

From: Norton, Tristan [Tristan.Norton@hants.gov.uk]
Sent: 02 April 2014 15:38
To: Sally Smith DC
Cc: Planning and Development Shared Mailbox; Havant Auto-Reply
Subject: APP/14/00232 Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant | 14.0355

Dear Sally,

APP/14/00232 | Construction of 47 dwellings, including 30% affordable, comprising 10No. 5 bed, 21No. 4 bed, 10No. 3 bed and 6No. 2 bed houses, with associated access from Bedhampton Hill, landscaping and ancillary works | Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant | 14.0355

Thank you for consulting me on this application – apologies for any delay in responding but I needed to obtain some additional detail to allow my response to reflect the most accurate information. In summary, whilst I am generally content that the potential for ecological impacts has been addressed through useful field survey work, there are issues remaining. The wintering bird survey information is incomplete and therefore additional data and analysis should be forthcoming. Furthermore, there is confirmed use by a wader species associated with the nearby Special Protection Area that requires a second look at the potential impacts.

The application is accompanied by a number of ecology-related reports: Bat Activity Survey; Dwarf Spurge Survey; Wintering Bird Survey – Interim Report; and Reptile Presence/Likely Absence Survey Report (all White Young Green, February 2014). Overall, these reports provide a useful assessment of the current ecological value of the application site, and after review of these documents I have the following comments to make.

Wintering Birds

Methodology

Given that the application site currently sits within a Site of Importance for Nature Conservation (SINC) designated due to the presence of overwintering dark-bellied brent geese, it is a requirement of planning (both nationally and locally) that the applicant undertakes sufficient field survey effort to determine whether impacts to these protected birds species (as well as others) are to be expected. To that end, the applicant has undertaken wintering bird surveys over two successive winter seasons (2012/13 and 2013/14). The survey methodology (discussed with Simon Thompson, Natural England's Lead Adviser for Land-use Operations) has been based upon that developed for the Solent Waders & Brent Goose Strategy (SWBGS). The results will be discussed later in the response.

There are a number of misunderstandings evident within the (draft) report wording which unfortunately demonstrate a lack of detailed knowledge of the planning context in respect to overwintering bird species, and which also show limited knowledge of the ecology of the target species – this is unfortunate given the potential significance of the ecological constraints.

The following paragraphs appear in Section 2.3 of the report and contains a number of factual errors:

'The SWBGS was not introduced until November 2013. Natural England decided that as the site is inland, only one low tide and two high tide visits were required each month. Low tide is the most unlikely time for brent geese to be found on site; at that time they would be expected to be feeding

in the exposed shingle and mud banks found, for example, within the SPA. As a consequence of the SWBGS being updated in November 2013 i.e. after surveys had commenced at the site, only one visit was carried out during October. The October to January results indicate that the completion of a single October survey does not represent a constraint as the results so far have shown minimal use by waders and no brent geese (see Appendix C).

At the site, eight counts were undertaken between October 2013 and the 3rd January 2014. SWBGS (2010) and Gilbert et al. (2008) recommend that monthly surveys are undertaken between September and March for high tide counts and between November and February for low tide counts. This is unlikely to have a significant effect as there is little variation in the October, November and December results, indicating that September would not have been significantly different.

The SWBGS was first introduced in 2002, with an updated strategy published in 2010. I am unsure where the 2013 'introduction' or 'updating' dates came from – they do not relate to any actual occurrences that I am aware of. In addition, brent geese do not feed on exposed shingle – at low tidal states they feed almost exclusively on estuarine eelgrass beds found growing on mud substrates.

In the second paragraph, I don't think that the potential results of a missed September survey can be extrapolated from the results of surveys on subsequent months – by this logic it could be argued that a survey in March would tell you all you needed to know about the preceding five months which is evidently incorrect. The inclusion of September is due to the likelihood of wader staging roosts forming at this key time of year (many wader species stop at UK coastal sites in August/September before continuing south to winter in southern Europe and Africa).

I also disagree with this statement: *'Although not encountered on our surveys, extreme weather and flood warnings were issued for most of Portsmouth and surrounding areas during this period and it is likely that brent geese will have moved to their high tide sites (King, D. 2010); therefore, during late December and early January when this weather was most prominent there was an increased chance of finding them on site'.* I personally undertook wintering bird surveys on Solent coastal sites throughout winter 2013/14 and saw no evidence that the inclement weather increased the potential for birds to use inland sites. Birds may have indeed undertaken temporary movements to avoid the worst of the stormy conditions but they will certainly not have 'moved to their high tide sites' for the whole of the bad weather periods.

Desk-study Data

The report contains survey data taken from the SWBGS 2010 in addition to data obtained from HBIC in relation to ad-hoc bird surveys carried out on behalf of Havant Borough Council (HBC) in the winter of 2012/13. Unfortunately, the applicant was unaware (through no fault of their own) that further field surveys had been carried out on Site H03 for HBC during that winter. Those surveys confirmed that brent geese were not present on the additional surveyed dates (monthly visits between November 2012 and March 2013), but did record the presence of a maximum of 101 lapwings feeding and roosting on site in January 2013.

The statement (Section 3.1.3) that *'the reason that no data exists during the SWBGS study period (2006-09) was because the site had not been suitable for brent geese (see ALUCO ecology report 2009)'* is erroneous. The fact that there are no data for brent geese from the 2010 strategy is because no surveys were undertaken, not because no birds were seen. Similarly, for waders there are only four survey dates for the 2010 strategy – this falls well short of the required survey threshold for making definitive statements about presence/absence: in this instance all we can reliably say is that no waders were seen on the four survey dates, nothing more.

Survey Data

The interim survey data presented in Table 2 (Section 3.3.1) are fine as raw numbers, although I would question the necessity of providing high tide and low tide counts for species clearly not associated with or influenced by tidal state (e.g. blue tit): the comparison of high tide and low tide bird numbers is essentially meaningless if the data includes non-estuarine species and, in addition, there are three times as many survey events for high tide, so the data are significantly biased. These data are therefore not presented or evaluated in any coherent way and it is thus impossible to comment further on their significance. In addition, lapwing do not feed on grain – they are insectivorous.

Discussion

There is generally a lack of detailed data analysis and interpretation. The statement that '*should any brent geese or waders be found on site, an appropriate mitigation package will be required*' is clearly contradicted by the fact that surveys did record waders (34 lapwing on 22nd November 2013, 6 on 6th December 2013 plus the 101 recorded on 15th January 2013). This species is listed as a Priority Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and therefore all public bodies have a duty to conserve, maintain and enhance populations of the species. In addition, lapwing features as part of the overwintering bird assemblage which qualifies Chichester & Langstone Harbours as a Special Protection Area (SPA) under Article 4.2 of the EU Birds Directive (Directive 79/409/EEC). There would appear to be potential for a direct link between lapwing occurrence on this application site and within the SPA – survey data from the British Trust for Ornithology appear to indicate a particular concentration of lapwing numbers in the northern reaches of Langstone Harbour, a short distance south of the application site. The key question here therefore is whether the proposed development has the potential to result in disturbance to SPA birds – given that the bird surveys are incomplete and there are data not evaluated by the applicant, I would suggest that this question is not answerable as yet and discussions in regard to mitigation measures are best left until full results are in.

Bats

The bat survey report details the use of manual transect surveys and automated detector surveys carried out during August and September 2013. These survey methods were discussed in advance with me and, whilst recognising the lack of early-summer surveys, I concurred with the consultant's approach that August and September were suitable.

The surveys recorded a good total of seven bat species within the site, although the manual surveys only encountered small numbers of individual bats at any one time. Based on the site's location and size I consider this total to be typical and I would concur with the assessment that the site is of district/local value.

Some useful mitigation measures are provided, with a corridor of semi-natural habitat proposed around the development margin to the north and retained hedges to the east and south. I would like to state that open greenspace (even arable farmland such as this) can provide invaluable foraging areas of suburban/urban bats and their importance should not be underestimated. Recommendations for sensitive lighting are made – I agree that a sympathetic lighting strategy is essential: there is ample scientific evidence that artificial lighting has profound impacts upon various wildlife groups, especially bats and invertebrates. Bats can be impacted negatively by light levels below 1 lux, but in any case lux measurements take no account of UV component which in itself may be more impactful. I would also suggest that low level bollard lighting may not in all circumstances be the most effective solution – upward light spillage from such units can be greater than from tall, directional luminaires. Current research appears to suggest that LED lamps with a reduced short wavelength (blue) spectrum are less harmful to bats and invertebrates – I would strongly recommend that the applicant's ecologist and lighting engineer discuss this issue at the earliest possible stage and that there is post-construction monitoring of lighting levels as per current lighting industry guidance.

I would advise that bat mitigation measures are secured via a suitably-worded condition.

Dwarf Spurge

The site's SINC designation is in part due to the presence of dwarf spurge, a plant species classified as 'Near Threatened' by the International Union for the Conservation of Nature (IUCN). Detailed targeted surveys for this species have revealed clusters of plants within the northern edge of the proposed development site and therefore it is proposed to translocate the existing soils (and plants) as well as to sow seed collected and stored over the winter 2013/14.

Whilst it is a shame that this clearly established colony of this distinctive plant species will require translocation, the methods proposed appear to be sound and the issue is being treated in a sensitive and professional manner. The key issue with respect to this species is ongoing monitoring of the site post-development to ensure the efficacy of any translocation and sowing. I would advise that dwarf spurge mitigation measures are secured via a suitably-worded condition.

Reptiles

A Phase 2 reptile survey was carried out to a good standard across the application site during September and October 2013, resulting in confirmation that the site supports a minimum population of 18 slow-worms, a typical result given the habitat present. The strategy for reptile mitigation entails the use of translocation methods (fencing, capture) and vegetation management to remove/encourage animals from the developed area. The key feature of the post-development site will be the proposed ecological landscape buffer stretching around the eastern, western and northern boundaries, providing c.0.5 hectares of semi-natural grassland/hedgerow-edge habitat. This will further be enhanced using reptile hibernacula. The proposed receptor site (the buffer) will be managed appropriately in order to maintain a suitable habitat structure to suit reptile species. I recognise that there are timing constraints in relation to the need for specific management for dwarf spurge which may conflict in some respects with reptile mitigation. Overall, the measures proposed for reptiles are perfectly acceptable and I would therefore advise that these measures are secured via condition.

Summary

In summary, the wintering bird surveys are incomplete and there can be no determination of the application until those data are analysed and used to inform mitigation. Furthermore, survey data demonstrate that the application site (or the arable field immediately adjacent to it) has been used recently by a significant number of lapwings, a species contributing to the SPA designation afforded to Chichester and Langstone Harbours. I strongly urge the applicant to take a detailed look at whether the proposals are likely or not to result in disturbance to the SPA.

In respect to other ecological issues I have no overriding concerns and therefore, if at some future date you are minded to grant permission, could I suggest that ecological mitigation, compensation and enhancement measures are secured via a suitably-worded condition such as:

'Prior to the commencement of any development activities a detailed scheme of ecological mitigation, compensation and enhancement measures (to include but not necessarily restricted to: site plan showing all ecological mitigation features; location, extent and composition of mitigation/enhancement habitat; details of management of mitigation/enhancement features; lighting strategy in respect to bat species, post-development monitoring programme) shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be in accordance with the outline mitigation, compensation and enhancement measures detailed within the Bat Activity Survey; Dwarf Spurge Survey; and Reptile Presence/Likely Absence Survey Report (White Young Green, February 2014). Any such measures shall thereafter be implemented in accordance with the agreed details, and maintained in perpetuity unless otherwise agreed in writing by the Local

Planning Authority. Reason: to provide ecological protection and enhancement in accordance with NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

I trust that this is suitable – if you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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