

Ecology response to F/24/96858 Land West of Allington Business Centre, Allington Lane, West End, SO50 7DE

Change of use of land for the creation of 10 Gypsy/Traveller pitches comprising the siting of 10 mobile homes, 20 touring caravans, the erection of 10 day rooms, 12 timber outbuildings, boundary treatment and associated development (retrospective)

Summer Sharpe

7/5/24

I maintain an ecological objection to this application as described in the previous Ecology consultation response (15/4/24).

I have reviewed the updated Ecological Impact Assessment by Darwin Ecology Ltd (April 2024). There are references to Land west of Arlington (rather than Allington) in the title, throughout the report and in the maps. These should be corrected.

It is still not clear whether this report is only considering the impact of the two undeveloped plots at the northern end of the entire site, or the entire 10 plots proposed in the application.

In section 5 2023 Site Visit Photos the titles of some of the images have been cut short, however the impact shown in these photos is clear.

The report states that:

the site previously had potential habitat for reptiles. This habitat was destroyed before any of the recommended presence/absence surveys were able to be done;

the woodland, scrub and watercourse habitats neighbouring the site provided good opportunities for a variety of protected and notable species, including otters, water voles, foraging and commuting bats, and nesting birds;

destruction of the habitats to the north and south of the site likely resulted in a significant loss of bird nesting and foraging opportunities, and bat foraging and commuting opportunities. Further, the re-alignment of the river likely reduced the condition of the river and reduced the opportunities it presented for local wildlife, and potentially destroyed areas of suitable otter and water vole habitat;

and the development of the site (itself) likely had a limited impact on species other than reptile, and likely did not result in a significant loss of opportunities for local wildlife.

*The northern and southern banks of the stream had high levels of Himalayan balsam *Impatiens glandulifera*, a Schedule 9 invasive plant species.*

The report also states that prior to the 2020 development, *the site had comprised coastal and floodplain grazing marsh and is in a priority area for for Countryside Stewardship measures addressing Lapwing *Vanellus vanellus* habitat issues.*

The report also states:

6.5 There is potential for nearby designated sites to be impacted incidentally through pollutants potentially entering the watercourse bordering the northeastern aspect of the site. Additionally, due to the presence of Himalayan balsam on site, the clearance of this invasive species could potentially result in the spread of Himalayan balsam to the nearby designated sites.

And

6.6. The addition of ten new residential units in the area has the potential to result in negative incidental impacts to the surrounding designated sites, green space, and wildlife sites through increased footfall.

It is not clear to me whether the proposed mitigation proposed would balance out these impacts. There appears to be a disconnect between the ecological information in the EclA report provided to the applicant and their agent, the previous ecology response (15/4/24) and the amended proposals as shown on the latest block plan (3/5/24).

If this application is permitted above the ecological objection:

A 50 m fenced and vegetated buffer to protect the SAC to the west of the site will be required, free from all development and activities.

The EclA proposes *a CEMP to outline full mitigation measures to ensure that pollution risks to the watercourse and nearby sites will be minimised.* Since much of the site has already been developed and habitat damage and pollution have already taken place, a detailed CEMP must be provided for any remaining work and approved before determination, rather than conditioned.

Replacement reptile habitat provided in a location safe from interference by people and pets

A 24 m vegetated and fenced buffer to protect the watercourse has been recommended on the northeastern aspect of the site. Since much of the site has already been developed and habitat degradation has already taken place, a detailed design and management plan must be provided and approved before determination, rather than conditioned. I am not convinced that this buffer can exist along with the current plan for 10 pitches due to the location and sizes of plots 5 and 6 along the northern edge of the site. The amended Block Plan (rev E, submitted 7/5/24) has proposed non-continuous stretches of hedgerow planting mix along the eastern and western boundaries of the site, however this does not protect the northern boundary, the SAC to the west, or provide any continuous green infrastructure which would provide benefit to wildlife.

Since this site is in flood zone 3 additional provision would need to be made to reinstate any vegetation or fencing lost to flood damage.

Payment of the tariff required by the Solent Recreation Mitigation Strategy

Nitrogen neutrality assessment of the site to include all potential activities

A Habitats Regulations Assessment (HRA)

Compensation for loss of on-site priority habitat. The EclA report states that this cannot be achieved on site as on-site development has already taken up the majority of the site area.

Measures to compensate may include: • *Active habitat management of the priority habitat neighbouring and within 100m of the site boundary, for example through provision of an agreed grazing or cutting regime;* • *Contribution toward active management of other areas of priority habitat within the ownership of the council or a suitable and agreed upon third party;* • *Contribution towards the creation of other areas of this priority habitat within areas in the ownership of the council or a suitable and agreed upon third party.*

Biosecurity and management of Himalayan balsam

A suitable plan for surface water drainage which addresses the concerns raised in the previous ecology response (15/4/24) and in the Environment Agency response (30/4/24).

Lisa Malter

Ecologist

15/4/24

I raise an ecological objection to this application on the grounds of impact on the River Itchen SAC and SSSI and the considerable ecological damage that has already occurred and continued to occur on site. The applicants have not followed the ecological advice given for the previous application (F/20/88057) other than removing stables from the proposals.

This application is contrary to Local Plan policy DM11 and NPPF 180, as it represents significant biodiversity net loss for this site and contrary to Local Plan policy DM 6 as it does not provide sufficient water quality treatment for surface water drainage.

Ecology

Although this application is for the creation of 10 pitches, the Ecological Impact Assessment (EclA) by Darwin Ecology (November 2023) states: *The assessment was required to support a planning application for the construction of a single static mobile home with associated landscaping.* The proposed block plan, which shows plot 5 and 6 as two separate pitches, in this area, also proposes two day-rooms, two mobile homes, 4 caravans and a wooden outbuilding on this area of the site and not just one static mobile home.

This report is not acceptable. It has not adequately addressed the ecological impact of this development in an ecologically sensitive area which was cleared to bare earth, a stream which has been straightened and which is a tributary of the protected waters of the River Itchen. The red line boundary shown in Figure 1 of the EclA does not match the red line boundary of the site, which appears to extend all the way to the edge of the river. The EclA has not addressed the impact of this development on the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) which is located approximately 55 m to the west of the red line site boundary as measured on the EBC mapping system. Table 1 in the report states that these are 30 m northwest of the site, which would represent an even greater impact on these sites.

The report states that the area to be impact(ed) *comprises only bare earth, hardstanding, neutral grassland, a stream, and scattered trees*. The report also states that *Himalayan balsam was present in the northeastern corner of the bare earth habitat, along the bank of the stream*. In section 5.7 it states that *the site appeared to have been cleared within the last few months, leaving large piles of bare earth. Some areas of the bare earth had not been spread/removed, creating piles across the site*. In section 5.14 it states that *The northwestern half of the site also contained multiple vehicles and piles of general equipment and materials such as liquid gas, wooden pallets, a lawnmower, bins etc*. In section 5.19 it stated that the stream contained a couple of large items of litter such as a scooter (not explained further) Fuel leaking out of a motor scooter could further pollute the stream and the River Itchen.

The bare earth habitat was created by unauthorised site clearance activities in advance of this survey. This may have caused the spread of Himalayan balsam, an invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981, which prohibits the spread of this species into the wild. This is an offense under this act and is punishable by law. Further information can be found at <https://www.gov.uk/guidance/invasive-non-native-alien-plant-species-rules-in-england-and-wales#penalties-for-breaking-the-law>. The landowner has a responsibility to eradicate the Himalayan balsam before it spreads further into the wild, as it will shed seeds into the stream and the plant will spread very easily. The mitigation proposed in sections 6.16 and 6.17 are suitable, however since the site clearance has already been done, and machinery has been on and off site this advice may be too late.

Although no impact on protected species was stated in the report, in section 5.44 it states that it is known that otters are present within the wider area and inhabit the River Itchen. It is possible that potential otter habitat was destroyed when the unauthorised clearance and re-alignment work to the stream took place.

In section 5.12 it states that a timber stable building had been constructed on the southwestern aspect of the site (referring to the area shown in Figure 1, the 2 plots closest to the stream).

A series of aerial photos between May 2020 and to sometime after March 2022 provides evidence that this site and the adjacent stream have been unacceptably impacted without planning permission. The aerial photo from Google Earth dated May 2020 shows that the entire site (within the blue line boundary shown in this EclA) was vegetated, with no bare earth or hard standing present. There was an intact hedgerow running along the site boundary with Allington Lane and the watercourse was protected by trees and shrubs.

The aerial photo dated December 2020 shows an access road cut through the hedgerow, four pitches completely paved and two additional areas with most of the vegetation removed. Mobile homes were sited on all 10 pitches, and four were still vegetated.

The aerial photo dated July 2021 shows a widened site access with more of the hedgerow removed, removal of most of the vegetation on three additional plots, four pitches with at least 10 buildings with dark roofs and numerous mobile homes, and three above ground swimming pools. Three of the paved pitches had patches of what looks like amenity grass.

Additional mobile homes were sited on the property, including on the sites closest to the watercourse.

The aerial photo dated January 2022 shows additional fencing but the vegetation next to the watercourse is still visible. The aerial photo dated March 2022 shows vehicle tracks and disturbance in the area to the west of the site, up to the SAC boundary. This area appears to be more impacted than previously, with signs that vegetation next to the watercourse has been removed, piles of building materials, possible remnants of a fire next to the river, and either sheds or other buildings extending up to the SAC boundary. Vehicle tracks are located quite close to the watercourse in several areas.

A more recent aerial photo can be seen on UK Grid Reference Finder (mapping service name and exact date not provided). This shows all vegetation cleared right to the watercourse (and on both sides of the stream) with bare earth right to the edge of the watercourse and vehicles using this area. The map shows that the stream had meanders but the latest photo shows that the stream has been straightened. The field to the east of the site has 8 or 9 circular areas where the vegetation has been worn away, and additional vehicle tracks leading on and off the site, and to the river. Image 7 in the EclA report shows that all vegetation has been removed from both sides of the stream. The map in the EclA report shows bare earth extending to a stream with meanders, although it is clear that they are no longer present.

The impact which must be assessed is that of 10 pitches with associated residential activities. This application refers to timber outbuildings, and the previous application included horse stables. There is a letter from Phil Wiseman of Enforcement (November 2023) stating that horses will not be kept on site, however there was a horse on site on the day of his visit. The fencing shown in image 6 of the EclA report contains wire mesh against post and rail fencing, which appears suitable for horses. If horses are visiting the site, even occasionally, arrangements for the disposal of horse manure and soiled bedding will have to be made, so that there is no opportunity for these substances to enter the watercourse.

If this application is permitted a 50 m fenced and vegetated buffer to protect the SAC will be required, free from all development and activities.

A suitable vegetated and fenced buffer to protect the watercourse will also be required. The vegetation will be designed to filter any sediment and pollutants from being washed into the watercourse. Aquatic life in the River Itchen is extremely vulnerable to sediment, pollutants and excess nutrients negatively affecting water quality. Section 6.4 of the EclA report states that a 24 m deep ecological buffer will be created to divide the proposed site and the watercourse with fencing on the southern aspect, however the proposed site plan, which shows plot 5 and 6 as two separate pitches, does not specifically show this.

If this application is permitted, information must be provided on how the ecological value of the site will be restored and enhanced, with a pre-development baseline to be agreed with the Local Planning Authority. Nutrient neutrality and biodiversity net gain will need to be addressed. The mitigation and enhancement recommendations can be reviewed at that time, if relevant, but I will not address them now.

Surface water drainage

Surface water drainage must comply with Local Plan Policy DM6 which states:

*a. On sites of 1 hectare or more, or **within 100m of the River Itchen SAC** or Solent Maritime SAC, SuDS schemes should include at least three forms of naturalised filtration. On **sites within 100m of headwaters and tributaries draining into a SAC**, SuDS schemes should include at least three forms of naturalised filtration unless hydrological studies and project-level Habitats Regulations Assessment demonstrate this to be unnecessary to protect the integrity of the SAC and its qualifying features;*

I have reviewed the Flood Risk Assessment and Foul and Surface Water Drainage Strategy for Planning by UNDA (February 2024). This document refers to a different number of caravans, dayrooms and stable-type storage buildings (comprising the siting of 10no. Mobile Homes, 14no. Touring Caravans, the erection of 10no. dayrooms, and 4no. stable type storage buildings) when this application proposes 10 mobile homes, 20 touring caravans, the erection of 10 day rooms, 12 timber outbuildings, boundary treatment and associated development (retrospective)

Section 3.2 state that the SuDS sizing was based on all roof areas excluding tourers. This is a smaller number of buildings than currently proposed. The motor vehicle use (which would include touring caravans) should be estimated properly to ensure adequate pollution mitigation.

This majority of this site is within Flood Zone 3 and removal of the vegetation surrounding the stream will have increased its vulnerability to flooding. It is possible that due to heavy rain sediment and pollutants may have already washed into this stream and entered the River Itchen. In addition, the parking of mobile homes, cars, and other motor vehicles on site will introduce pollutants into the surface water drainage. This has not been addressed and no mitigation has been proposed.

To comply with local plan policy DM6, the simple index approach to pollution mitigation as discussed in the Ciria SuDS manual (pages 568 and 569, part E, tables 26.2 and 26.3) must be used to demonstrate that all pollution hazards would be mitigated.

Although this document states that all ground surfaces will either be of permeable construction or discharge to permeable areas, there is no information provided about the permeability of the surfacing used. Cellular storage soakaways have been proposed, however there is no evidence that these have been installed in the areas which have already been paved and built upon. There is no evidence that the flood prevention measures recommended in section 6.5 have been implemented in the buildings which have already been completed.

Lisa Malter

Ecologist