



20.04.21

PALLS comments on application for Screening Opinion 21/10409

Land East of Lower Pennington Lane

1.0 Request for supporting documents

1.1 The covering letter (Ken Parke Planning 19th March 2021) refers to an intention to submit an outline planning application with all matters reserved except access and layout. It is not possible to ascertain from the submitted information the proposed layout or location of access points as none is provided and the list in para 3.3.1 is not sufficiently detailed. The Campbell Reith report refers to additional documents as follows:

Transport Assessment - BrightPlan October 2020

Arboricultural Impact Assessment and Tree Protection Plan - no date given

Flood Risk Assessment - March 2019

Drainage Strategy - March 2019

Landscape and Visual Impact Assessment - October 2020

Extended Phase 1 Habitat Survey - August 2018, March 2019 and August 2020

1.2 These documents are background papers to this report and accordingly we ask for them to be released so they can be considered by PALLS to determine the basis on which the statements set out in the submitted report are made.

2.0 Development within the New Forest National Park

2.1 Appendix 1: Application Site Context shows the application site boundary including 1.67ha (4.12 acres) of land within the New Forest National Park land to be included. The only reference to this land is in respect of a surface water attenuation pond but our understanding is that the proposed development also includes a primary vehicular access linking the eastern edge of the allocated site to Ridgeway Lane and the widening of the vehicular access to the west onto Lower Pennington Lane. Both of these elements, plus the off-site 'improvements' to the Ridgeway lane/Poles Lane junction (the area of which is not included within the red line of the Appendix 1 plan), involve further development within the New Forest National Park which is outside of both the allocated area of SS6 and land under the jurisdiction of New Forest District Council.

2.2 The report does not accurately reflect the scale and quantum of development which is being proposed within the New Forest National Park and needs to be corrected or the screening assessment will be based on an incorrect level of development.

2.3 It is our understanding that no commensurate application for a Screening Opinion has been made to the New Forest National Park Authority who are the local planning authority for the part of the application site that falls within the New Forest National Park.

2.4 Please explain on what basis New Forest District Council can offer a Screening Opinion on development proposals including but not limited to mitigation development on land which does not fall within their local authority boundary?

3.0 Assessment of Cumulative Impact of Development of rest of SS6.

3.1 This application relates to only part of Local Plan allocation SS6. Para 3.1.4 refers to the development on the remainder of the site but provides no assessment of significant effects for this part of the development. Please explain how the Council can issue a Screening Opinion in the absence of this information.

4.0 Ecology and Biodiversity – including comment on page 13-14 and Screening Checklist 6.1 and 6.2

Biodiversity Value of SS6

4.1 The Phase 1 survey of the proposed development (SS6) undertaken by Ecosupport dated March 2019, identifies the diversity of habitats found within the allocated site. In relation to the value of this habitat for bats its states:-

“The site supports a good mosaic of habitats including managed and unmanaged grassland, water bodies and mature tree lines / hedgerows.”

4.2 PALLS considers that the value of this mosaic of habitats for biodiversity is not properly assessed by the reductionist approach of assessing the biodiversity value of each component habitat. It is our contention that this mosaic of habitats functions as an area of wood pasture and parkland and should be assessed in these terms.

4.3 The definition of Wood pasture and Parkland habitat is provided by the Joint Nature Conservation Committee (JNCC, 2011)¹. This states that;

“Wood-pasture and parkland are mosaic habitats valued for their trees, especially veteran and ancient trees, and the plants and animals that they support. Grazing animals are fundamental to the existence of this habitat.”

4.4 PALLS has provided evidence of the range of species of wood-pasture and parkland habitat present both in the countryside around SS6 and within the allocated site. This includes the diversity

¹ JNCC (2008) UK Biodiversity Action Plan Priority Habitat Descriptions, Wood-Pasture and Parkland (Updated in 2011). [Wood-pasture and parkland \(UK BAP Priority Habitat description\) – Revised 2011 \(jncc.gov.uk\)](http://jncc.gov.uk)

of bat species recorded on the site, abundance of hole and crevice nesting birds and diversity of invertebrates including the EU Annex II listed Stag Beetle – a feature of the New Forest SAC.

4.5 Mosaic habitats such as wood-pasture and parkland do not have hard boundaries and are hence difficult to define; however, it is evident that the countryside to the south of Lymington in which SS6 is located has a history of pastoral land-use that links with the internationally important wood-pasture and parkland habitats of the New Forest. In short, the biodiversity value of SS6 needs to be assessed as a whole which is far greater than the sum of its parts. This constitutes a priority habitat type listed under section 41 of the NERC Act (2006).

4.6 The development of SS6 would largely destroy the wood-pasture and parkland habitat provided by this area of countryside and would result in a significant loss of biodiversity value. This should be properly assessed through a full Environmental Impact Assessment and compensatory habitat provided to ensure at least a 10% biodiversity net gain (BNG) is achieved. This is the minimum requirement for development identified in the Environment Bill (2020).

Impacts on Internationally Designated Wildlife Sites

4.7 The Request for an EIA Screening Opinion identifies the potential impact on the Solent European sites from nutrient enrichment and concedes that this will need to be assessed through a Habitats Regulations Assessment (HRA). However, this is only one of a number of other impacts that will need to be assessed through the HRA process.

4.8 PALLS has identified regular use by flocks of little egret of a horse grazed field on the edge of SS6 (Appendix 1). These birds form part of the internationally important assemblage of birds for which Solent and Southampton Water SPA and Ramsar site has been designated. Little egrets are also listed as a species of European importance on Annex 1 of the EU Birds Directive. Impacts of the development on the use of this field by these birds must be fully assessed through the HRA and hence through an EIA.

4.9 Other fields in the vicinity of SS6 may also be used by birds from the SPA and Ramsar site that are not visible from public rights of way. The level of survey currently provided to support this proposal is clearly inadequate as it has not identified the regular use of the area by little egrets. This additional survey needs to cover a number of years and night-time as well as daytime surveys.

4.10 The request for EIA Screening Opinion dismisses potential recreational impacts on European sites. NFDC has recently published a revised recreation mitigation strategy SPD for European sites. PALLS considers levels of mitigation provided for offsetting recreation impacts on the New Forest and Solent European sites is currently inadequate and will not prevent damage to these sites. We have made these views known at the Local Plan Inquiry and subsequently in comments on the revised SPD. However, we do support the change in the revised SPD that the provision of Areas of Natural Recreational Greenspace (ANRG) will not mitigate for impacts on the Solent European sites. Equally, financial contributions to the Solent Recreation Mitigation Strategy (SRMS) will not achieve sufficient mitigation. SS6 is located only some 700m from the SPA and Ramsar site boundary which will provide a highly attractive recreational resource to the new residents of the development. This area of the SPA and Ramsar site is already very heavily used for recreation with dogs regularly

running uncontrolled across the coastal grazing marshes causing disturbance to ground nesting birds. The County Council have erected signs seeking to explain the problem and asking people to keep dogs under control but do not have resources to properly tackle this problem. The allocation of SS6 will further exacerbate the impact of recreation disturbance on the SPA and needs to be assessed as a separate and individual issue through an HRA and EIA. It cannot rely on the generic mitigation measures proposed in the NFDC SPD as these are not adequate for a site in such close proximity to the Solent European sites.

4.11 PALLS has not seen the results of bat surveys undertaken of SS6, but reference is made in the Phase 1 survey report (March 2019) to records held by HBIC which include 2 records of the rare Barbastelle bat and a massive total of 62 records of unidentified Myotis bat species. We are concerned that this large number of unidentified Myotis bat records could include other rare species in particular the Bechstein's bat *Myotis bechsteinii*. Like the Barbastelle bat, the Bechstein's bat is listed on Annex II of the EU Habitats Directive and is a species of ancient forested landscapes including wood-pastures and parklands. They are known to be present in the New Forest and are a typical species of the New Forest SAC. Further bat surveying is required, including trapping surveys, to be able to determine the use of SS6 by this and other rare bat species and its contribution to the features of the New Forest SAC. This can only be achieved through proper assessment through the HRA and EIA process.

5.0 Factual Errors and Omissions

5.1 We are concerned there are numerous inaccuracies and errors in the report some of which are factual, others matters of opinion. What follows is not an exhaustive list and lack of comment on any section does not indicate that we accept the statements made. We are unable to comment on issues covered by the supporting reports because we are currently not allowed access to them but would like to draw your attention to the following:

- Paras 2.14 and 5.15. We are not aware of the existence of a Bournemouth Green Belt (para 2.14). The site has been taken out of the South Hampshire Green Belt by virtue of the adoption of the Local Plan although the access road to Lower Pennington Lane - which falls within the application site but outside of the site allocation area remains within the Green Belt.
- Para 5.16 In the absence of any details of the nutrient contribution calculation it is impossible to judge whether the claimed nutrient credit position is credible. Reliance on the cessation of the nursery business ignores the clear current stated intention of the nursery owners to relocate and to continue trading on another site. Nitrate credits from this existing business should not be included in any nitrate calculation.
- Para 5.40 Whilst disturbance from construction activity will be temporary albeit significant, the harm to visual and physical amenity from sensitive receptors will be severe and permanent and incapable of mitigation.

- Para 5.42 and Screening Checklist 8.1 This is incorrect. Ancillary outbuildings to Wood End, a Grade II listed building, are immediately adjacent to the off-site 'improvements' to the Ridgeway Lane/Poles Lane junction listed in 3.1.1 and the impacts cannot be mitigated.
- Screening Checklist 5.1 We would refer you to PALLS Drainage report submitted to NFDC which addresses this point.
- Screening Checklist 6.1 Construction of an attenuation pond is development as is the construction of a new vehicular access and access widening, all of which we understand to be part of the proposed development of a residential housing estate partially within the New Forest National Park. This is major development within a sensitive area (National Park) which is not acknowledged or justified anywhere within the Campbell Reith report.
- Screening Checklist 7.1 This completely ignores one of the primary purposes of the designation of the New Forest National Park which is protection of the natural beauty of the landscape, a sensitive area which forms a significant proportion of the application site.
- Screening Checklist 7.2 Likely impacts are correctly noted but the claim that views will remain comparable with the existing baseline are nonsense. The impact on views from the creation of urban built form with associated lighting will be significant, permanent and unmitigated.
- Screening Checklist 9.1. This is entirely incorrect. The Public Rights of Way (PROW) crossing the site are very well used and connect to multiple routes to the sea wall and Woodside Park as well as the rest of the lanes network. The traffic and transport proposals will do nothing to mitigate the harmful impact on users' enjoyment and access to these recreational routes.
- Screening Checklist 9.2 We would refer you to PALLS Transport report submitted to your Council which addresses this point. In the absence of access to the October 2020 Transport Assessment, we are unable to comment further.
- Screening Checklist 12.2 This is inadequate. In the absence of clarity regarding development intentions for the remainder of the allocation and information on linkages between the two elements, the likelihood of significant cumulative impacts cannot be assessed.

Bird use of Ridgeway Lane Horse Paddock

1.0 Counts of Little Egret

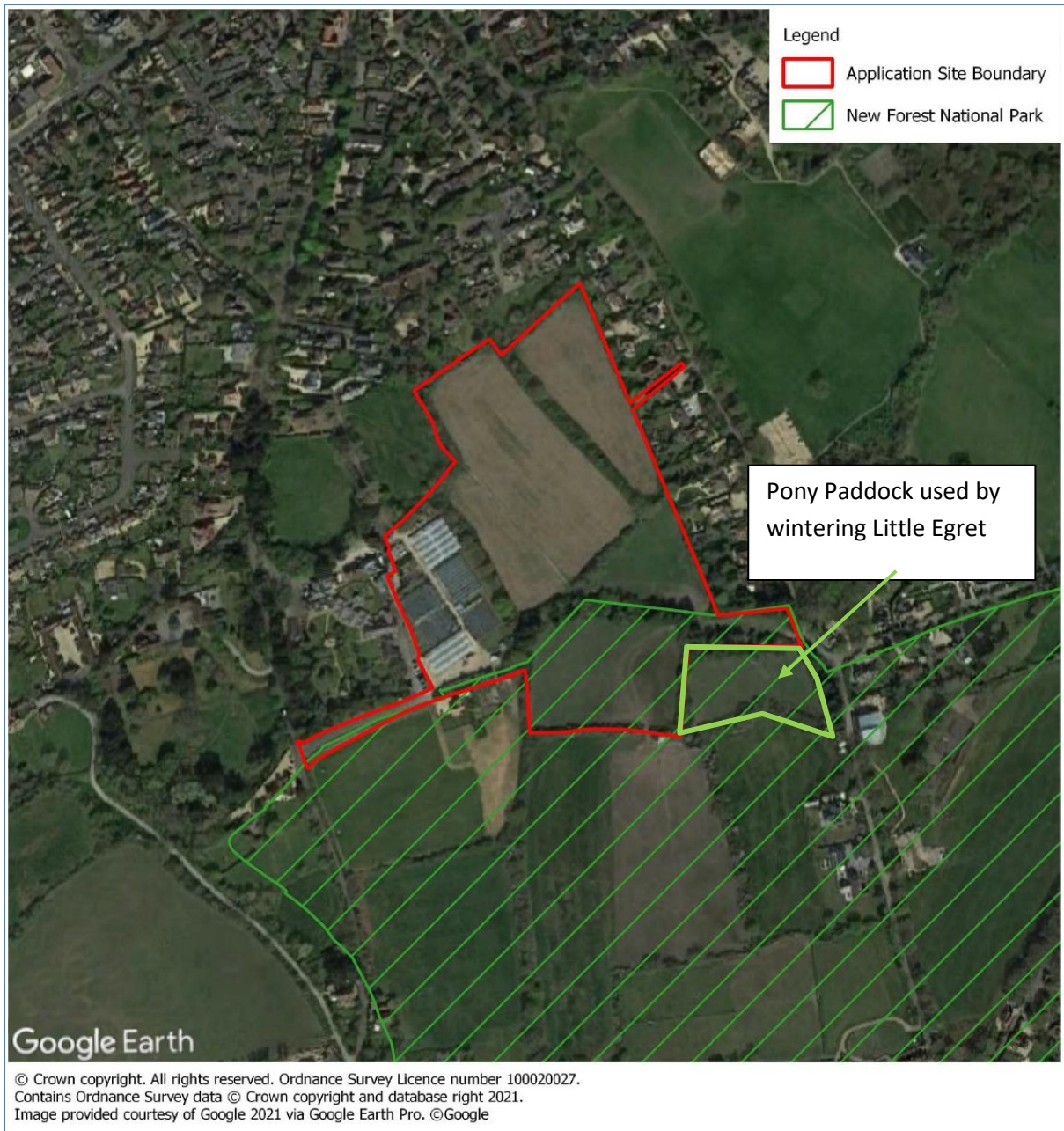
The horse paddock to the west of Ridgeway Lane and opposite the entrance to Poles Lane is regularly used by wintering Little Egret *Egretta garzetta*. The Little Egret is a small heron that is listed on Schedule 1 of the EU Birds Directive (79/409/EEC). It is also a wetland bird that contributes to the qualifying internationally important assemblage of wintering waterfowl for the Solent and Southampton Water SPA and Ramsar site.

The small horse grazed paddock at the junction of Ridgeway and Poles Lane, shown in figure 1, was observed during the winter of 2020/21 and numbers of Little Egret recorded. These tended to be greater following periods of heavy rain when large areas of the paddock had surface flooding and exposed mud.

Numbers of birds recorded in the field are shown in Table 1.

Date	Time	Little Egret
13/12/2020	08:30	19
15/12/2020	13:30	3
16/12/2020	09:30	6
21/12/2020	09:00	14
29/12/2020	09:00	10
13/01/2021	08:30	2
16/01/2021	09:00	2
16/01/2021	13:40	6
21/01/2021	08:00	9
29/01/2021	07:40	6
30/01/2021	08:30	9
01/02/2021	08:20	2
14/02/2021	09:00	4
16/02/2021	08:20	10
18/02/2021	08:45	5
22/02/2021	08:10	4

Table 1: Numbers of Little Egret recorded in pony paddock at junction of Ridgeway and Poles Lane



2.0 Little Egret population in the Solent and Southampton Water SPA and Ramsar site

The numbers of Little Egret present in the north west Solent are regularly recorded by the Wetland Bird Survey (WeBS) counts. The count area includes all the wetlands within the Hurst Castle to Lymington River Estuary SSSI which extend east along the Hampshire shore to Pylewell. The peak mean count for Little Egret within the north west Solent over the five year period of 2014/15 to 2018/19 was 42 birds. The peak count recorded in the pony paddock at the junction of Ridgeway and Poles Lanes during the winter of 2020/21 is 19 birds. This represents 45% of the north west Solent population of Little Egret.

3.0 Solent Wader and Brent Goose Strategy

The Solent Wader and Brent Goose Strategy has been prepared by the Hampshire and Isle of Wight Wildlife Trust to identify habitats around the Solent that support the internationally important bird populations for which the SPA and Ramsar sites have been designated to protect. The importance of each identified site in the Strategy is graded according to the number of criteria. The regular use of this small paddock by significant numbers of wintering Little Egret make it of importance although further analysis would be required relating it to the wider use of the Lymington to Keyhaven Marshes to determine actual the grading it should receive in terms of the Wader and Brent Goose Strategy.

4.0 Conclusion

The pony paddock at the junction of Ridgeway and Poles Lane identified in Figure 1 attracts significant numbers of wintering Little Egret. As such it provides important supporting habitat to the nearby Solent and Southampton Water SPA and Ramsar site.

Impacts of development on the use of this supporting habitat must be fully assessed taking account of local and national policy for the conservation of European designated wildlife sites.

Jonathan Cox

12 April 2021