

From: Miri, Maral
Sent: 27 November 2018 13:12
To: Chambers, Jean
Subject: P/18/1118/OA - Land at Newgate Lane (North) Fareham

Dear Jean,

P/18/1118/OA - Land at Newgate Lane (North) Fareham - Outline Planning Permission For The Demolition Of Existing Buildings And Development Of Up To 75 Dwellings, Open Space, Vehicular Access Point From Newgate Lane And Associated And Ancillary Infrastructure, With All Matters Except Access To Be Reserved.

Further to the submission of the updated ecology report by Ethos Environmental Planning (November 2018), please find below my detailed comments. In summary, the applicant's ecologist has failed to follow best practice guidelines in undertaking a number of surveys, in particular bat activity (insufficient survey effort for transect and static surveys) and wintering bird surveys (insufficient survey effort). Furthermore, the in-combination impacts on protected species, particularly farmland birds, has not been considered. It is therefore necessary to request the applicant's ecologist to provide further information on these issues to ensure the adverse impacts as a result of the proposed works is fully addressed.

Protected Species

Over-wintering birds

The report states that '*Winter bird surveys were carried out on 6th and 17th March 2018*'. Overwintering bird surveys should be carried out between November and March and therefore the survey effort is insufficient. As such, the findings are not considered to be a true representative of the site status for overwintering birds. Nevertheless, the site is known to be a Solent Waders and a Brent Geese Strategy 'Low Use' (F15) site. Therefore, if avoidance, mitigation and compensation measures to offset the loss of this habitat cannot be provided, a payment towards the management and enhancement of the wider wader and Brent geese ecological network will be required. The level of financial contribution should be decided by Natural England and therefore consultation with Natural England is required.

Foraging/commuting bats

The applicant's ecologist has appointed a moderate value to the habitats on site for foraging and commuting species. However, the transect surveys were only carried out in July, August and September. This is not in line with best practice guidelines which states monthly surveys should be carried out between April and September. Unfortunately, this survey limitation has not been acknowledged, nor a justification has been provided. Furthermore, the report states that the transect surveys were carried out 1.5hrs after sunset, after the completion of the emergence survey of the building on site. Recommended survey time for activity surveys is from sunset. Whilst there is flexibility in alternative methods, no justifications has been given as to why the transect surveys were carried out in this manner and if missing the early foraging/commuting activity across the site has affected the survey findings. Again, the best practice guidelines state that for habitats with moderate potential, in addition to the transect surveys, monthly static surveys from April to September should be carried out on 5 consecutive nights per month. Figure 6 of the ecology report shows that in May only the southern boundary of the site was subject to a static survey. Furthermore, two statics are required per transect, not one. The northern boundary was only surveyed in August and early part of September for 29 days, with another location in the south-west only surveyed in September. There are major deviations from accepted industry

guidelines and it is evident that the survey effort is not sufficient. These surveys have missed the majority of the survey season, particularly the early spring and early summer. This combined with the walked transect surveys only carried out in late summer and in autumn, the survey results are not deemed to be a true representative of the status of the foraging/commuting bats on site. Furthermore, what are the implications of the static surveys recording high levels of *Nathusias pipistrelle* activity? How would the impacts on this species which is relatively rare be mitigated? Would there be a requirement for lighting in the vicinity of the pond and SUDS located in the western green buffer? Further information is required from the applicant's ecologist.

Roosting bats

A single building was identified on site with potential for roosting bats. The report states that 3 dusk emergence surveys were carried out. The best practice guidelines state that of the 3 surveys carried out, one must be a pre-dawn survey. No justification has been given as to why a dawn survey was not carried out and how the deviation from best practice could have affected the survey results (e.g. uncertainty in relation to roost classification). Notwithstanding this, the building has been assessed to be an occasional night roost for a common pipistrelle bat. No further information is provided other than a Low Impact Licence will be applied for. NPPF, Circular 06/2005 and the Natural England Standing Advice on Protected Species, require that planning decisions are based on full ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated and are acceptable. What is the impact of the proposed works on this roost? How will this impact be mitigated, considering that bat boxes will not be used as a night roost? Are the surveyors confident that the recorded activity was not related to a foraging pipistrelle using the barn? Further information in relation to roosting bats on site is therefore required.

Dormouse

Unfortunately, the assessment of the applicant's ecologist in relation to the site being of negligible potential for dormice is not acceptable. Main roads are not considered to be a major barrier and studies have shown that dormice cross main roads (studies by Leo Gubert and Paul Channin). Whilst, I do not agree with the conclusions, I acknowledge that the suitable habitats on site for dormice are located along the boundaries which are understood to be retained. Provided that the hedges on site are enhanced through supplementary planting and additional planting is carried out as part of the soft landscaping scheme, I raise no major concerns in relation to dormice.

Reptiles

The site is understood to support a low population of slow worms. The areas along the western boundary, where the reptiles were found, are to be retained and enhanced. Section 8.2.4 of the submitted report states that reptile fencing should be installed and the vegetation within the works footprint kept short. Whilst a more detailed mitigation strategy will be required in relation to the timing of the works and the impact of the excavation work required as part of the proposed SUDS, these could be secured via a condition at the Reserved Matters stage and I raise no additional concerns.

Breeding birds

The report states that the arable field on site provides potential foraging and nesting habitat for farmland birds. As such, further surveys were carried out. Of the recorded farmland birds, skylark was assessed as breeding on site or nearby. It is likely that the other arable field parcels at Newgate Lane will come forward for planning, therefore the cumulative impacts of loss of/reduction in nesting habitat for farmland birds and the required mitigation/compensation should be submitted as part of this application. Therefore, further information from the applicant's ecologist is required.

Badgers

The report states that no setts, snuffle holes or latrines were found on site. Badgers are known to be in the local area. Provided that a pre-commencement walkover for badgers is carried out, I raise no concerns.

Water voles and Otters

Surveys in April and September 2018 did not find any evidence of otter or water vole on site.

Great crested newts

The eDNA of the pond on site carried out in 2018 returned a negative result. Furthermore, the ponds within 500m of the site were previously subject to survey as part of the Stubbington Bypass and Newgate Lane South surveys (WSP, 2014) and the likely absence of this species was confirmed.

Designated Sites

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 re-considered this application in light of this 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 approximately 1.2km south of Portsmouth Harbour SPA and Ramsar. Due to the distance, lack of impact pathways (e.g. hydrological links) and presence of buffers in the form of residential units and fields, recreational disturbance on the European designated sites and impact on the network of habitats which support the SPA birds, are considered to be the two Likely Significant Effects (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 you complete the attached 'HRA Screening Matrix and Appropriate Assessment Statement' to fulfil the requirements of the Habitat Regulations Assessment (HRA) and refer to the HRA engagement process in your report. The LSE as a result of the loss of a Solent Waders and Brent Geese Strategy 'Low Use' site can be mitigated through a payment towards the management and enhancement of the wider wader and Brent geese ecological network. Provided that this is agreed by Natural England and the payment is secured, this impact could be mitigated.

The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. It has been demonstrated through research and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Fareham Borough Council (FBC) has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that FBC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have. With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The Definitive SRMP mitigation strategy has now been adopted and the revised costs are being charged by local planning authorities for permissions after the 1st April 2018. The costs for the sliding scale are :

£337 for 1 bedroom dwelling

£487 for 2 bedroom dwelling
£637 for 3 bedroom dwelling
£749 for 4 bedroom dwelling
£880 for 5 bedroom dwelling

Therefore, I recommend that the appropriate financial contribution is secured from the applicant at the appropriate stage.

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 Fareham Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.

Kind regards,
Maral

Maral Miri (MSc, CEnv, MCIEEM)

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