

To:
Ms Daphne Haywood
Planning Policy Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

8th April 2019

Ref: APP/18/00724 Response to the Barratt Homes proposal at Site: Land at Sinah Lane, Hayling Island.

Proposal: Erection of 195 dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.

Dear Ms Haywood

This letter sets out more points we would like to add to our letter of objection to the planning application APP/18/00724 on 28th August 2018.

1) There has been activity clearly related to this planning application which is conflicting with national policy and HBC's own policies and guidelines and will confuse survey data. The existing habitat for protected species has been farmed in a way which could negatively affect its attractiveness to Brent Geese in the future.

The field H34C in which H29 is situated has been unusually partially planted this year (see Photo a) and this has affected the use of the whole field by Brent Geese for foraging and therefore affects any surveying results. This means the crop rotation on field H34C has been *interfered* with this winter by strange partial planting which has made the field, unattractive to the Brent Geese this winter, with only a small area planted with a crop earlier on in the season but not kept weed free. (see Photo b) The rest of the field was left to stubble and then weeds. Conveniently, the Brent Geese have been foraging the fields further north where E26 is proposed, which have been planted with their favoured crop.



Photo a: Field H34C looking north showing different crop planting at northern end of field. (18th Nov 2018) The border between the planted and unplanted part matches the planning application with the proposed small refuge at the northern end and the residential housing in the southern end.



Photo b: Close up of border between planted area and unplanted area to the southern part of the field H34C, showing the lines of the planting (18th Nov 2018)

The HRA 5.224 states, 'It should be noted that how sites are used by SWBG, is not constant. The SWBG Strategy will continue to be updated to reflect new survey data. Therefore, reference should be made to the most up-to-date SWBG Strategy for the classification of sites.'

However this year's 2018-2019 surveys will be skewed due to partial planting on the proposed site H29. The proposed fields for the mitigation refuge at E26 have been planted with crops that attract the geese this winter (2018 -19) and have tempted them away from their regular and usual foraging grounds.

In addition before the geese migrated away again this February/March, the small area of planted field was sprayed and the crop was destroyed (See Photos: c and e) apart from areas where the tractor could not reach due to the poor drainage and groundwater flooding on the field! (See Photo d). This suggests that the purpose of this planting in a small area was very much related to testing out the behaviour of the brent geese when only the smaller area adjacent and north of the proposed housing is planted.



*Photo c showing the sprayed and destroyed crops planted at the North end of the field H34C, turned yellow by the spraying, and leaving the greener weeds and stubble in the southern end
(11th March 2019)*



*Photo d Northern end of field H34C showing destroyed crop due to spraying and healthy crop that was planted in November 2018 was left where tractor possibly could spray at that time due to groundwater flooding. The large flooded tracks in the field show this.
(24th March 2019)*



*Photo e close up of the sprayed damaged crop with weeds growing through.
(24th March 2019)*

Therefore, the survey results are being manipulated in favour of development and certainly not the result of fair testing. As the existing habitat has been tampered with, possibly negatively affecting its attractiveness to Brent Geese in the future, surely this action is in conflict and not compliant with the NPPF and therefore legally questionable?

2) Erosion and coastal squeeze is a major concern for the proposed refuge at the north of land north of Sinah Lane and North Shore Road and at E26, on which the planning proposal partly depends. (see Photo f)

It is recognised in the Pre-submission local plan 2036 which actually proposes to move the Hayling Billy Trail eastwards to protect it from coastal erosion. (Ref pre-submission Local Plan E26 e p284)



*Photo f: Active coastal erosion along the coastal footpath at northern end of H34C facing south on the west shoreline
(24th March 2019)*

Within the Infrastructure Delivery Plan it is stated: *"the most significant issue is that due to coastal erosion a section of the trail will fall into the sea in the short-medium term. As this section lies along the part of the coastline where the North Solent Shoreline Management Plan policy is one of 'no active intervention' the only solution would be to divert that section of the trail inland"*

(Infrastructure Delivery Plan, Page 121)

Furthermore, the border of both this proposed refuge E26 and the small refuge within the planning proposal for H29 is within the highest risk Flood zone (Z3) for Hayling Island. The flood risk map demonstrates parts of this area will be flooded due to sea level rise but within a 'no active intervention' area. (North Solent Shoreline Management Plan)

Policy Unit 5AH107 North Shore Road, New Town to West Lane (Stoke) of the North Solent Shoreline Management Plan (p295) states:

"Due to the environmental designations within Langstone Harbour, continued maintenance of defence structures will result however, in the continued loss of European and national nature conservation designated habitats such as inter-tidal foreshore habitats, through coastal squeeze.'... 'These losses will need to be mitigated within the same designated area or compensated for elsewhere and delivered through the Regional Habitat Creation Programme. Opportunities for habitat mitigation and compensation have been detailed within the Appropriate Assessment of the final policies. Adaptation options are being considered by Hampshire County Council for future management of Hayling Billy amenity footpath which may need to be rerouted or adapted in response to changes in shoreline position and sea level rises. The footpath is not considered as a defensive structure unless improvements to the seaward face will allow this to function as a secondary defence and create opportunities for natural processes to continue. In terms of mitigation for habitat losses, there are potential sites in the vicinity of Newtown that are topographically suitable for creation of inter-tidal habitats, although these sites would require further detailed economic and environmental studies to determine feasibility and could only proceed subject to landowners consent following further consultations."

At the Eastern Solent and Coastal Partnership (ESCP) explained at meeting 27/02/2019 that even with proposed coastal management scheme, priority funding would not be allocated to a non-residential area that is privately owned.

The ESCP explained the coast of Hayling Island including the west side where the northern part of the land north of Sinah Land is located for both the proposed adjacent refuge and the larger E26 mitigation, already urgently needs protection from predicted sea level rise, storm clusters and storm events all related to climate change. *'Hayling Island is most vulnerable to climate change'* (PUSH SFRA 2016), but there are currently no plans or strategies in place.

The above facts demonstrate that not only will erosion reduce the number of hectares available, but also predicted sea level rise in the next 50 -100 years will flood this area creating a loss of habitat for SWBG in perpetuity.

To select this land for proposed refuge makes no sense, as the loss of this land already needs mitigation so therefore cannot provide mitigation for loss of Brent Geese and Waders habitat due to residential development. Therefore, the proposal for these refuge area are

conflicting with E17 (a) and (d) p166 and means that there cannot be sustainable mitigation for the loss of Brent Goose and Wader habitat for H29.

Why propose new refuges when there is the existing (active for many years) habitat already in the field at H34C (already part of the mitigation for The Oysters development), proven to support hundreds of SWBG and designated as Primary Support the species?

3) Minimising the potential for disturbance has not been addressed properly up to this point in existing areas of mitigation e.g. legally binding commitments have NOT been adhered to on H34C in which H29 is located already.

Habitat Regulations Assessment Jan 2019, p19, 3.24 states: *'Site integrity is defined as 'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified' (JNCC, 2002).* It therefore follows that for site integrity to be unaffected, there should be no impacts to a site's qualifying features resulting in harm to the ecological structure and functioning of the site, its supporting processes and/or adversely affecting the site's ability to meet conservation objectives.

Therefore there are major concerns that there will not be robust boundaries and screening for the smaller proposed refuge at H29.

4) There is no record of a SFRA or an Exception Test for the site of the small refuge proposal let alone the site at E26. The local authority has not produced a thorough risk assessment for flooding in accordance with NPPF for the north end of the field which borders the Langstone Harbour.

In addition HBC admits in the latest Strategic Flood Risk Assessment (Local Plan Sites) November 2018 had to be developed in partnership with the Environment Agency to satisfy concerns that the Council had taken a sequential approach to site selection, and as such risked the plan being found unsound. Soundness is clearly questionable: HBC state that SFRA 2018 does not provide sufficiently detailed information to satisfy all of the requirements of a site specific FRA as outlined in the National Planning Policy Framework.

"During the Regulation 18 Consultation on the draft Local Plan, the Environment Agency (EA) raised concern that the supporting information did not adequately demonstrate that the Council had taken a sequential approach to site selection, and as such risked the plan being found unsound. This document has been developed in partnership with the Environment Agency to satisfy these concerns."(SFRA 1.12 Nov 2018)

Furthermore *'When undertaking a site specific FRA for a large development site, consultation with Southern Water should always be undertaken to investigate whether the proposed development will have an adverse impact on the local drainage system.'*
(see Photo g)



Photo g severe groundwater flooding this winter affecting H34C and adjacent back gardens (20th Dec 2018)

Barratt Homes propose using onsite surface water pumping station that will become the responsibility of a Local Sewerage Authority.

HBC should not risk further issues with this proposal when Southern Water are currently under investigation by the Environment Agency due to pump break-down on Hayling during 2018 and raw sewage flooding gardens and discharging into the Harbour, SPA and RAMSAR. National Planning Policy Framework (Feb 2019) 149 states: *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."*

5) This proposed development is within the distance of 5.6km recommended as **not** suitable for development distance by Habitat Regulations Assessment 6.13 and Solent Recreation Mitigation Strategy. The points raised in the Habitats Regulations Assessment Jan 2019 (HRA) are enough to demonstrate that H29 is an inappropriate site for development:

HRA 6.13 *'For the purposes of this HRA it is concluded that any net increase in residential development within 5.6km of the two SPAs as a result of the Local Plan would lead to a likely significant effect from recreational disturbance, in combination with other development taking place within the wider Solent area.'*

'The background evidence, on which the 5.6km zone is based, is presented within the Solent Recreation Mitigation Strategy.'

This site is within 5.6km of the SPA and RAMSAR sites and so significant disturbance will occur.

HRA 6.9 *'Each of the policies and proposals listed above would, if implemented, result in the loss of SPA supporting habitat, either through direct habitat loss or functional habitat loss. Impacts to supporting habitat will result in the displacement of qualifying species and therefore would be highly likely to undermine the conservation objectives of the SPAs.'*

Habitats Regulations Assessment January 2019 also shows in Table 9 that the following local important sites will be affected:

- Chichester & Langstone Harbours SPA
- Chichester & Langstone Harbours Ramsar
- Portsmouth Harbour SPA
- Portsmouth Harbour Ramsar
- Solent & Dorset Coasts pSPA
- Solent Maritime SAC

The small area of 5.7ha N of H29 will be negatively affected by construction noise, increased human presence. The increase in human presence in previously-undisturbed areas could result in displacement of SWBG. The effects will be felt at considerable distance from the development site.

Habitats Regulations Assessment Jan 2019, 4.10:

'Functional loss can occur without direct physical impacts (e.g. through the effects of the proximity of adjacent built development rendering a site unattractive to bird species) This impact pathway is most relevant to habitats supporting SPA/Ramsar bird species which utilise this habitat for roosting, resting or feeding. The impact will result in total or partial loss of habitat and/or the permanent displacement of birds.'

Therefore the location, disturbance, resulting habitat loss and irreversible damage to the SPA/RAMSAR demonstrate that H29 should not be given planning permission or indeed in the Local Plan.

6) If sea levels rise as predicted, groundwater flooding in areas already affected by tide locking will become impossible to mitigate against if SUDs are the chosen method of mitigation. This raising of groundwater level, which is currently just below the surface across the site, as sea levels rise, will be exacerbated during low pressure systems, spring tides and storm clusters that are becoming increasingly prevalent, as a result of climate change. *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."* (Nation Planning Policy Framework 155).

Therefore SuDs are an inappropriate method of flood mitigation in this case and also the use of SuDs in this area is unsustainable and as Southern Water are unlikely to allow extra demand on their waste water infrastructure, then the development of this site is in itself is unsustainable. It must be reiterated that pollution of local land and sensitive eco system will occur due to tide locking interacting with SuDS. Have Barratts acknowledged water levels in the field are close to the surface and affected by tide?

7) The development proposal at H29 on green-field, good-grade agricultural recently farmed land, and on a primary support site for Brent Geese, requires the mitigating proposal for a

refuge that is only delivered bit by bit, and will be not finished, tried nor tested and only phased in gradually.

This mitigation relies on purchasing third party land, funded by multiple, different development proposals. Therefore, the mitigation measures are not feasible.

8) The proposal to use the Northern end of the field H34C as a refuge is in direct contravention to the legally binding Tyler Grange Land off Station Road, Hayling Island Brent Goose Mitigation Strategy (11 September 2013). The mitigation strategy is still current. HBC Planning Officers admitted that there had been '*oversight*' in following up this legally binding mitigation and despite claiming that '*lesson's had been learnt*', follow up still appears to be lacking.

It should be stressed again:

a) The whole field H34C should undergo crop rotation with cereal in alternate years, reduce recreational disturbance, maintain fences and borders and the overall boundary of H34C in order to ensure the attractive to the Brent Geese of H34C, to compensate for the loss of SWBG habitat from the adjacent Oysters residential development.

b) The whole field H34C needs to remain as one in order to provide the open site lines for the birds.

Not only does the land south of the 'proposed' refuge provide '*clear sight lines*', it is itself also used directly for foraging by the geese – this land will not be replaced, but lost, not to mention the 2.5ha of land that was lost from the 'Oysters' development that H34C was, due to legal agreement, supposed to mitigate for.

c) The fences and borders need to be maintained properly in perpetuity to prevent further disturbance to the birds. This legal requirement has not been fulfilled. Only this winter, when this was highlighted again due to objections to the planning application of Barratt Homes, has there been a poor quality attempt to maintain fencing (see Photo i)



Photo i: Broken down fencing, recently installed by Barratt Homes after it was shown that they had not carried out agreed mitigation for the The Oysters Development. It is clearly not robust enough to keep dog walkers from walking into field at north end of H34C looking west over destroyed crops. (24th March 2019)

9) In the Pre-submission local plan, E6 states the importance of best and most versatile agricultural land adding that the council could not meet its housing targets through brown field alone thus questionably trying to justify that houses may be built on this type of land. However policies E26 and H29 show that the council intends changing the land use of current best and most versatile, green field agricultural land to refuges to make housing viable. Therefore, not only is there a loss of this best most versatile land on Hayling directly to development, there is even further loss of this important land for purposes other than directly building houses.

Policy E26 is proposing a refuge, not a development, on existing best and most versatile land (grade 3a or better agricultural land).

Policy H29 proposes both development and changing an existing Primary Support Site (for Brent Geese) to include a refuge on best and most versatile land (grade 3a or better agricultural land).

Having stated how important such land is, it then seems questionable that the council would try to justify losing so much best and most versatile land as a consequence of residential development.

In conclusion, given all the other constraints for this site, it is inappropriate and unsound to allow this planning application.

These constraints include:

- disturbance and inability to mitigate against disturbance with the Hayling Billy trail running adjacent to the SWBG site and the lack of follow up on previous mitigation strategy (Tyler Grange Mitigation, Land off Station Road Hayling Island, 2013)
- proposed alternative refuge that is unsustainable in perpetuity northern part of H29 and at E26

- green field sites that already exist on best and most versatile land (grade 3a or better agricultural land) for both H29 and E26
- complex drainage with increasing ground water flooding and tide locking on H29 will be subject to significant sea level rise over the next 50 to 100 years
- climate change vulnerability to sea level rise, flooding and existing erosion at H29 at the north end of the field H34C and E26
- proximity to SPA, RAMSAR, SSSI
- designated SINCE and existing primary support site (H29)
- existing mitigation currently affecting the site H29
- damage to existing habitat for Brent Geese and Waders H29

When taken together all these constraints and more, are enough to outweigh any justification for development on H29 or indeed to use E26 as an alternative refuge and show that this planning application is in conflict with the NPPF.

Building Barratt Homes' low grade houses on a low lying cul-de-sac island, such as Hayling, let alone building upon such high grade agricultural land, does not reflect sustainable practice and therefore goes against the NPPF.

The application can only be for the purposes of short-term profit and should be refused; it is unethical and unsustainable in perpetuity.

