Oysters development to the south. My advice for this site is essentially identical to that provided for application APP/21/01351.

SPA Supporting Habitat

The site is included in the current Solent Waders & Brent Goose Strategy (SWBGS) as Site H34E. The site is classified as a Secondary Support Area based on a history of supporting significant numbers of foraging Brent Geese. The application site is therefore valuable supporting habitat for wintering birds and is functionally linked to the nearby Solent Special Protection Areas (SPAs).

The proposal would result in the loss of the southern portion of SWBGS Site H34E. In order for this loss to be judged acceptable, an appropriate mitigation/compensation package will be required. Mitigation/compensation should be based on the published SWBGS Guidance on Mitigation and Off-setting Requirements which, for Low Use area, states *'Loss of or damage to Secondary Support Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. However, where impacts cannot be avoided or adequately mitigated on-site, there may be scope for a more flexible approach to off-setting the impacts to these sites, provided the continued ecological function of the network is maintained and significant enhancements additionally delivered, for example by improved long term management. The loss of secondary sites could be off-set on a like-for-like basis within the locality, similar to the replacement of Primary Support Areas. As Secondary Support Areas are generally utilised less frequently than Core Areas or Primary Support Areas (usually due to less optimal management, crop rotation patterns or disturbance), it may also be acceptable for replacement habitats to be located at a greater distance from the current sites, provided that the location is appropriate for the discrete subpopulation'*. In this instance, on-site mitigation options are not possible

and therefore it should be for the applicant to propose a suitable off-site option that acknowledges both the impacts on supporting habitat from this scheme. It should be noted that some aspects of mitigation for the Oysters scheme were not implemented at all and that there is a wholly understandable degree of scepticism around the subject of developer-led mitigation in this landscape.

The application site is also in close proximity to the recently approved permanent bird refuge off Sinah Lane. I am concerned that construction-phase activities will impact the refuge, and that once operational any increase in recreational pressure will also impact the refuge.

It is my view that, given the absence of any strategic-level compensatory scheme within Havant borough or the wider Solent area, it is the responsibility of the applicant to identify and provide details of a suitable off-site compensatory habitat. Currently no details are provided on the location, current habitat quality or management of any proposed off-site refuge. I cannot therefore comment further on this issue and must request that further information is provided so that the Local Planning Authority can determine if this solution is acceptable and in accordance with the Habitats Regulations. Further information must include: assessment of proposed refuge site; evidence that refuge site can provide *at least* the same function to SPA/Ramsar birds as the existing site; details of any enhancements to refuge site; details of ongoing management (methods, timings, responsible organisation) of refuge. The refuge must be able to provide its alternative function prior to impacts occurring on the existing site. There is mention of a nearby Core Support Area site within the applicant's ownership that could provide the required off-site mitigation option: if this is the case, further details will be required prior to determination. I would strongly recommend that the applicant submits information sufficient to enable the Local Planning Authority to undertake a Habitats Regulations Assessment (HRA).

Habitats

I am content that the on-site habitats are of relatively low ecological value. The bulk of the site comprises arable farmland and is of limited ecological value. There is a small area of species-poor grassland at the arable margins. There are typical agricultural hedgerows with trees in various boundary locations, and drainage ditches present in the site's centre and southern boundaries. The proposal (as far as it is detailed) allows for the retention of boundary vegetation, with mature trees and hedgerows retained and an area of SuDS and apparent semi-natural habitat in the northern central section of the site. The outline nature of the application means that there are minimal details on landscaping or trees. I would request further detail on the extent to which the proposed layout will incorporate existing vegetation and also areas of new/enhanced semi-natural habitat.

Species

Surveys have been carried out for roosting bats, bat activity, Great Crested Newt, Badgers and wintering birds. Walked bat transect and automated surveys have highlighted the presence of several bat species within the site, with activity unsurprisingly dominated by Pipistrelle species. There is no evidence of roosting on site, with two trees offering roosting potential and surveys of these recording no roost evidence. Bat activity in general is typically concentrated around structured linear features. I am content that sufficient bat survey information is presented. It will be essential to ensure that a suitable lighting strategy is secured which ensures that habitat likely to be used by bats will not be subject to artificial illumination. The developed site provides an opportunity for embedded ecological enhancements such as integral bat roosting units within new dwellings and ambitious levels of enhancement will be expected.

The site supports a population of Slow-worms and Common Lizard, recorded within grassy margins. The proposed development will remove the vast majority of reptile habitat and therefore a suitable alternative compensatory habitat will be required. No firm details are provided. Again, I would wish to see some further detail on how reptile populations can be accommodated within the built site.

In summary, further information is required before I can provide fully-detailed consultation advice. There are outstanding issues relating to the feasibility of any proposed off-site winter bird refuge: in accordance with its duties under the Habitats Regulations the LPA needs to be able to assess any proposals in detail prior to determination of this outline application. The potential impacts on the Sinah Lane bird refuge are also a cause for concern.

Whilst the site is generally of limited ecological value in terms of semi-natural habitats and protected and notable species, there will certainly be a loss of biodiversity. The provision of new landscaping areas suitable for supporting the various species recorded on site is welcome, although no firm details are given due to the outline nature of the proposal. Only outline mitigation, compensation and enhancement measures are provided and, whilst it may be acceptable to require further (full) details of these matters at detailed design stage, I would rather have at least a more detailed outline of the range of measures to be provided so that we can establish a baseline expectation at outline stage.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to

determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

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

Kind regards,

Tristan

Tristan Norton

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