

From: Norton, Tristan [Tristan.Norton@hants.gov.uk]
Sent: 26 April 2013 11:47
To: Sally Smith
Cc: Planning and Development Shared Mailbox; Havant Auto-Reply
Subject: APP/13/00266 Havant Retail Park, Portsdown Hill Road, Havant.13.0356

Dear Sally,

APP/13/00266 Demolition of existing buildings and construction of 86 dwellings consisting of 9 no 1 bed flats, 28 no 2 bed flats, 24 no 3 bed houses, 21 no 4 bed houses and 4 no 5 bed houses with associated parking, landscaping and the provision of open space together with acoustic fencing and improvements to existing site access. Havant Retail Park, Portsdown Hill Road, Havant.13.0356

Thank you for consulting me on this application. In summary, I am content that the site is of low ecological value and that the proposals are not likely to result in significant ecological impacts at the site-level, although badgers do appear to be present on site and measures will need to be provided to avoid impacts. I therefore consider that further information is required in order to determine the status of badgers on site. In addition, there is potential for the proposals to result in recreational pressure on nearby European designated sites.

Impacts to legally-protected species

The application is accompanied by an Extended Phase 1 Habitat Survey (WYG, March 2013) which provides a sound assessment of the site's current ecological constraints. Overall, the site predominantly comprises buildings and hardstanding and is considered to be of minimal ecological value. The survey did however record evidence of badger occupation and foraging activity, with putative sett entrances noted at the southern and south-eastern boundaries and snuffle holes and trails also recorded. It is therefore apparent that badgers are present within the site, although the report states that the sett entrances did not exhibit signs of 'current use'. I do not agree with the statement (section 5.3.4) that 'badgers are not currently considered to be a constraint to works': it is not currently known whether badgers are indeed present and to what extent their burrows extend within the development site. I am aware of an active badger sett within a site situated nearby to the west.

The report states that one of the putative sett entrances lies within 5m of the development area and therefore is clearly at risk of significant disturbance e.g. from soil excavation: badger sett burrows can extend for tens of metres. The report recommends further badger survey works and I would concur with this statement: the actual status of badgers will need to be assessed in as robust a manner as possible in order that the actual impacts to badgers are known. The use of sand traps at the burrow entrances, monitored over time, should provide definitive evidence of whether the setts are in use or not. This information must be provided prior to determination in order that any mitigation strategy is tailored to known constraints.

Impacts to designated sites

The report correctly identifies the presence of several designated nature conservation sites within the surrounding area. Of these sites, two are of international (European) importance: Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC). The SPA/Ramsar and the SAC are situated within 0.8 kilometres

(km) of the application site and therefore there is clearly potential for 'likely significant effect' on the features for which these sites are designated. The key potential issue will be impacts to over-wintering bird species such as brent geese.

Whilst the application site itself does not offer any suitable habitat for supporting over-wintering birds, the nature of the proposals is such that there is potential for an increase in recreational pressure on the European sites and thus a 'likely significant effect'. The bird populations are particularly sensitive to disturbance caused by people using coastal areas for recreation purposes. The scale of this development is not insignificant, and therefore it is possible that on its own it may be considered likely to have a significant effect. In addition, when considered in combination with other plans or projects (particularly with respect to the planned housing growth in Havant Borough and other nearby coastal areas), the development may also be considered to have a likely significant effect. The recently-published Solent Disturbance and Mitigation Project (SDMP) Phase II has concluded that there is an underlying 'likely significant effect' arising from development within the wider Solent area. On the basis of a recent peer review document Natural England have concurred with this conclusion. The WYG report provides a summary assessment (section 5.1) of the issues relating to the designated sites and recommends that consultation is sought with Natural England: I would strongly agree with this statement.

Assessing 'likely significant effect' will be dependent upon understanding the potential for residents of the new development recreating at locations in/near the European sites and the extent to which increased recreation is likely to affect those sites. The proposed masterplan does not seem to provide on-site recreational greenspace sufficient to accommodate the likely recreational needs of new residents and it is not unreasonable to infer that residents will travel to the European sites to recreate.

The applicant will need to provide detail on how the potential for increased recreational pressure to designated sites has been considered and how any identified impacts can be mitigated. Mitigation options are varied and may include the provision of alternative greenspace (SANGS), improvements to existing greenspace and footpaths etc. The SDMP Phase III will be published soon and will contain a range of options for appropriate mitigation measures. It is hoped that all LPAs within the wider Solent area will, by late summer 2013, have in place a formal strategic policy for dealing with mitigation arising from recreational pressure. It is expected that there will be a standard mitigation framework to which developers can contribute financially rather than, as at present, be required to provide often complex site-specific mitigation.

In summary, additional information is required prior to determination of this application. The applicant will need to provide details of the current status of badgers on site, the extent to which they may be impacted and detailed measures for mitigation. NPPF and Circular 06/2005 require that planning decisions are based on full, up to date information and, in line with Natural England's standing advice, full protected species information must be available before a decision can be made. Following this guidance, provision of this information should not be deferred as a condition of any planning permission. Without full information at the point of determination it is not possible for the LPA to ensure that any impacts are known and acceptable and to be able to secure any necessary mitigation. In line with NPPF, Circular 06/2005 and the Natural England Standing Advice, I would recommend that this information is required prior to further consideration of this application.

Additional information is required in respect to the potential for recreational impacts to nearby European designated sites. Consultation should be sought with Natural England.

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

Kind regards,

Tristan

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Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Havant Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.