

Hearing, Commencing 10th August 2021

Town and Country Planning Act (1990)

Appeal by: Foreman Homes Ltd

Site Address: Land south of Romsey Avenue, Fareham

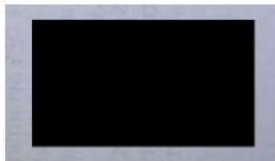
This document has 18 pages

STATEMENT OF TRUTH

I, Melanie Hefford, believe all of the facts laid out in this document dated 8th August are true to the best of my belief and knowledge.

I understand that proceedings for contempt of court can be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

A rectangular area that has been completely redacted with a solid black fill, obscuring the signature of Melanie Hefford.

Melanie Hefford
BA(Hons)MCS

My original subject matter was:

- 1 a) Concerns ref. suitability of the proposed wildlife areas / Bird Conservation Area.
 - b) Examples of failure.
 - c) Question immediate and long term gain for biodiversity. Monitoring outsourced?
- 2 a) Concerns ref. mitigation for protected species.
 - b) Examples of harm, and potential harm for protected species under ecologically driven development proposals..
- 3) Intrinsic value of field network with coastal habitat.

In this document I wish to include the above issues, but moreover challenge recent ecological developer-led comments by adding my evidence of continual geese and wildlife disturbance since 2016 with my supporting photographs and records.

Using the nearby Cranleigh Road development I will highlight the many development related disturbances which I believe can and have, in this instance contributed to geese and other wildlife aversion during this time period. I hope this will sufficiently highlight how difficult it has been for wildlife who are still trying to equalise from this disturbance and could face devastating adversity if this area, which operates as one, is taken for human habitation.

I live opposite the field which lies immediately to the south, since 1999. I 'work' with a local conservation group which seeks to protect areas like these SPA functionally linked fields. I have no financial or commercial interests or intentions in this respect.

I began recording wildlife in the area and other locations formally on iRecord 3 years ago because it was much simpler to have all my records in one place.

All of my records are incidental, and noted in my spare time only. **Please note my limitations:** I live in a bungalow so I usually only have immediate sight access of the one field nearest to me, opposite. If I want to count accurately and photograph further I go to a neighbour's top window or walk to get better sight access. This is not possible at night or at unsociable hours, so for the sake of argument I have recorded 'quantity' as 'one' wader of each species heard in such hours, but it's likely that there could well have been more. I have asterisked * in these instances.

For ease of reading, my updated statements main points are in bold, and a basic map is provided for reference.

With all of my photographs submitted here the date can be found in the 'properties' automatic digital signature which cannot be tampered with on the originals. Please take the time to read through this document in more detail in non-bold.

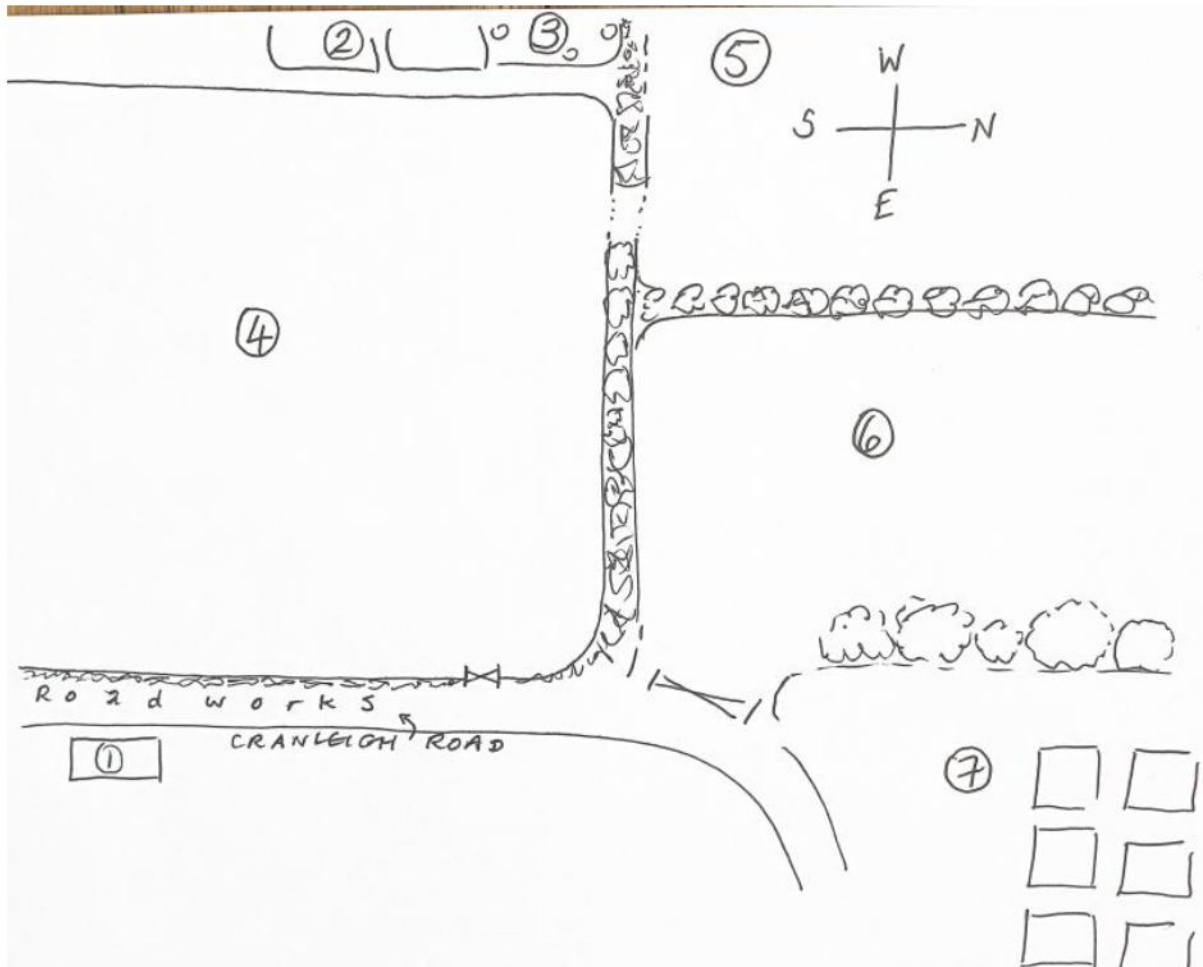
I would like to start, if possible, (and it may not be possible), with footage taken in August 2018, 'Appendix 1', of Canada geese (*branta canadensis*) circling and calling over the Romsey field, (Map area '5', p.3), scoping the area *for longer than usual*, with building noise in the background. They eventually landed. But it illustrates that conditions may have caused distress or reticence at the time with likely development disturbance.

Solent Waders and Brent Goose Strategy (2020) states of Brent geese in particular: .. "although they can habituate to some types of disturbance, they will be flushed from sites when the disturbance is direct."

Brent Geese are even more averse to human activity than other geese. Since 2016 the cumulative disturbance associated with nearby development and recreation, and the timing of the farming of the land I believe has caused direct hardship for them. Due to a very good history of the Brent geese and waders here for so many years it is vitally important to retain and monitor a network of nearby coastal fields where they can rest and forage in their chosen area.

Additionally *it would need to be* where human activity, noise generation, traffic, and most importantly light pollution is kept to the bare minimum. Without a responsive and *well-adhered-to* plan for this supporting network to be protected, as a whole, it is difficult to say whether or not with the right conditions they will return in numbers or not.

What I'm trying to say is that I've seen the good level of birds and wildlife activity here, and the area desperately needs a breather now to allow it to bounce back before the wildlife is further affected. A development would not allow for that breather. I feel that without this, the geese and other wildlife could be lost permanently.



Key to Map above

- 1** Represents my bungalow
- 2** Football Clubhouse
- 3** Football stadium
- 4** Primary Support Area to the south field
- 5** Applicant's appeal field, for the purposes of this document simply called 'Romsey field'.
- 6** Field to the east, under current landscaping development
- 7** New development footprint being built on.

Fareham Borough Council’s Planning Decision Notice for Refusal (Planning Application Reference: P/18/1073/FP Decision Date: 21st September 2020) states: “The proposal fails to appropriately mitigate the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the effect of the development on, and loss of part of, a Primary Support Area for Brent geese and waders”.

In light of the former ecological consultant, ‘Lindsay Carrington’'s absence, I refer to the most recent Foreman Homes commissioned ecological representation by ‘FPCR ‘-TEMPLE document 09/06/21, ‘VOLUME 4: APPENDICES APPENDIX F2 – ECOLOGY SURVEY UPDATE 2021’. Which states;

“5.8 Winter (SPA) Bird Surveys have not been updated since 2017. As evidenced by photographs submitted to Fareham Borough Council of Canada geese on-site, the field has been under a high level of scrutiny by local residents. There has been no evidence of Brent Geese, or other notable wintering waterbird bird species, either from locals or within records submitted to HBIC. As noted above, the Site has also not changed in terms of habitat since 2014-2018. The lack of more recent survey data is not a limitation to the ecological impact assessment in ES chapter 10 for wintering birds”

They also state:

“Wintering Bird Survey (WBS) 4.15 During these surveys there was just one notable record, 20 curlew *Numenius arquata* were recorded briefly on the field to the south of the site.”

Due to the fact that the most recent ecological representatives statement of just ONE record of 20 individual Curlews (a red list species) is incomplete in numbers, I have looked through my records to reinforce and provide accurate dates of notable waders, as follows:

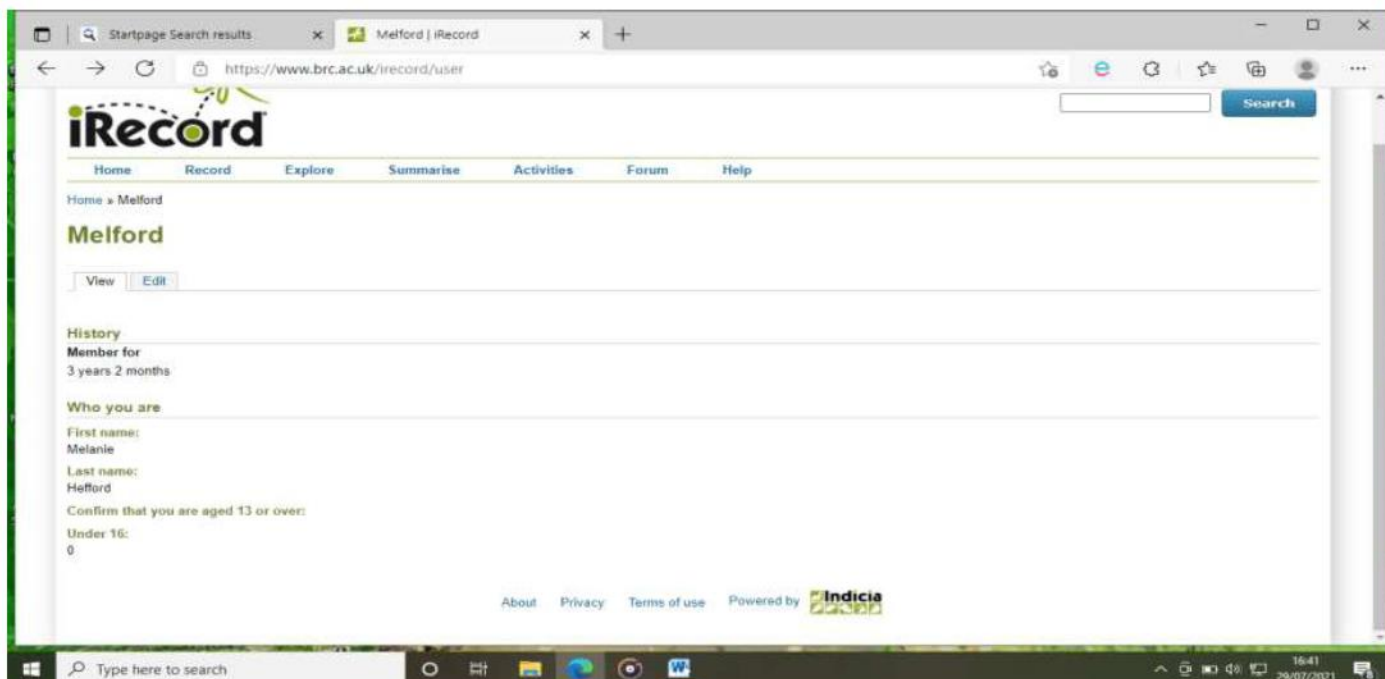


Fig. 1 iRecord recording scheme, home page. Source ‘iRecord’, member 3 years. Melanie Hefford.

My iRecord observations mostly being on the field immediately to the south, (see ' area F21' Solent and Brent Geese Waders Strategy, Primary Support Area) and marked '4' on my map provided.

2017-2021 only:

My dated iRecord account evidence, photos of some can be provided, comprises: Red and Amber Listed (RDB) species

SKYLARK (*Alauda Arvensis*), **5 records, 2018 to 2021**

	14/5/2021, field immediately adjacent, to the south. Grid SU60120535	
(Within 100m of the Romsey field)	05/5/2020, " "	SU60110536
'	05/7/2019 " "	SU601205321
'	16/02/2019 " "	SU601053
'	28/05/2018 " "	SU6010052

WATER RAIL (*Rallus aquaticus* Linnaeus)-11/04/2019, **1 record**. Cranleigh Road, PO16 9DW, Grid SU6036052

(Classified in the UK as **Amber** under the Birds of Conservation Concern and on the Red List for Birds (2015). Listed as Near Threatened on the global IUCN Red List of Threatened Species).

BAR TAILED GODWIT (*Limosa lapponica*) 20/09/2018 Cams Estate, Fareham Creek, **1 record, (Quantity 3)**, Grid SU58940518

***OYSTERCATCHER – 2 records, (Amber listed on the global IUCN List of near Threatened Species)**

* 09/02/2019 on field immediately adjacent, to the south. Grid SU60250524

15/03/2018, Quantity 8, Wicor Recreation ground, Grid SU599052

***CURLEW** (*Numenius arquata*) (Red Listed UK, and Near Threatened on the global IUCN Red Listed species) **2 records in 2018.**

*23/09/2018 Calling in adjacent southern field 10.40pm, PO16 9DW. Grid SU602052

*12/08/2018 Call heard 7am in southern field, PO16 9DW. Grid SU601052

CANADIAN GEESE-Approximately 3 records of flocks in 2018.

(*branta Canadensis*) 05/10/2018 Cranleigh Road, PO16 9DW, southern field, 'Regularly forage and rest most mornings and evenings'. **Quantity 200**. Grid SU60250524

12/08/2018 'Visit here each year to rest and forage'. **Quantity 112**, Grid SU602052

11/08/2018 Field south of Romsey avenue. **Quantity 50**, Recorded Comments 'Visit each year without fail'. Grid SU601054

BARNACLE GOOSE- 1 record 2018. 05/10/2018 'Foraging and resting with approximately 200 Branta Canadensis', Grid SU602052

THESE GEESE ARRIVE EVERY YEAR. Please note: I have not kept up recording waders as much as I'd like for the past year or two mostly due to lockdown and being unable to use this part of neighbour's house in order to ascertain numbers further afield from a top floor window, but also due to time constraints nursing a family member full time since 2018.

It is also worth noting, as of 1st November 2017, the field to the south, (Map area 4), was devoid of stubble and had just one grassy strip. In any case, it missed the Brent geese' initial flying over to the nearby coastline, (photographs previously provided of Geese using shoreline). Usually cereal crops are planted, and sensitively managed harvesting can provide remains of crop seed for geese. Both fields are currently planted with broad beans 2021. Photo of this strip provided on next page.



Fig. 2 Green strip in field immediately to the south, November 2017, (Higher Level Stewardship?), coincides with works commenced for development. Geese were not attracted to it in any number, **given the context, the rest of the field was ploughed and there was constant drilling and piling with workmen in the field immediately to the east**, see below and over, (areas Map '6', and '7').



Fig. 3 Earthworks, photograph taken October 2017.



Figs. 4 and 5. 2017 and 2018 Above and below. Heavy landscaping works continued on surrounding field with lorry loads of earth requiring daily shifting in the field to the east, entrance to Map area '6' below.





Fig. 6. Photographed 16.11.2018, Until approximately April 2019 road works immediately opposite the field, (area Map '4'), where geese land in Cranleigh Road caused some winter geese and waders disturbance, (see Map, 'Roadworks'). Canadian geese only landed here again this year as far as I'm aware.

Fig. 7 Immediately below, typical works being carried out, (Area Map 7)





Fig. 8. June 2018, Map area 6.



Figs. 9 & 10. March 2020 Immediately above and next page, work continued in fits and starts, with the field to the east here (Map area 6) being accessed for stored materials.



Fig 10. Typical earthworks.

Fig. 11 (Map 4), adjacent to hedgeline to the right bordering fields 4 and 6. on the Map.



This sign was put here in in 2017 by Police due to increasing incidences of wildlife disturbance heard and seen by residents and myself since 2015 and experienced by myself on immediate fields and nearby public areas. Evidence can be provided. Disturbance in this respect seems to have since ceased somewhat.

Also in surrounding fields <2km incidental records of

TAWNY OWL (*Strix aluco*) **2 records in 2017 and 2019** 20/01/2019 Cranleigh h Road, PO16 9DW. Grid SU603053

19/08/2017 PO16 9DW, Wicor Rec, Grid SU599054

BARN OWL (*Tyto alba*) **2 records, in 2018** 23/09/2018 Cranleigh Road, PO16 9DW, garden. Grid SU60360521
November 2018 “ “
“

Also

KESTREL (*falco tinnunculus*) 23/09/2017 Cranleigh Road, PO16 9DW. Grid SU60350554

HEDGEHOG, COMMON TOAD, and HOUSE MARTINS within <2km.

I also have several records of Kingfishers within <2km. Extra habitat is welcome but not necessarily at the expense of losing to other wildlife in an SPA as part of a development.

Regarding reptiles, the updated developers ecological representatives reptile report is not yet completed. Due to the cold May weather 2021, a low number will be inevitable.

Due to typically unsuitable hot July and August months, reptile surveys usually end in early July and commence September to early October, temperature dependant. April, May, June, and September are often the optimal months for reptile surveys.

Irrespective, their historical records do not account for my additional iRecord sightings of Common Lizard and Slow Worm, in 2017/2018 which

I have recorded : (under) <2KM SE of the site:-

Slow Worms 262 Total Records

Common Lizard 124 Total Records

(Documented on my iRecord findings, as part of a reptile survey).

In addition, Slow Worms also regularly appear in nearby surrounding gardens and there are 2 records of this. Slow worm, female, 09/05/2021 PO16 9DW, Grid SU60370521, 06/05.2020 PO16 9DW, Grid SU60380523

My iRecord reptile listings –Example below Fig.12 Slow worms, Grid SU6062074, 02/10/2017, Quantity 5. Verified by an ARG UK recorder.



I would like to update you briefly on my findings of protected species badger activity.

Updated Badger Notes; 28th July 2021

(Looking at the area Map 6 where there is an artificial sett).

I documented last year (in March 2020, see +++) a badger built active sett here with a new entrance spilling over into the Romsey field. This runs along the western hedgeline where the old oil pipeline is, (see Fig. 14). The artificial sett is also in area Map 6. In March 2020, both setts showed clear signs of use and activity. Additional photographs with text on the following pages. For some local historical info. on the oil pipeline see: [Portsdown Tunnels - Fuel Pipeline - page 1 \(portsdown-tunnels.org.uk\)](http://portsdown-tunnels.org.uk)

History - A large, active main sett on what is now 'South Fields' estate to the east (Map 7), was closed in 2017 (red dot, below), and an artificial sett was made in Map area 6 of smooth lined drainage pipes and wooden chambers.

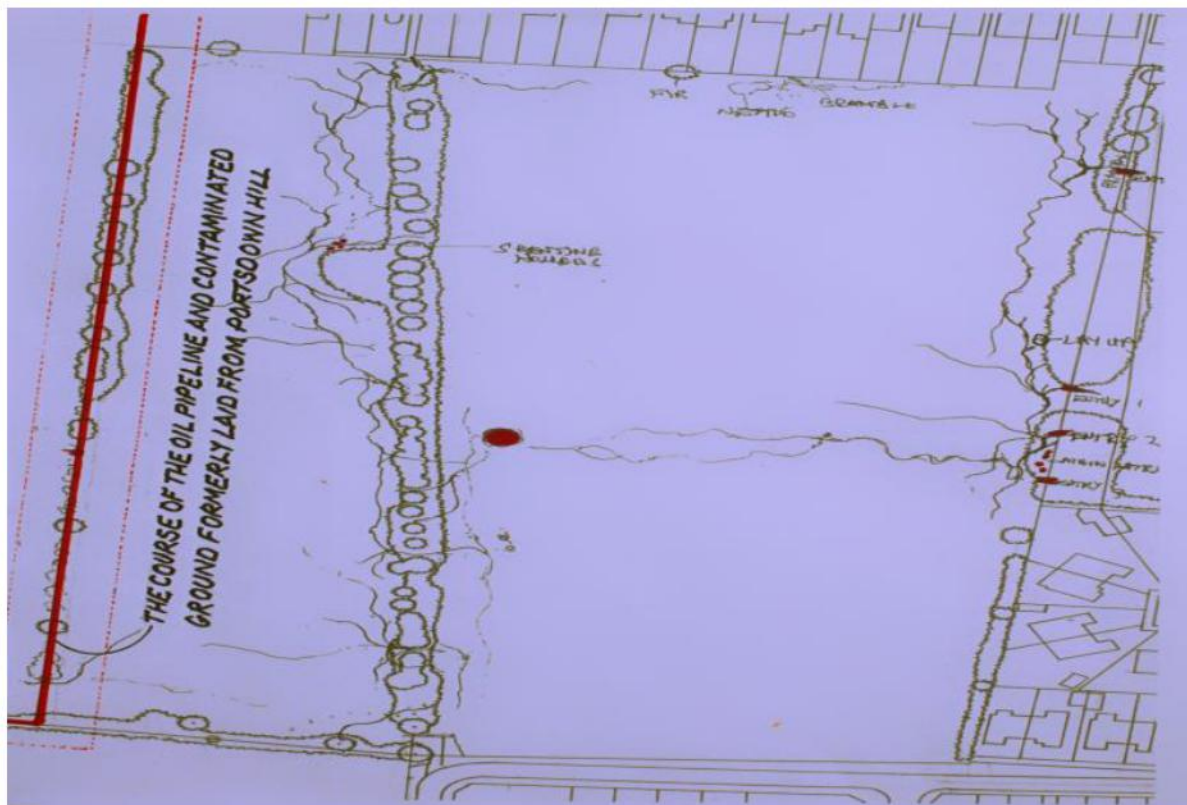


Fig. 13. 2016 Badger mapping. Map to show active sett entrance March 2020 is halfway down the red line to the left. (This is field area 6 & 7 Map page 3). The Romsey field (Map 5) is to the very far left of the diagram and borders the hedgeline (red pipeline) where the natural March 2020 sett entrance was documented. The original sett closed in 2017 is shown here as a red circle.

There are clear signs that the badgers, after some time had used the artificial sett, but they felt the need to dig out parallel entrances around the artificial sett pipes to make better use of the earthen mound. As previously documented, the sett was poorly constructed for purpose from the outset due to 2 of the entrance pipes facing downwards, so as to induce flooding into the main chambers. This was likely not intentional, but it was not and has not been checked and remedied, see photographs 14, 15, 16 over page.



Fig. 14. March 2020 Artificial sett entrance, smooth interior pipes angled inwards. Area Map 6.



Fig. 15. March 2020 This sett adequately illustrates artificial pipes become congested and are not conducive to efficient badger house-cleaning. Area Map 6.



Fig. 16. March 2020 Detail. This sett showing badgers' excavation around artificial sett pipework. Area Map 6. Having noted some time ago a very large individual from the original clan, this may have also helped this badger access the sett.

A local badger specialist asserts that often individuals resort to crawling on their sides to get in and out of plastic pipework when it becomes slippery and muddy and they get inadequate leverage with their claws, which are naturally made for access through soil.

I do not have any chamber evidence of them actually using this sett over a prolonged period of time, but the entrances show that it was used at some stage, most likely because this was all this large clan had in the way of emergency accommodation at the time of their natural main sett closure in 2017.

Fast forward to 28th July 2021 and I note this area is finally being filmed and monitored. I can see from my brief visit that the large mammal and badger tracks which were evident in this area prior, are now 1) less in number, and 2) less well used, as evidenced by the vegetation being less well trodden in mammal paths and the entrances less well used. I also see no evidence of badger spoils, (badger house cleaning) with heaps of fresh soil or bedding spoil, badger tracks, or badger latrines, all of which I fully expected to see. I evidenced signs of badger activity a few years ago, (photos above), when they dug their own natural entrances alongside the pipework as they cannot houseclean to any degree through the tubes of in an artificial sett so often choose to not stay in these too long, instead looking to expand nearby. *Badgers tend to make steady progress, with setts historically used at various times of the year. Even badger 'bachelor pads' are known to be later used by other badgers or as a main sett in the future.* **The vegetation here is currently thick, which can bring its own survey limitations.**

++++ I had documented a much newer natural sett main entrance spilling over from here in my last submitted observation on the Council's website, (my document dated 16/09/2020 Of P/18/073/FP on the Fareham Borough Council Planning portal).

However, it seems that activity here could have significantly changed. Badgers do however visit the Romsey Avenue residents. For example, on a visit to number 46, 3rd August 2021, I found badger hair under a garden gate, the resident of which had experienced significant noise on some nights/early mornings, with badger faeces evident in the back garden. These badgers could have come from a sett nearby, or from a significant distance. **Irrespective, what is evident is that badgers appear to be accessing the residents' property from the Romsey field, and so it would be prudent to check the area thoroughly for an active sett.**

Summary-Badgers

I believe that since March 2020, close proximity badger activity and dynamics has changed. A thorough and updated Habitats Regulations Assessment (HRA) to include badger mapping could help better to determine sett location and the changes that are taking place here. The Romsey field is currently inaccessible and thick with vegetation to the south and western border hedgeline, so this area could not be checked. A revised Habitats Assessment may therefore need to be carried out.

Feb-April and October-Nov are often the optimal months to carry out badger surveys, but they can be done at other times providing the vegetation is short and the weather not too extreme. In this case, most vegetation was quite dense which may not yield accurate results. However, there are badgers noted in the area, and it is important when filming badgers that sett entrances are identified and covertly filmed from a natural position, such as strapped to a tree, (ideally, not a stake hammered into the ground) in order to minimise badger and other wildlife disturbance. Plenty of time is needed for badger surveys, ideally, as no food should be laid down which could attract badgers from other clans.



Figs. 17 ,18, 19. Current area of artificial badger sett showing grassy cover, scrub, and dead saplings (area Map 6), photograph taken end July 2021. Below, right, one of the cameras facing sett entrance, sett was currently being filmed by an unknown source.



(Fig 17) Typical dense foliage within the fenced badger area. (Fig. 18) Above, camera at sett.



Fig 19. Map area 6, the landscaped 'bunds' in the field to the east as they are today. (The Romsey field is to the left, the other side of the trees). Excess earth removal commenced 2021. This site is not yet not completed. As yet, there appears to be little to nil Biodiversity Net Gain. The site ecologist at the time proposed a well-stocked area for wildlife with 2 ponds, oak trees etc.,. This still remains mostly on paper, with invertebrate and bat sightings noticeably decreased these past 4 years.

Lastly, my previous concerns on the unworkability of the geese mitigation area and how recreational sound carries on the prevailing wind, with geese sight lines to the north severely impeded needs no further evidence at this time except to say that I can provide noise disturbance video evidence if required. Recent evidence on a site on Southsea shows that, even with a mutual Natural England Scheme on board, geese mitigation is not always successful for geese, with further use of decoy Brent geese having failed to entice the geese to use the mitigation area. In the meantime these geese lose their feeding and resting ground for that precious time.

It seems too risky here to the geese and waders in cordoning them off in a smaller area and perhaps then trying another field if it doesn't work. Brent geese can be scared off permanently in too short a timescale to experiment in this respect, even if it is in all good faith. (There is now a new area to be fenced off at Clarence pier for the winter months to see if they will use this).



Fig.20 Decoy geese may fail repeatedly if the geese feel that the area is not suitable or too disturbed from the outset.

SASA.Gov.UK reinforces that geese will not be fenced in and prefer open fields with a clear and open sight line. [Managing Geese on Agricultural Land A4 booklet 2.pdf \(sasa.gov.uk\)](https://www.sasa.gov.uk/~/media/1/1/Managing_Geese_on_Agricultural_Land_A4_booklet_2.pdf) They state: 'Geese are cautious birds and prefer to graze in large, open fields where they are undisturbed, and can easily see any approaching threat, such as people or dogs'.

To conclude, I do not in principle ordinarily oppose to the use of a large enough area for mitigation purposes, but I do wish to ensure that the Brent Geese and waders, together with the birds and mammals using the site throughout the year are safeguarded, without delay. Ecological Mitigation

carries its own impacts. Moreover, I believe that safeguarding with this mitigation is just not adequate or feasible in this instance. Additionally, any further development here, considering the cumulative disruptive and harmful impacts already, could well avert these geese and waders on a more permanent basis.

I therefore concur with Fareham Borough Council's decision for refusal on ecological grounds as I cannot see how this proposed development on this site can or will protect the integrity of this SPA in this instance.