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Rebuttal to Proof of Evidence produced by Nicholas Sibbett on
European Site Matters

**APPEAL AGAINST THE DECISION OF FAREHAM BOROUGH COUNCIL TO
REFUSE OUTLINE PLANNING PERMISSION FOR:**

**THE RESIDENTIAL DEVELOPMENT OF 225 DWELLINGS, BIRD CONSERVATION
AREA AND AREA OF OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT FOR
ACCESS**

Land South of Romsey Avenue, Fareham

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1. INTRODUCTION

1.1. This Rebuttal Proof of Evidence has been prepared to respond to the issues raised within the Proof of Evidence produced by Nicholas Sibbett, who is acting on behalf of Fareham Borough Council.

1.2. Within this rebuttal, I shall respond only to points raised where I feel there is appropriate need to correct any incorrect assumptions or clarify the argument around particular areas of disagreement with respect to brent geese and wading birds or European protected sites. Where I have not responded to any of the points raised within Mr Sibbett's proof it is not an indication that I accept them, rather it is that I feel my own Proof of Evidence and the Appellants collective evidence already appropriately addresses them.

1.3. There are some points raised within Mr Sibett's proof that will be covered in a rebuttal to be prepared by Mr Day and Mr Wiseman, including the following:

- The presence of badger setts within the bird reserve (the existing sett will actually be outside the reserve) resulting in potential compromise of the exclusion fence surrounding the bird reserve.
- A discrepancy between the proposed absence of construction disturbance proposed between October and March in the ES to protect brent geese and the Framework Construction Traffic Environmental Management Plan (CTEMP) lacking this same commitment.

I believe both concerns can easily be resolved.

2. CLASSIFICATION OF THE SITE A PRIMARY SUPPORT AREA WITHIN THE SOLENT WADWERS AND BRENT GOOSE STRATEGY

- 2.1. Within paragraph 5.7 of Mr Sibbett's Proof the requirement to 're-classify' a site identified within the Solent Waders and Brent Goose Strategy (SWBGS) is discussed, following the assertion within the ES and Shadow HRA that the site does not functionally act as a Primary Support Area due to the lack of available suitable foraging habitat for brent geese. Mr Sibbett's proof points directly to Paragraph 9 of the SWBGS Mitigation Guidance document produced in October 2018, stating that '3 consecutive years of survey to the agreed survey methodology under appropriate habitat management' would be required. The SWBGS itself however identifies a number of reasons why a site identified within the strategy may be unsuitable or unused by brent geese and wading birds.
- 2.2. Within section 5.4 of the SWBGS land management is identified as a crucial factor in site suitability for wading birds and brent geese. This states that "*Ploughed fields, stubble and certain crop types are unsuitable for these birds*" and further that the use of many sites is affected by disturbance from recreational activity, including increases in dog walking. Both land management and recreational use of the site has changed since the record of 300 brent geese most recently recorded in 2013.
- 2.3. The appellant has not sought to re-classify the site as set out in the SWBGS Mitigation Guidance document as the appropriateness of any ecological study is always relevant to the simple principle of suitability. As an example, a bat survey would not be expected for a building that lacks any suitable roost features and the application site has been identified as unsuitable for foraging brent geese.
- 2.4. Whilst the Mitigation Guidance document indicates that monitoring surveys should be completed under suitable management conditions, the designation of the site as a Primary Support Area in 2020 comes some 6 years after the management of this site changed (please note that a spring crop system was implemented in 2014 and not in 2015 as suggested in Mr Sibbett's proof). Prior to the inclusion of this site in the 2020 strategy, the previous allocation of the site within the SWBGS 2010 identified the site as 'Uncertain', making the approach to surveying this site appropriate at the time.
- 2.5. To simplify the chronology of events here the process can be illustrated as follows:
1. The site is identified as 'uncertain' within the 2010 SWBGS.
 2. Records of 300 brent geese are identified in 2012 and 2013, with the source of these records unknown.
 3. Crop damage identified from geese in the winter 2013/2014 leads to a change in management, beginning in the autumn of 2014 favouring a spring cereal rotation.
 4. 2016 – Surveys commence to assess the ecological value of the site, including a suite of wintering bird surveys.
 5. 2018 – The site is identified as a candidate to be classified as a Primary Support area, whilst still classed as an 'Uncertain' site within the 2010 SWBGS.

6. The 2020 SWBGS recognises the site as a primary support area based solely on brent goose records from 2012 and 2013.

3. RESIDENT OBSERVATIONS OF BRENT GEESE

- 3.1. Paragraph 5.12 of Mr Sibbett’s proof highlights observations of brent geese by two local residents that were submitted as objections to the case officer, with copies of these emailed objections appended to his proof. The first is by a Mr Dan Green, sent on the 11th May who states that he has regularly seen and heard brent geese during the early hours in February and March (no year is given). An email the following day by a Mr Mike Townson states that he has heard (but not seen) brent geese on at least six occasions in February and March (no year was given) through their window in the early morning. No indication of the number of geese observed or heard is alluded to.
- 3.2. I do not wish to dispute the identification of brent geese by local people that may or may not be representing themselves at the appeal hearing, but I would like to make clear that the presence of brent geese at a site must be taken into context. In February and March (the times of year referenced within both objections), the condition of the field would have been unsuitable for brent goose foraging, with sowing of spring cereal crops taking place in mid-February upon a prepared bare earth growing base. With late winter and early spring conditions resulting in very slow germination and initial growth compared to a winter crop cycle, no visible growth at all would be visible for most crops for at least the first 3 weeks.
- 3.3. Brent geese do of course migrate between intertidal foraging areas and inland foraging areas throughout the winter and occasionally settle on other sites, despite the absence of foraging habitat of value. This settling on sites with no notable foraging value (including lakes) can also be the result of disturbance from nearby sites. This might explain the observations made by local residents.
- 3.4. I believe therefore that the provision of a bird reserve that does have foraging value for brent geese, and which will be protected from disturbance through the provision of a managed security fence, provides an enhancement for brent geese above the current land value.

4. BIRD RESERVE SECURITY

- 4.1. Mr Sibbett suggests within Paragraph 5.18 of his proof that the fencing surrounding the proposed bird reserve lacks any details for management to ensure that it is not damaged by the public. Details for the management of the bird reserve and the fencing surrounding it are to be provided within the S.106 and all issues surrounding future management can clearly be resolved prior to the appeal hearing.
- 4.2. Mr Sibbett raises a concern in paragraph 5.19 that the proposals for a bird viewing hide will in practice likely attract anti-social activity and this could become a point of disturbance to birds using the reserve. The appellant can remove this feature if wished and indeed its inclusion within an outline planning permission means that there could be scope to remove it if desired at the reserved matters stage. I would however argue that the bird viewing hide does create an important local opportunity for people to access nature in a way that minimises disturbance risk and continues the growing interest in having access to nature and the outdoors that has been a positive consequence of the pandemic.

5. THE IMPACT OF BUILDINGS UPON THE BIRD RESERVE

5.1. The presence of buildings within proximity of a site used by brent geese is a factor adversely affecting the adoption of sites by brent geese and wading birds is used in paragraph 5.20 of Mr Sibbett's proof. The 2020 SWBGS (Table 3) does indeed identify the presence of buildings within 50-500m of a site as a negative factor, though also notes the presence of buildings within 50m as 'not significant'. The accompanying text indicates that the effects of buildings are not fully understood and that more research on the interaction between brent geese and proximity to buildings is necessary. It is possible that the presence of new buildings in the 50-500m zone could affect flight lines for these birds, which as heavy birds have shallow take-off and landing trajectories. In this respect, the proximity of buildings to the north of the reserve should not pose a limitation, with the flight path between the reserve and intertidal foraging habitat to the south remaining unimpeded. I would further also like to clarify that the whole of the application site already lies within 500m of buildings to the north, meaning that there is no change in this factor.