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**Sent:** 05 October 2018 08:56

**To:** Wright, Richard <[RWright@Fareham.Gov.UK](mailto:RWright@Fareham.Gov.UK)>

**Subject:** P/18/1073/FP - Land to the South of Romsey Avenue Fareham

Dear Richard,

**P/18/1073/FP - Land to the South of Romsey Avenue Fareham - Hybrid Planning Application For Residential Development Of 225 Dwellings And Bird Conservation Area, Seeking Full Planning Permission For 58 Dwellings And Outline Planning Permission For 167 Dwellings With All Matters Reserved Except For Access**

Thank you for consulting me on this application which is supported by an Ecological Impact Assessment (EclA) report, Reptile Survey & Mitigation Strategy and, Proposal for Bird Conservation Area by Ecosupport (May 2018). In summary, the proposed mitigation in relation to the loss of a Solent Waders and Brent Goose Strategy 'Primary Support Area' is not considered to be sufficient and further justification is required. Furthermore, the submitted EclA report lacks the level of detail required at this stage. As Portsmouth Harbour Special Protection Area (SPA) and Ramsar is located 180m to the south-west of the site and as loss of a primary supportive habitat for SPA birds is considered to be one the main Likely Significant Effects at the Screening Stage, it is necessary to proceed to the Appropriate Assessment Stage. Unfortunately, sufficient information has not been submitted to enable the LPA to confidently conclude that the impact on SPA birds as a result of the loss of Primary Support Area for SPA birds can be mitigated. It is therefore necessary to request the applicant's ecologist to provide further information.

The site comprises an arable field with an unmanaged improved grass strip along the northern boundary, scrub and hedgerows / tree lines.

### **Reptiles**

A reptile survey was carried out between April – May 2017 and confirmed the presence of a 'Good' population of slow worms, with the majority of the reptiles found within the northern boundary of the site to the rear of existing houses. I would strongly suggest that Section 2.3 of the report is amended as it states that a low population of slow worm and grass snake is present on site. I assume this is a typo and any reports submitted as part of a planning application should be accurate.

Based on the latest site layout, the report states that approximately 850m<sup>2</sup> of reptile habitat will be lost, which will be compensated by a 2m wide rough grassland buffer along the eastern boundary and wider areas along the south-eastern boundary of the site. The report states that the anticipated area of the receptor habitat will be approx.. 1400 m<sup>2</sup>. Whilst further information is required to demonstrate how the reptile receptor area will be delivered (e.g. proximity of the NEAP in the south-east to the receptor area, installation of a wooden knee rail to separate the receptor areas, etc.), I acknowledge that the majority of the site is at Outline Stage, the Illustrative Landscape Masterplan (Drawing no: DD151L01, Deacon Design) is only indicative and there appears to be sufficient areas in the south and east which could be used as a reptile receptor site. Therefore, I raise no major concerns at this stage, provided that detailed information at Reserved Matters stage is provided to ensure the long term suitability of the proposed reptile receptor areas.

### **Badgers**

An annex sett has been recorded in the south-eastern corner of the site. Whilst the measures to protect the badgers during the construction phase is acceptable (e.g. erection of fencing to prevent accidental damage, covering excavations and open pipes, etc.), the operational phase impacts have not been assessed. For instance, it is not evident how far the proposed NEAP is from the retained badger sett and if close proximity to this area will result in increased disturbance to badgers. Therefore, further clarification is required.

### **Bats**

The activity surveys between April and September 2017 confirmed that the site gets used by at least 6 species of bats for foraging and commuting (common and soprano pipistrelle, noctule, serotine, brown long-eared and Myotis species), with the northern, south-eastern and southern boundary hedgerow / tree line being most frequently used. As the majority of these areas are proposed for retention, subject to a sensitive lighting strategy, I raise no concerns.

It is understood that only the row of mature ash along the south-western boundary will be removal to enhance the sight lines for waders and Brent geese. These have been assessed as low and negligible potential for bats. Provided that the trees with low potential are soft-felled and any additional trees due for removal are assessed appropriately, I do not consider roosting bats to be a constraint in relation to this development.

### **Dormice**

The surveys in 2017 did not record the presence of dormice on site.

### **Brent Geese and Wading Birds**

The entire site is a Solent Waders and Brent Goose (SW&BG) Strategy 'Primary Support Area' (F21). The Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the Solent wader and Brent goose ecological network. There will be a requirement for the off-setting area, in this case the western section of the site, to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds. The appropriateness of any off-setting areas in respect of fulfilling the required ecological function should be judged against a number of criteria. Based on this, I do not consider that sufficient information has been provided to enable the LPA to assess the suitability of the off-setting area. My detailed comments are set out below:

- Habitat Type – The application site is understood to be an arable field which is to be replaced with short amenity grassland with scrapes in the south which is acceptable.
- Disturbance – installation of fencing and a ditch has been proposed to offset disturbance from recreational use and unmanaged public access which is acceptable.
- Area of habitat – *'where the replacement habitat would be of equal ecological quality the area required should be of a similar extent to the site being lost or damaged. There may be situations however, where a greater area is required when habitat created may be of poorer quality to that lost or damaged, or there is a high level of risk involved. Similarly, if significant ecological enhancements are possible that increase the carrying capacity of the replacement site above that of the Primary Support Area affected then a smaller area of replacement habitat might be acceptable. This might include the partial loss of a Primary Support Area providing the remainder can be made significantly improved in habitat quality with long term management so as to provide for a greater capacity for the target species than the original site. In all such cases the test will be to ensure the replacement habitats provide a clear and permanent net gain for the target species.'* Our survey work in 2013 and 2014 shows that approx. 300 Brent geese were recorded, mainly feeding in the centre of the site. Waders such as oystercatchers and curlews were also recorded mainly to the west, as these areas were recorded to be flooded in the winter. It is understood that the



entire application site measures 12.55ha, whilst the allocated Bird Conservation Area is approximately 2.8ha. This equates to a 78% reduction in 'Primary Support Area'. No justification has been provided in the submitted ecological reports as to how the area of habitat for Brent Geese and Waders was calculated. If the proposed habitat for the Bird Conservation Area is considered to be of higher quality, how will this increase its carrying capacity to the extent to compensate for the loss of the majority of the existing suitable habitat? How will an area of 2.8ha support over 300 individual Brent geese and a smaller number of waders?

- Timing and availability of habitat – the submitted ecology report states that '*Construction of the Bird Conservation Area will commence at the earliest opportunity to enable this area to be in place prior to first occupation of the housing development*'. This is not acceptable. The proposed Bird Conservation Area should be operational 'in time' to offset the adverse effects, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site. Therefore, the Bird Conservation Area should be available prior to any habitat disturbance/loss in the eastern section of the site. This means the Bird Conservation Area should be functional from October, with surveys informing if the provided habitat is functioning in supporting similar numbers of Brent geese and waders, prior to any works damaging or destroying the habitats in the eastern section of the site.
- Geographic location – this criteria is met as an onsite off-setting area has been selected. However, I have concerns in relation to the presence of housing in the north and east of the proposed Bird Conservation Area and the impact this would have on the suitability of the proposed area.

### **Impact Assessment**

Paragraph 6.1.2 of the EclA report fails to provide a meaningful impact assessment on the construction phase generated noise. It is worth noting that noise during construction phase is not solely related to vegetation clearance but also construction activities (e.g. piling, drilling, excavations, etc.) and machinery will also be producing noise. Therefore, impact assessment on the sensitive receptors of the site, of most note SPA birds using the Primary Support Area should be included in this section.

Operational Phase impacts on the retained annex badger sett has not been included in the EclA report.

### **Cumulative Impacts**

The submitted EclA lacks a Cumulative Impact Assessment section. For instance the east of the habitats immediately to the east as part of a separate planning application (Cranleigh Road). Reasonable effort should also be made to identify any likely future developments in the area. For instance, it is understood that the land to the south of the application site may come forward for planning which is also a Primary Support Area. Therefore any further future reductions in the available area to Brent geese and waders as part of the network of the sites supporting the SPA birds should be assessed.

### **Designated Sites**

Portsmouth Harbour Special Protection Area (SPA), Ramsar and Site of Special Scientific Importance (SSSI) is located 180m to the south-west of the site. 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 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.

Due to the large scale of the proposed works and the entire site being classed as a SW&BG 'Primary Support Area', recreational disturbance on the European designated sites and loss of a primary supportive habitat for SPA birds is considered to be the main two Likely Significant Effects (LSE) at the Screening Stage and therefore it is necessary to proceed to the Appropriate Assessment Stage. Whilst I can confirm that the LSE as a result of increased recreational pressure can be mitigated through the SRMP (Solent Recreation Mitigation Partnership) and securing the appropriate financial contribution from the developer, sufficient information has not been submitted to enable the LPA to confidently conclude that the impact on SPA birds as a result of the partial loss of Primary Support Area for SPA birds can be mitigated.

Please do contact me if you need any further information.

Kind regards,  
Maral

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.

**Maral Miri (MSc, CEnv, MCIEEM)**

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