

## **APPENDIX A**

### **Officer Report to Southern Area Planning Committee on 20 February 2018**

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<b>APPLICATION NO.</b>	17/02183/OUTS
<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	21.08.2017
<b>APPLICANT</b>	Mr Andy Wright
<b>SITE</b>	Land west of Cuperham Lane, Romsey, Hampshire, <b>ROMSEY EXTRA</b>
<b>PROPOSAL</b>	Outline application for 73 dwellings with access
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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#### **1.0 INTRODUCTION**

- 1.1 The application was presented to SAPC on the 9 January 2018. Members resolved to defer consideration to secure additional clarification from the Hampshire County Council Ecologist to assess the impact of additional residential dwellings (including predation by domestic cats, increased recreational activity etc.,) on local nature conservation interests that is being provided on a site that lies within close proximity to the Fishlake Meadows nature reserve.
- 1.2 The Officers recommendation (Appendix A) and update report (Appendix B) to the SAPC of 9 January 2018 are attached for members' information.

#### **2.0 CONSULTATIONS**

- 2.1 Ecology – No objection.

#### **3.0 REPRESENTATIONS Expired 06.01.2018**

##### **3.1 Hampshire & Isle of Wight Wildlife Trust – Objection;**

- The Wildlife Trust is the leaseholder of Fishlake Meadows Nature Reserve and Barge Canal, which forms part of the River Test SSSI. We have long been concerned with the gradual encroachment of development along Cuperham Lane and Belbins and the resulting loss of supporting habitats for the adjacent, and in particular, above referenced nature conservation sites. In addition, we are concerned with the potential impacts that may subsequently occur on those sites as a result of increased recreational pressure that is likely to arise from the increase in residential development in the local area. As such we object to these proposals.

- Test Valley Borough Council, through their adopted Revised Local Plan (2011 – 2029) have demonstrated that they have a five-year supply of deliverable housing sites, and have allocated sites for development within that plan. We understand that an extant outline planning permission exists on this site, but that is for a much smaller number of dwellings. The application site is located within an area designated as countryside and as such is contrary to policies within the Revised Local Plan.
- The precedent for development in an area defined as countryside and outside of defined development boundaries in this part of the borough was set by the adjacent development at Oxlease Farm. In this case part of the development proposals, which was for 64 dwellings, ensured the protection of a nearby 70 hectare site as a nature reserve, and a commuted sum for the in perpetuity management of that reserve, thereby providing a significant net gain in biodiversity.
- These development proposals are for a significantly greater number of dwellings than previously and include a minimal amount of open space for the new residents. It is therefore inevitable that, should it be consented, new residents will seek out existing areas of open space, such as the adjacent Barge Canal or nature reserve, thereby increasing the associated recreational impacts and our ability to manage the area effectively.
- We fully support the idea of local residents having access to high quality open space as this will make an important contribution to their health and wellbeing. But it is not the responsibility of the Trust to have to manage the increases in recreational pressure from development proposals that are outside of our control, and outside of the strategic planning process, without additional resources being provided. We consider that any development that is likely to put increased pressure on sensitive habitats and species, should contribute towards the addition costs and responsibilities that will be incurred. This is particularly the case when development proposals do not provide sufficient on-site recreation space for the new residents of a development, as we think is the case here.
- Recent studies<sup>1</sup> have shown that much of the wildlife outside of protected areas is declining and that better methods of accounting, mitigating and compensating our impacts on biodiversity are required if the current declines are to be reversed. To simply aim for a ‘no net loss’ through the planning system is no longer acceptable and, will not stop the decline, as such all development proposals should seek to deliver ‘net gains’ in biodiversity. Many local authorities are now using a metric to evaluate the loss and gain of biodiversity through development and to assess avoidance, mitigation and, where necessary, compensation measures.

- This site lies outside of a protected area and therefore in order for Test Valley Borough Council to make a transparent and auditable account of biodiversity on the site, we strongly recommend the use of the biodiversity metric. This will help ensure the council deliver its obligations under the NERC Act, achieve robust assessments of impacts, design effective mitigation or, if required compensation, and provide true net gains in biodiversity.

#### 4.0 **PLANNING CONSIDERATIONS**

The wider planning considerations remain as set out in the Officers recommendation. This report is intended to deal specifically with the issues raised in the reasons for deferring the application.

##### 4.1 Recreational Pressure

The Ecology Officer has confirmed that recreational pressure formed part of his original considerations but that it was considered that it would not be a major impact on Fishlake Meadows given its location on the opposite side of the canal.

However, residents would have pedestrian access to the Nature Reserve by travelling north on Cuperham Lane, before doubling back along the public footpath that crosses the canal. However the Ecology Officer has advised that Fishlake Meadows, being a wetland habitat, has limited opportunity for 'free-roaming' access and consequent wildlife disturbance. The extensive bog, reed bed etc. do not lend themselves to open access, unlike for example grassland, heathland or woodland sites. There limited public footpaths and some additional permissive access ways and new route options being created. But it is very much geared towards wildlife rather than recreation. The Ecology Officer has identified that if there is any risks of impacts from increasing recreational use of a sensitive wildlife site, it would be to the River Test SSSI, which is closer to the application site than Fishlake Meadows. The Ecology Officers advice remains that recreational impacts resulting from the development would not be a significant issue.

##### 4.2 Pet Predation

The Ecology Officer has advised that there is little scientific evidence that pet predation is significant in terms of conservation impacts, and in relation to the application site a reason for refusal on the basis of pet predation could not be defended.

##### 4.3 The Ecology Officer has also drawn reference to the RSPB (<https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/animal-deterrants/cats-and-garden-birds/are-cats-causing-bird-declines>) guidance on the issue as follows;

4.4 “Despite the large numbers of birds killed, there is no scientific evidence that predation by cats in gardens is having any impact on bird populations UK-wide. This may be surprising, but many millions of birds die naturally every year, mainly through starvation, disease or other forms of predation. There is evidence that cats tend to take weak or sickly birds.”

- 4.5 “It is likely that most of the birds killed by cats would have died anyway from other causes before the next breeding season, so cats are unlikely to have a major impact on populations. If their predation was additional to these other causes of mortality, this might have a serious impact on bird populations.”
- 4.6 “Those bird species which have undergone the most serious population declines in the UK (such as skylarks, tree sparrows and corn buntings) rarely encounter cats, so cats cannot be causing their declines. Research shows that these declines are usually caused by habitat change or loss, particularly on farmland.”
- 4.7 “Cat predation can be a problem where housing is next to scarce habitats such as heathland. It could potentially be most damaging to species with a restricted range (such as cirl buntings) or species dependent on a fragmented habitat (such as Dartford warblers on heathland).”
- 4.8 The Ecology Officer has also drawn reference to the Wildlife Trust guidance (<http://www.wildlifetrusts.org/cats>). Their recommendations are that residential developments need to be located more than 300m from sites that are designated for particularly vulnerable species e.g. ground nesting birds and rare reptiles and amphibians. However Fishlake Nature Reserve is a wetland site and while does clearly support an important bird population, the birds here are arguably less vulnerable to cat predations due to their higher association with water / wetlands, and the site is not specifically designated for the birds (particularly ground-nesting birds). As with human recreational impacts, Fishlake Meadows is separated from the application site by the canal, and while cats would clearly be able to cross the footbridge, it is the only crossing point for some distance. As a result the Ecology Officer has advised that the greatest level of cat predation to small mammals and birds would be those associated with the woodland and scrub areas closer to the application site, on the Cupernham Lane side of the canal rather than the Nature Reserve.
- 4.9 Having reviewed the additional information it remains the Officers recommendation that, subject to the imposition of a condition to secure the mitigation and enhancement measures set out in the appraisal, the development is considered to comply with policy E5 of the TVBRLP 2016 and the Conservation of Habitats and Species Regulations 2010.

## 5.0 CONCLUSION

- 5.1 It remains the Officers consideration that a reason for refusal on the basis of the impact on the Fishlake Meadows Nature Reserve could not be substantiated and that outline permission should be granted.

## 6.0 RECOMMENDATION

**Delegate to the Head of Planning & Building for the satisfactory conclusion of consultations with:**

- HCC Local Lead Flood Authority
- HCC Highways Authority
- HCC Education Authority

**The completion of a legal agreement to secure the following:**

- Provision of 40% affordable housing on site and financial contribution to partial units, with final tenure and mix to be agreed
- Financial contribution of £1,300 per dwelling towards mitigation measures in accordance with the ‘New Forest SPA Mitigation – Interim Framework’
- Off-site highways works for the provision of a pedestrian crossing island on Cupernham Lane
- Financial contribution towards primary school education.
- Secure pedestrian and cycle access through the site to link with the footpath network the east of the Oxlease development.

**Then outline permission subject to conditions and note as set out in the Officers recommendation and update paper to SAPC 9 Jan 2018.**

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