

Our Ref:- H/125/MK

Your Ref:- APP/18/00943

Havant Borough Council
Development Control
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

15th July 2020

Dear Mr Weaver

Tournerbury Woods, Tournerbury Lane, Hayling Island

I have been asked by Mr Grahame Phillips of A.G. Phillips & Son Ltd to submit further representations on the current application at the above site. These relate solely to the ecological information recently submitted to the Council and should be read in addition to those comments submitted on 6th December 2019, which cover other matters.

Firstly, you will be aware of the Planning Policy Comments from Jaqueline Boulter on 5th December 2019 requesting, among other things, a Habitats Regulations Assessment (HRA) and, if necessary, an Appropriate Assessment (AA). Previously, Natural England, by letter dated 17th December 2018, specifically requested the following:

- A detailed assessment of the ecological impacts of the proposed land uses and associated activities on the designated sites (on-site) and adjacent land) and notable species, including the over-wintering waders and brent geese and the herony in Tournerbury Wood.
- A bat survey
- An assessment of mitigation and enhancement measures to address any impacts. It is recommended that this is set out in a comprehensive site management plan.

In addition to the above, the County Ecologist's comments published on 11th December 2018 and Chichester Harbour Conservancy's comments dated 10th December 2018 also requested specific ecological information.

The applicant has eventually submitted an Ecological Impact Assessment Report and a Shadow

Habitat Regulations Assessment Report to supplement the original Updated Phase 1 Habitat Survey.

Ecological Impact Assessment Report

It is considered that paragraph 14 of the Report is, at best, cavalier about the impacts upon habitats when not all surveys had been completed at the time of writing.

The concerns about lighting in paragraph 16 have been downplayed by the author as there is no proposed cap on the number of events or limitations on the usage of lighting. Lighting recommendations outlined in paragraph 17 should be heeded and conditioned in the event of planning permission being granted.

It is unfathomable that bat roosting, foraging and commuting surveys had not been undertaken by June 2020 (paragraph 18), given that Natural England's consultee response dated 17th December 2018 requested that they be undertaken. These should, therefore, have been undertaken during the 2019 bat survey season, if not before the application was submitted.

There have been no dormice surveys undertaken, yet the woodland provides suitable habitat for dormice. The lack of any records for dormice does not prove absence.

The breeding bird survey undertaken in 2015 is surely now out of date (paragraph 28).

Paragraphs 32-34 relate to herons. My client attended the Chichester Harbour Conservancy meeting on 13th July 2020 and advised the committee that many herons used to nest on the northern side of the Bury close to the track. As the events in the wood have increased the number of nests has decreased. The report suggests that the herons were a breakaway group from Thorney Island, but they can find no evidence of this. Mr Philips and his wife have lived at Tournurbury Farm for 33 years and they dispute the suggestion that the reason for the decline of herons was that the nearby rookery upset the herons.

Mr Philips also advised the committee of other ecological reports, including the RSPB's, which state that human disturbance, noise and lighting can be a factor in grey herons avoiding their nesting areas or abandoning their nests, eggs and chicks. They were also pleased to report to the committee seeing two young herons around the pond this year, presumably as a result of the lockdown and the tranquillity within the woods.

The suitability of the habitat for dormice is reiterated in sections 4.3.2. It is considered that surveys should be undertaken.

The report fails to consider the impacts upon protected species along the access track and the Bury, in addition to those considered within the footprint of the development and the cottage.

The two open freshwater ponds either side of the access track, just beyond the farmyard, are not mentioned at all.

This report is silent on the number of vehicle movements and the potential impacts an uncapped number of events at the Woods Estate would have on protected species.

Shadow Habitat Regulations Assessment Report

The County Ecologist and Natural England would be better placed to comment on whether the Shadow Habitat Regulations Assessment Report meets the requirements, in addition to having their own comments on the Ecological Impact Assessment Report.

Other Matters

It is evident that the submitted ecological information does not address, in full, the previous comments made by Natural England, the Chichester Harbour Conservancy or the County Ecologist. In the absence of this information, the application should not be supported.

Of particular importance to my client are the final two bullet points in Chichester Harbour Conservancy's letter dated 10th December 2018, namely an upper cap on events per year and their desire for the applicant to relinquish all access rights through the farmyard of Tournerbury Farm, in return for using the new approved alternative road to Tournerbury Woods. My previous letter to the Council dated 6th December 2019 suggested an upper limit of 30 events per year, with access through the farmyard. The Council will also be aware that my clients have implemented planning permission APP/17/00207 for the alternative road through to the Woods Estate. This road will, therefore, be available for Mr Snell and his customers to use to access the Woods Estate.

I would be grateful if you could take on board the additional comments made on behalf of Mr Grahame Phillips when considering this application.

Yours sincerely

