

Update report re APP/20/01031 – Land at Sinah Lane, Hayling Island

Proposal: Erection of 195No. 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 (Resubmission of APP/18/00724)

5 Statutory and Non Statutory Consultations

HBC Ecologist- further comments

Thank you for consulting me on this application. Thank you for your patience. In formulating my comments I have also considered recent correspondence regarding the presence of SPA bird species and cropping operations within part of the application site.

I have reviewed the various submitted ecological reports, including the Habitats Regulations Assessment, Ecological Mitigation and Management Plan, Biodiversity Action Plan and the Winter Bird Mitigation Strategy (all WYG, November 2020). I have previously commented on the general ecological conditions at the site as detailed within several species-specific documents – I note that these have been updated and I am satisfied that the general ecological value of the site is understood and remains the same as previously. Being predominantly an arable field, the site is generally unremarkable in terms of ecological value, with the chief interest being its use by bird species associated with the nearby SPA/Ramsar. The woodland and hedgerows at the eastern edge of the application site are also of ecological importance and this is acknowledged.

The ecological mitigation, compensation and enhancement measures for the development site are acceptable. Trees and hedgerow habitat at the site boundaries will be largely retained intact and protected during construction. New landscaping includes areas of native scrub and hedgerow as well as areas of wildflower grassland. The proposed SuDS basin and swales will be able to provide a valuable wetland element and some wetland plantings are proposed. In terms of protected and notable species the proposed mix of avoidance measures (e.g. timing or certain works, protection of retained features, no use of night-time lighting etc.), new habitat plantings and features such as bat and bird boxes are acceptable. The inclusion of nest boxes for common swifts is welcome, as is the use of ten bat roosting boxes. The success of retained and new habitat areas for nocturnal species such as bats will be largely dependent on the strategy for artificial lighting. Details of lighting can be secured by condition, and the strategy must ensure that retained and new habitats are not subject to levels of lighting that would deter bats.

As previously discussed, one of the principles of the published mitigation guidance for impacts to SPA supporting habitat (as defined by the Solent Waders & Brent Goose Strategy) is that impacts to Core or Primary SWBGS sites would be deemed acceptable if an alternative site can be found that fulfils at least the same function to the same population of birds. This approach has been adopted within the context of

the requirement for new dwellings as set out in the upcoming Havant Local Plan 2036 (but also across the wider Solent region) and as a direct response to the continued unmitigated loss of SWBGS sites over many years. In practice, this requirement for mitigation/compensation places considerable difficulties for proposers in terms of finding an alternative compensatory area that is of sufficient size and condition to provide the same function to birds. For Core or Primary sites, compensatory areas must be large and close by the site being lost, and suitable options are few.

One of the inherent traits of the SWBGS network is that there is no mechanism for ensuring the presence of suitable habitat, even where a site is important for birds, as most sites are in private ownership and used for agricultural purposes. There is no guarantee that even the most well-used and important Core and Primary sites will be placed in suitable cropping/management in any one year. Therefore, a guiding principle of the latest SWBGS is securing areas of permanent habitat, managed solely for the birds. The loss of part of a large/important SWBGS site that may only be in suitable condition every few years is deemed acceptable if a comparable area (in size or function) of permanent habitat can be secured in its stead. This is the situation at this application site: a permanently-available grassland site with scrapes and secure fencing, managed by a suitable organisation, is a better site for birds than an arable field which may only be suitable every few years. Whilst there have been bird records throughout the entire site over many years, the survey data submitted both for the Oysters development and the current application have indicated that the northernmost section of the field has been used most consistently by the greatest number of birds. Many factors are likely to influence the birds' use of a site: cropping, disturbance, proximity to housing, sight lines will all play a role. Records in recent years (for the SWBGS and development-related surveys) show that the northern area is used most often and has supported not only brent geese but wader species also. The lack of records in the central and southern areas (i.e. the application site) in recent years is likely explained by the lack of suitable habitat e.g. bare plough during winter 2016/17. This again highlights the reliance on suitable cropping to make each site suitable for birds. The evidence of very recent records of brent geese within the central and southern sections is not surprising – if habitat is available the birds will use it. Birds may use a site for feeding e.g. if there is a suitable crop such as winter cereals or just for resting e.g. if regular sites are unavailable.

The relationship with the permitted Oysters development has been discussed before. The mitigation for that development was supposed to include secure fencing along the eastern boundary of the Sinah Lane H34C site (to prevent informal access across H34C) as well as management of a small area of pasture to the north. There was no condition relating to the ongoing management of land within H34C and management was therefore subject to usual cropping as determined by the landowner in response to commercial necessity. There were clearly implementation issues with the secure fencing, which is highly regrettable. I understood that this had been addressed although it would seem from recent correspondence from a local resident that there are still issues with unauthorised access into the site: this needs addressing urgently and certainly the security of fencing must be enforced in future. It is hoped that the

addition of new hedging as a result of the current proposal will further secure this boundary, alongside properly secure fencing.

The main mitigation measure – the permanent bird refuge site – is accepted and I understand that the RSPB are essentially satisfied that all matters are resolved in terms of ownership and ongoing management. Confirmation of this will be required before the LPA can determine that the mitigation is deliverable. On the basis of the submitted information I am satisfied that the refuge will be suitable compensatory habitat and accords with the mitigation guidelines as set out within the SWBGS.

In terms of construction-phase impacts, there is clearly potential for noise and visual disturbance of wintering bird species. The HRA includes outline details relating to the avoidance of construction works within the wintering bird season. This is unlikely to be practicable and therefore alternative measures such as acoustic fencing and noise reduction and monitoring are highly likely to be necessary, especially as construction moves into the northernmost sections adjacent to the refuge. A fully detailed Construction Environment Management Plan (CEMP) can be secured by condition.

If you are minded to grant permission can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Management Plan, Biodiversity Action Plan and Winter Bird Mitigation Strategy (all WYG, November 2020). Ecological enhancement features shall be installed as per ecologists instructions and retained in perpetuity in a location and condition suited to their intended function. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

In addition, I would recommend that a CEMP and Lighting Plan are secured by condition.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This CEMP shall include (but not be restricted to): specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to avoid or mitigate damage and disturbance to species and habitats. The CEMP should clearly detail the roles and responsibilities associated with the protection of the natural environment during construction, and mechanisms for monitoring and reporting. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Prior to the commencement of development activities a Lighting Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall include lighting contour modelling and lighting specifications and shall be in accordance with the outline recommendations detailed within the Ecological Mitigation and Management Plan (WYG, November 2020). Reason: to protect

biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Responses to requests from the Site Viewing Working Party for additional information to be provided to the Development Management Committee:

Responses

(1) Footpath access to the refuge.

The proposed formal links to the Billy Trail from the application site would provide access to the southern and northern ends of the proposed residential development. At the northern end of the proposed residential development an access gate is proposed to provide vehicles access to the Bird Refuge (for authorised entry only) and to connect with the informal footpath that crosses the field and connects with the informal footpath that lies adjacent the coast to the west. The Winter Bird Mitigation and Strategy and Plan provide for this and an enlarged extract from the Plan will be included in the PowerPoint presentation at committee.

(2) Oysters Mitigation

As part of the mitigation for the Oysters housing development, as set out in the HBC Ecologists response, the mitigation for that development was supposed to include secure fencing along the eastern boundary of the Sinah Lane H34C site (to prevent informal access across H34C) as well as management of a small area of pasture to the north. There have been issues with damage to the fence to gain entry. The provision of a formal connection from the Billy Trail to the application site, together with replacement fencing and proposed hedging on the eastern boundary of the refuge (as set out in the Winter Bird Mitigation and Strategy and Plan), would provide a more robust boundary treatment to the Bird Refuge and education Boards would supplement this.

(3) Clarification on E26

The reference to this area adjoining the proposed Bird Refuge is incorrect and as shown on the presentation to the Site Briefing on the 4 March 2021 it lies further to the north. It lies in flood zone 3.

In addition to the above responses, a further update will be provided in respect to the Transport Contribution and the fencing and monitoring of the Bird Refuge

