

Karen Wooden

From: Heather Lealan
Sent: 16 November 2012 17:38
To: bst shared
Subject: FW: 12.1198 - APP/12/00966 - Land North of Goldring Close and My Lords Lane, East of St Margarets Road and South of Beech Grove and Hawthorne Grove, Hayling Island

Dear Heather

APP/12/00966 - Land North of Goldring Close and My Lords Lane, East of St Margarets Road and South of Beech Grove and Hawthorne Grove, Hayling Island. - Outline application for 131 open market and affordable dwellings comprising 10No 1 bed flats, 4No 2 bed flats, 48No 2 bed houses, 49No 3 bed houses, 20No 4 bed houses; public open space; car parking; new vehicular access from Beech Grove/Hawthorne Grove including demolition of 1 Hawthorne Grove; new pedestrian and cycle access from St Margarets Road including demolition of 23 St Margarets Road.

Thank you for consulting me.

Summary

The application is supported by a comprehensive range of reports detailing the ecological survey and assessment work that has been undertaken to support this application. I am reasonably satisfied with the impact assessment, conclusions and avoidance / mitigation / compensation measures with respect to on-site impacts to notable habitats and legally protected species. While there are a few outstanding concerns, I believe these can be dealt with through a planning condition.

I am however concerned over potential impacts to the nearby Chichester and Langstone Harbours Special Protection Area (SPA). I would consider that it is not possible to conclude that the development would not have a likely significant effect on the SPA. Further information is needed before this conclusion can be reached. If it cannot be demonstrated that there would be no likely significant effect, then the Local Planning Authority will need to carry out an Appropriate Assessment of the proposals in light of the conservation objectives of the SPA and permission can only be granted if it can conclude that there would be no adverse effect on the SPA site integrity.

Detailed comments are set out below:

European sites

The SPA is legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended) that transposes the EU Habitats Directive into domestic law. This requires that when planning authorities are considering applications for developments not connected to the management of the EU site, they first consider whether the project is likely to have a significant effect on a EU site either alone or in combination with other plans or projects.

The key vulnerabilities that may result in a likely significant effect are direct habitat loss, disturbance to adjacent habitat during construction, and increasing recreational pressure on the SPA and supporting habitats by occupants of the development (alone and in combination with other plans or projects).

The applicant has provided a useful report with respect to these issues (Brent Goose and Wader Survey Report and Impact Assessment, PV Ecology, August 2012). This includes the results of bird surveys carried out at the application site and other nearby areas over the winter of 2011-12, and a consideration of the impacts of the development on the SPA itself and supporting habitats i.e. areas of terrestrial habitat outside the SPA but that have been identified in the Solent Wader and Brent Goose Strategy (the Strategy) as having the potential to be of importance in providing feeding areas for brent geese or high tide wader roosts. These identified vulnerabilities are discussed in turn, below

- Direct habitat loss within the application site boundary

Only one years worth of surveys have been carried out. It is difficult to confidently determine how the SPA bird populations would use an area of habitat on this basis, as their use of a particular area of supporting habitat is, to a certain extent, likely be dependent on factors such as the severity of a particular winter and changing land use across the wider landscape. For example, a site may not be used for most years, but a particularly severe period may mean that the birds need to use an area they would not typically use. Such an area may well be considered important as it provides vital supporting habitat during a period where particular set of environmental conditions are prevailing. In recognition of this, the Strategy based its assessment on three winters worth of surveys.

The application site itself was identified as a Strategy survey site, and identified as having 'uncertain' use by SPA birds, as the level of survey work during the Strategy survey work was insufficient to draw any firm conclusions. The PV Ecology survey did not identify any birds using the site itself. It is notable that the application site would appear not to present a particularly optimal site for waders. Although the site itself is fairly large and grassed, it is much divided into individual horse paddocks, and currently heavily grazed. There are tall boundaries with adjacent residential development and high disturbance from the horses and users of the field.

I would therefore agree with the applicant's report that there would not be a likely significant effect on the SPA from the direct loss of habitat.

- Construction-phase disturbance

The field adjacent to the application site, to the east, was identified in the Strategy has also being of 'uncertain' classification for waders. However, the survey work identified that this field is used by brent geese, with one flock seen flying overhead that was believed to have been disturbed from the field by a moped using the adjacent footpath, and local residents providing information that flocks of geese generally feed to the east of the field. There is therefore the potential for construction noise to deter geese from using this field. While the local anecdotal evidence is that the geese use the area of the field further from the application site, this is not currently fully backed up by survey data.

I am concerned that there might be a likely significant effect during the construction phase, if particularly noisy activities coincided with periods when the geese are using the field (causing them to fly away) or if the disturbance prevents them from landing in the field, effectively reducing the available food resource during the construction period. If indeed the field is generally used towards the end of the winter period, this may mean that the site has a higher importance - during this period, the geese are building up their body condition, grazing on high-nitrogen food (so emerging arable crops that have been well-treated with fertiliser are a valuable source), possibly having exhausted other food supplies on intertidal habitat, prior to their spring migration back to their breeding grounds.

The PV Ecology report does however state that the scheduling of the works could be timed to ensure that activities known to be particularly noisy do not take place during the winter months. This would seem to be a sensible solution, and one that may potentially be supported, provided that further security could be provided over what constitutes noisy activity and a construction project plan can be provided and that adherence to it can be properly secured. For example, the British Standard BS5228 on noise and vibration control on construction sites lists typical noise levels generated by a wide range of site preparation and construction activities and plant, while there is some guidance available regarding the levels at which birds are likely to exhibit a disturbance response.

If information could be provided to explore this issue further, it may well be the case that the planning authority could be confident that there would be no likely significant effect. However, at this stage I do not consider that the planning authority can conclude there would be no likely significant effect.

- Recreational disturbance

The application site is approximately 225m from the SPA to the east, although this section of the coast is not publically accessible. The nearest publically accessible coastal location is approximately 750m (straight line distance) to the east, where a section of coastal path starts, or 1100m (straight line) to the nearest point along the coastal path where there is direct access onto the intertidal habitat.

The PV Ecology report has identified high numbers of brent geese regularly using the section of coast either loafing on the water or grazing (presumably on the mudflats) along this section.

An increase in recreational use of this section is likely to result in increased disturbance through the visual impacts of walkers / dogs as well as people and their dogs accessing the mudflats and either disturbing birds already there or preventing birds from using that area.

The current and potential levels of use of this section are not fully known at this stage. The ongoing Solent Disturbance and Mitigation Project (SDMP) is providing useful guidance on likely increases, but this is not yet complete, and applying the figures from this wider study to a smaller development site is difficult. For example figures in the SDMP suggest that:

- Based on the household survey data, foot visitor rate originating from dwellings within 1000m (straight line distance) of open coast with slipway (which this section of the Hayling Island coast might be characterised as) would be about 44.6 visits per household per year, which equates to $44.6 \times 131 = 5843$ visits per year, or 16 additional visits per day.

- Based on the on site visitor survey work, developments within 1000m (straight line distance) would generate only an additional 3 visits per day. This calculation is however based on the PV Ecology report's figure of an approximate population of 248 in the new development, although I would seek clarity on this figure, as this suggests an average household size of only 1.9 people per dwelling, which seems a little low given the housing mix, even taking into account the houses to be demolished.

It may be worth the applicant considering the value of on-site visitor surveys, to gain a better and more confident understanding of the use of the local areas by residents. For example, brief interviews and counts of visitors to, for example, the adjacent footpath, the nearby recreation ground and the nearest publically accessible coastal sections might provide useful information regarding where people who use these areas come from, how they travelled there, what they are doing there and where else on the coast (or inland) they visit for outdoor recreational purposes.

As the PV ecology report points out, there are other opportunities being presented here, including the nearby recreation ground some 30m to the west. The internal existing public footpath that runs east-west through the middle of the site then leads up the western edge, around the adjacent school playing field, and this does provide access to the recreation ground from the development. While the redline boundary appears to include the path running up the western edge of the application site, it does not include the short section of path between the application boundary and the recreation ground. Currently this is a narrow and rather difficult path to negotiate and work would be needed to all sections of this path to make it an attractive option to draw people to the recreation ground. I would suggest that the planning authority explores this further. If this is a key element to the mitigation strategy for recreational disturbance, I would advise that further information is provided so that the planning authority has confidence in what is being delivered, when and how, and that it is secure. The recreation ground is also identified as an 'uncertain' wader Strategy site, but no birds were seen using it during the survey work for this application, and given it's existing high use by people and dogs, I would be confident that it is not suitable for waders.

The proposals do also include a new path within the development, which would seem to eliminate the need for any residents within the development to use the public footpath through the field to the east, where brent geese are known to feed. Provided that the edge and boundary fence is managed and maintained to ensure there is no permeability from the development, this particular aspect may be acceptable. However, I am still a little concerned because while the northern section of the footpath down the field to the east has reasonable hedge to screen walkers from any geese in the field, the southern section, which is directly linked to the site east-west path and then down towards the coast is open, with no hedge present. There is however also a further direct link further down towards the southeast corner through the boundary hedge (presumably at the point where there is currently a locked gate on the site boundary), and the proposed new internal path links to this. People exiting the site at this point would be less likely to disturb geese on the field given the adjacent and intervening land use. Provided that the new internal path is designed as a more attractive proposition for people wishing to exit the site to the southeast, it may be the case that likely significant effect alone may be avoided.

Regarding consideration of in combination impacts, the report notes that Natural England were less concerned about this. However, since the application was submitted, Havant Borough Council have published the consultation draft of their Site Allocations DPD, and this should be considered as a plan in the context of 'other plans or projects' as included in the Regulations. Of

particular note in this is the need to provide 660-727 new dwellings on Hayling Island. If the recent completions are removed from this figure, this still leaves a minimum requirement of approximately 500 new dwellings on the island to be delivered in the plan period. Additionally, the remaining areas of the borough also have housing requirements, and given that Hayling Island is a significant tourist draw for the area, it is reasonable to consider the possibility that a considerable proportion of the residents in these new dwellings would visit the Island and its coastal sections, or indeed other sections of the Solent coast where the in combination effects of increasing recreational disturbance may affect the designated bird populations.

Therefore, I do not believe at this stage that the planning authority can conclude that the development would not have a likely significant effect on the SPA from increases in recreational disturbance when considered in combination with other plans or projects.

Protected and notable species and habitats (on site)

The application is supported by a thorough and competent Extended Phase 1 habitat survey (PV Ecology, August 2012) and a Phase 2 survey report (PV Ecology, August 2012).

Hedgerows

The development will result in the loss of some sections of hedge that have been classified as important under the terms of the Hedgerows Regulations 1997 and as BAP Priority Habitats. However, the proposals include extensive replanting that would serve to improve hedgerow connectivity along other sections of the site. Provided that this is secured in any decision notice, I would raise no further concerns.

Bats

I am confident that the surveys demonstrate that the development would not result in the loss or damage to any bat roosts, or kill / injure any bats and therefore the proposal is unlikely to result in an offence under the Conservation of Habitats and Species Regulations 2010 (as amended) that protects bats. Additionally, the Phase 2 report sets out a range of enhancement measures to improve the overall roosting potential for bats within the development, and this is welcomed.

I would however recommend that further justification is sought regarding the severance of the hedge through the centre of the site. Paragraph 5.9 of the Phase 2 report identifies that bat activity was 'highest along the hedgerow boundary between the northern and southern fields (H5)'. Paragraph 5.9 also states that the 'main features for roosting, foraging and commuting bats are to be retained in the most'. I would disagree, as the main commuting feature is going to be severed. It is notable that there are large expanses of woodland and other good foraging habitat a short distance further to the west of the site, which may be linked to roosts in the residential area via features including this boundary.

I would therefore welcome further justification as to why the severance of this well-used commuting route is acceptable, or an amended landscaping proposal that includes additional planting along the north of the footpath, together with the maintenance of a dark corridor where the access road passes through this section. I would also note that the western end of this boundary is where mature oak trees with high bat roost potential are located, so it is important to ensure that this area remains dark. That said, I note that Appendix M of the Phase 2 report specifies the planting of oak trees either side of the road to maintain canopy connectivity, and this is welcomed.

While the activity surveys did not pick up any clear roost activity / behaviour around these trees, the surveys were not designed as roost emergence / re-entry surveys so I do not believe these can be used to decisively conclude that the mature trees on site do not support roosts.

Birds

A range of bird species were noted to use the site for breeding and feeding. The Phase 2 report includes sensible recommendations to avoid impacts during construction, and provided these are secured through planning condition, I would raise no further concerns.

Reptiles

The surveys identified a low populations of slow worm at the site. The report sets out a strategy for addressing impacts to these. This is based on maintaining a 1m wide (4m in parts) buffer between hedgerow bases and adjacent grassland and the creation of hibernacula. In general, there are some well-considered aspects to this (such as leaving gaps at the base of fences, use of rubble piles etc), but at present there is some uncertainty over how it would be implemented and I would also make the following points:

- The plans do not indicate the 1m or 4m buffer
- Over time, the land between the residential boundaries and the site boundaries will become overgrown and unsuitable for reptiles
- The reptile mitigation plan (Appendix H) shows the creation of hibernacula in locations different to the 4m buffer strip to the NW of the southern field described in the text.

I would therefore seek further clarity over the reptile mitigation proposals. I do not think that the population and habitat warrant a formal and lengthy fencing and trapping programme – however it may be more appropriate to use a combination of intensive trapping effort and habitat manipulation / destructive searching around the site boundaries to move reptiles to a pre-determined location near a site boundary unaffected by the development that has been previously prepared to receive them through habitat creation – for example the areas identified as being the sites for habitat creation on the plan in Appendix H

Conditions

The Phase 2 report discusses the production of a Biodiversity Enhancement and Management Plan, which would include many aspects of the measures set out in the recommendations section of the report. I believe that this is a good solution, as it would provide one self-contained and over-arching document that site contractors and management company can use. While I do have some concerns over how site-level biodiversity impacts would be addressed, I am confident that the impacts have been properly identified and assessed and that these can be accommodated within the development.

Therefore, and notwithstanding my outstanding concerns regarding impacts to the SPA, I believe that it is acceptable to secure the detail of the site-level mitigation and enhancement strategy through a planning condition that seeks to secure the delivery of the Biodiversity Enhancement and Management Plan, for example:

- Prior to commencement a detailed Biodiversity Enhancement and Management Plan shall be submitted for written approval to the Local Planning Authority, detailing the measures to be implemented to avoid, mitigate and compensate for impacts to biodiversity from the construction phase of the development, and to enhance the site and manage it in the long term for the benefit of biodiversity. Development shall subsequently proceed in accordance with the approved details. **Reason:** to avoid, mitigate and compensate for, and to conserve and enhance biodiversity.

Please do contact me if you need any further information.

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.

Thanks and regards

Adam

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