

Dear Lewis,

APP/21/01351 | Outline application for erection of up to 60 dwelling units with access; associated landscape and highway works on land south of Saltmarsh Lane, and all other matters reserved. | Land south of Saltmarsh Lane, Hayling Island, PO11 0JT 22.0334

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 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.

SPA Supporting Habitat

The site is included in the current Solent Waders & Brent Goose Strategy (SWBGS) as Site H34D. The site is classified as a Low Use site based on a small number of overwintering birds having been recorded previously (seven Lapwing). The site was previously a horse-grazed pasture and was incorporated into arable cultivation as part of a compensation package for the Oysters development in 2015/16, making the site contiguous with the larger SWBGS Site H34E to the south. H34E has a history of supporting significant numbers of foraging Brent Geese. The application site therefore comprises compensatory land for impacts associated with previous development on the network of SPA functionally linked land: the provision of this site was necessary to permit the Oysters development to accord with the Habitats Regulations. The loss of previously agreed compensatory habitat is not an acceptable outcome.

The proposal would result in the total loss of Site H34D. 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 '*consideration should be given to on-site mitigation, off-setting and/or enhancement. Where this has been demonstrated to not be practical or feasible and impacts cannot be avoided or adequately mitigated on-site, off-site options and / or compensation funding should be considered. Compensation funding may include payment towards the management and enhancement of the wider waders and brent geese ecological network*'. In this instance, on-site mitigation options are not feasible 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 alone but also the reduction in supporting habitat

for the approved and built Oysters development. 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 immediately adjacent 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, with around fifty animals 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

**Senior Ecologist
Ecology Team**

Specialist Environment Services

Economy, Transport and Environment Department
Hampshire County Council
Elizabeth II Court West
The Castle, Winchester
Hampshire SO23 8UD
Direct Line: 01962 832335

Mobile: 07784 261774

E-mail: tristan.norton@hants.gov.uk; www.hants.gov.uk/biodiversity