

## **Comments on Matters and Issues related to the Examination of the Havant Borough Local Plan on behalf of Havant Climate Alliance and Havant Friends of the Earth**

### **Matter 4 – Habitat Regulations and Mitigation Strategy**

#### **Policy E15 – Protected Species**

##### **4.2. Potential impacts on Bechstein's bat.**

The cumulative loss of ancient woodland and mature trees, on which the bats are dependent, will have an impact which cannot be mitigated or compensated by new trees being planted. Planning permission should be refused where this cannot be avoided.

##### **4.3. Wording of Policy E15.**

We agree that in order to be effective Policy E15 should incorporate the requirements of Paragraph 5.200 (that the site should be designed to avoid any impact on the species) and Paragraph 5.201 (that consideration must be given to the landscape-scale cumulative impacts on the network of bat habitats).

##### **4.4.**

Policy E15 will appear to be justified, effective and consistent with national policy providing that it includes the additions detailed in 4.3, and the final sentence is deleted and replaced by "Where the above conditions cannot be met, planning permission will be refused".

#### **Policy EX1. Water Quality**

##### **4.8**

Waste water from Emsworth drains to Thornham Waste Water Treatment Works. As we understand that this is already near capacity it is likely that will be reached during the lifetime of Havant's Local Plan. Thornham discharges directly into Chichester Harbour unlike Budd's Farm whose main discharge is out to sea. Although it is claimed that Budds Farm has capacity for the lifetime of the Plan, like Thornham, both discharge polluted stormwater under licence, directly into the Harbours at times of bad weather. As the Ricardo Report states that the 2 Harbours are functionally linked, any increase in such discharge will increase nutrients and degrade water quality in both Harbours. One would expect that the effect of this would put a stop on house building in the Emsworth area, unless a solution or mitigation can be found. Such mitigation should not just be aimed at nutrient neutrality but nutrient reduction. It is doubted that Warblington Farm can provide sufficient mitigation for this. One solution would be for any development of any size to have its own Waste Water Treatment Plant.

##### **4.9**

The effectiveness of Policy EX1 should be measured by regular water quality testing for nutrients, at least weekly, at a number of different locations around Langstone Harbour and area of Chichester Harbour near to Emsworth. Seagrass

beds within the Harbours should be regularly monitored, for health and extent, as well as the extent of green algae in the Harbours. Testing and monitoring locations and intervals should be agreed with environmental/ecological experts who are familiar with these phenomena and independent of both Southern Water and Local Councils. This should also be the case with the people responsible for carrying out the monitoring and testing.

#### **4.10.**

We agree that if upgrades are secured to the existing waste water infrastructure during the Plan period the policy should include a review mechanism. However this should only operate if the upgrades are sufficient to stop the discharge of all stormwater, and if there has been an improvement in water quality since the start of the Plan period.

#### **4.11.**

We think that Natural England's methodology, based on average nutrient values for different types of farm in the Solent area, provides an outline for calculating nutrient budgets, but its calculations should be backed up by soil testing of particular farms and land to be used as mitigation. This would provide a more robust mitigation value which might be more effective at improving water quality.

### **Policy E17. Solent Wader and Brent Goose feeding and roosting sites.**

#### **4.12. Is the methodology of identifying and categorising different support areas robust?**

The metrics used in the Solent Waders and Brent Goose Strategy 2020 look acceptable for most recent survey 2016-17 which categorised areas supporting different numbers of Brent Geese and Waders. (Core, Primary Support areas etc). We have concerns about how the categories have been used. It is recognised that populations may fluctuate and the attractiveness of particular sites may vary according to land use, but it does provide an outline picture of the overall extent of land needed to provide support to Brent Geese and Waders. At CR10 Appendix 3, Timothy Leader states "mitigation must maintain the extent and distribution of habitat in a way that is judged will maintain the SPA's population of Curlew and Brent Geese". With reference to Habitats Assessments (CD13) the Council uses methods to assess the cumulative negative impacts of policies in the Local Plan, effecting land functionally linked to international sites. It concludes that these impacts can be mitigated. But this does not take account of the total area of land which will be lost to Brent Geese and Waders overall.

In CD13, the Council identifies that only Core areas must be mitigated with another site of the same extent. The Solent Wader and Brent Goose Strategy (EB16a) states that the size of a grazing area is important with birds preferring large open sites. Some replacement sites may be too small.

We think that there is a risk that Policy E17 will not leave Brent Geese and Waders with a sufficient area of coastal foraging sites for the future. It too easily allows

mitigation, where there should be avoidance of development, which is likely to impact on international sites.

#### **4.14. Land north of Sinah Lane (H29)**

In view of the large area of land proposed to be lost to development, we doubt that the proposed smaller area of nature reserve will adequately compensate for the loss of this primary support area. In addition H29 was originally proposed as mitigation for foraging sites which have been lost at The Oysters. The nature reserve will certainly not mitigate for both. The closeness of houses may deter some birds especially Curlew.

#### **4.15. Campdown (H40)**

Campdown has played an important functional role in providing foraging and roosting for Brent Geese and Waders, especially Curlew. Its use has become much less since it ceased to be managed as fenced off grazing land, and has opened up to walkers and dogs. This is a deterrent to Curlew and other waders. Curlew are on the Red List of UK Birds of Conservation Concern. They have specialist requirements and seek rough damp pastureland for foraging which Campdown provided. It is doubted whether Warblington Farm could provide this and it is already densely used by other Brent Geese and Waders. People walking the coastal footpath at Warblington will also act as a deterrent. Curlew will not feed or roost near houses, and are very sensitive to disturbance, so if Campdown is developed, a nature reserve on part of the site, would not meet their needs. Although Campdown is currently little used, Curlew continue to need a site of that size, coastal location and type of grassland. As far as providing mitigation, the point has been made by Timothy Leader (CR10. Appendix 3) says that there is “no evidence of a functional link between Campdown and Mitigation sites at Warblington and Northney” He argues that it does not have to be the same birds returning to particular sites, but the Solent Wader and Brent Goose Strategy describes how Geese, which can live for 30 years, are very faithful in their attachment to particular areas of the Harbour which highlights the importance of foraging grounds which are also familiar and within easy flying distance from those areas.

#### **4.16**

As already stated, proposals on various categories of Brent Goose and Wader support areas too readily allow mitigation which may be inadequate, and where there should be avoidance instead.

### **Policy EX2. Warblington Farm**

#### **4.17 Ricardo**

The Ricardo Review of the Warblington Farm mitigation option provides a very detailed analysis of the Nutrient issue in Langstone Harbour. However:

It fails to give sufficient weighting to the effect of frequent stormwater discharges from Budds Farm and other Waste Water Treatment Sites, in

Chichester Harbour (given that they say the 2 harbours are functionally linked).

It refers to nutrients coming into harbours from the sea. In view of there being a weak tidal flow in the eastern Solent, more consideration should have been given to the possibility of wastewater from the Eastney Long Sea Outfall flowing back into the Harbours on incoming tides.

We question whether the use of the Natural England methodology alone is sufficient in establishing the nutrient/nitrogen loads of given areas of farmland. Calculations are based on averages for different types of farms in the Solent region. This can provide a guideline, but we would like to see this backed up by soil sampling, where it is planned to use a specific area for mitigation.

Even using Natural England's methodology, Warblington Farm does not carry a high nitrogen load. Cereals score a maximum of 31.2 kg/ha/yr and Dairy farming scores 36.2 kg/ha/yr. It would be more effective for water quality if land used for mitigation initially carried a higher nitrogen load e.g. Pigs 70.4 kg/ha/yr or poultry 70.7 kg/ha/yr.

#### **4.18. Warblington Farm's ability to mitigate for the amount of development envisaged in the Local Plan.**

##### Water Quality

Warblington Farm should have been assessed in terms of its capacity to contribute to Nitrate reduction and not just neutrality (in order to allow the restoration of seagrass beds in the Harbours). This would reduce its mitigation "life" so it would be unlikely to mitigate for all development envisaged in the Local Plan.

The Warblington Farm Mitigation Scheme was a well worked out solution to the immediate problem of house building being on hold, having the advantage of being already owned by the Council. However it may not be mitigating as much as is needed even for Nutrient Neutrality. We would like to see Natural England's calculations backed up by soil samples. The current/initial area set aside in mitigation is arable land where we believe only small amounts of fertiliser were used previously, and the more nitrate intensive aspect of the farm, the cows, remain, and may still remain on the farmer's own land when the entire area owned by the Council has been turned into a Nature Reserve.

The Council is working with the Partnership for South Hampshire to look for other mitigation sites. One would like to see sites with a higher nitrogen load used, which would be more effective for improving water quality.

##### Habitat replacement

As Warblington Farm was previously heavily used by Brent Geese and Waders, it is doubtful that it can support many more as an official reserve. It will not be able to mitigate for the amount of development envisaged in the Local Plan. This was

originally seen as an important site to mitigate for the loss of support areas at Campdown (H40), but that is too far away at 2.5 miles. The Farm cannot provide a replacement for habitat which is functionally linked to the north of Langstone Harbour. It is known that Brent Geese, which can live for 30 years, return to exactly the same area of the Harbour each year and need foraging sites which are nearby.

## **Policy E25 Broadmarsh Brent Goose and Wader Refuge**

### **4.21**

This site is not large enough to mitigate for the loss of land at H40 Campdown although it may provide mitigation for land lost at H14 Forty Acres given that the land set aside there as mitigation is likely to be too small in area for Brent Geese and Waders who prefer larger sites.

Given the huge importance of the adjacent foreshore for Brent Geese and Waders we would like to see the western end of Broadmarsh (south of the cycle/pedestrian track and west of the car parks) managed for the birds during the winter months when public access would need to be restricted to the above track. This would leave the site to the east of this, currently marked as E25 as continuing public amenity space. However this may still not be realistic as many dog-walkers and other people would object to a loss of part of their public amenity space, even for part of the year. Even with restricted public access, there may still be too much disturbance for some species.

Patricia Brooks 18.6.2021