

Clark, Jacky

From: Miri, Mara [REDACTED]
Sent: 22 January 2019 16:29
To: Haywood, Daphney
Cc: Havant Planning and Development Mailbox New
Subject: APP/18/01297 - Manor Road Nurseries, Manor Road, Hayling Island

Dear Daphney,

APP/18/01297 | Construction of 9No. three bed dwellings, following demolition of existing glasshouse, together with improved site access and associated vehicle parking. | Manor Road Nurseries, Manor Road, Hayling Island, PO11 0QL

Thank you for consulting me on this planning application and apologies for the delay in responding.

The site comprises a former nursery and caravan storage area. It is understood that the site has already been cleared and is therefore dominated by areas of bare ground. This is unfortunate and I can only hope that the site clearance has been carried out in accordance with the relevant wildlife legislation.

The submitted Initial Ecological Appraisal by Ecosupport (December 2018) states that the site is unlikely to support any protected species such as bats, reptiles, etc. Of most note is the mature defunct hedgerow located along the northern boundary of the site. This hedgerow should be retained and enhanced through supplementary planting. The submitted Proposed Site Layout (drawing no: 18 - 3060 – 100, PLC) currently fails to show this.

The site immediately to the north of the application site is a Primary Support Area (H49H) for Brent Geese and Waders. The submitted ecology report states that the site is not considered suitable for Brent geese or waders. Whilst there are no direct impacts as a result of the proposed works, there may be indirect impacts which would need to be assessed and addressed such as noise, recreation pressure through unauthorised access, etc. The Primary Support Areas support the functionality of the SPAs and therefore further information is requested to ensure that the development would not have an adverse impact on the SPAs. I also notice that Natural England has requested further information to be submitted to the LPA. Therefore, it is my advice that permission is not granted, until a Construction Environmental Management Plan (CEMP) is submitted to detail any potential impacts and measures required to avoid or mitigate constructional impacts. As detailed in Natural England's response, the CEMP should address the following impacts:

- *Visual screening (for SPA birds)*
- *Noise/visual/vibrational impacts:*
- *Timing of the works for noisy operations*
- *Storage of construction materials/chemicals and equipment;*
- *Dust suppression*
- *Chemical and/or fuel run-off from construction into nearby watercourse(s)*
- *Waste disposal*

Provided that an acceptable CEMP is submitted, I raise no major concerns and if you are minded to grant permission, I suggest that the below condition is also added to the decision notice:

- Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local

Planning Authority. Development shall subsequently proceed in accordance with any such approved details. **Reason:** to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

Please also note that in April 2018, the Court of Justice of the European Union published a ruling in the Case C323/17 ('People Over Wind') with regards to the Habitats Directive. Therefore, I have considered this application in light of the recent ruling which must be interpreted as meaning that provision of mitigation measures intended to avoid or reduce the harmful effects of the plan on a European designated site at the screening stage is no longer appropriate.

The application site is located within 5.6km of the Solent Special Protection Areas (SPAs); therefore, recreational disturbance on the European designated sites is considered to be a Likely Significant Effect (LSE) at the Screening Stage and therefore it is necessary to proceed to the Appropriate Assessment Stage. I can however confirm that the LSE as a result of increased recreational pressure can be mitigated through the SRMP (Solent Recreation Mitigation Partnership). I would therefore request that this financial contribution is secured from the applicant.

Please do not hesitate to contact me if you require any further information.

Kind regards,
Maral

Maral Miri (MSc, CEnv, MCIEEM)

**Senior Ecologist
Ecology Team**

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