

Please find below a response to the points raised in the consultee comments for APP/22/00850. Please do let me know if you note anything that feel should be addressed that's not included below.

County Archaeologist.

Point Raised: The Long Island foreshore is subject to ongoing erosion and I recommend that the foreshore is inspected and any archaeological features currently exposed are recorded (and artefacts retrieved) prior to the works so that the importation of material and use of machinery is mitigated. This would ensure that any further exposure of archaeological features since the Langston Harbour survey 20 years ago are recognised and recorded prior to impact.

Response: Before any works take place on the long island foreshore, the site will be inspected by our Reserves Archaeologist for England and Wales, or another suitably qualified archaeologist, to ensure that either no artifacts are present, or that any artifacts which are present are appropriately recorded and protected.

Hampshire County Council – Countryside Planning

Point raised: The Applicant is asked to reconsider its proposal and whether site vehicle access can be achieved whilst keeping the Trail open for public use; for example, use of a banksman system, strict enforcement of vehicle speed limits, and the provision of passing bays.

Response: As requested, we will ensure a banksman style system with strict speed limits is utilised in order to keep the Billy Trail open for public use.

Point raised: The Applicant will be required to undertake a pre-commencement survey with HCC to note the standard existing at that time and to identify improvements as part of any remedial works.

Response: A site visit was carried out with the Hampshire County Council Countryside Service on Feb 16th to identify initial issues and note standard of surface. The RSPB and the appointed contractor will liaise with the Countryside service for a pre-commencement survey, noting the standard existing at that time and identify any improvements as part of any remedial works.

Point raised: Should the above be accepted and agreed with the Service, it will not have objection in principle for the proposal and in that situation, should the Local Planning Authority be minded to permit the application, the Service would request the following conditions: 1. No vehicle access along the Hayling Billy Trail or works on land part of the Local Nature Reserve is permitted until and unless written assent is provided by HCC Countryside Service, which may be subject to requirement to make good the surface of the Hayling Billy Trail to the satisfaction of HCC Countryside Service. 2. No works to the surface of the Hayling Billy Trail shall be carried out without prior approval of HCC Countryside Service. 3. No vehicles, machinery, equipment, materials, spoil or anything associated with the works hereby permitted shall be left on or near the Hayling Billy Trail or within the Hayling Billy Local Nature Reserve as to obstruct, hinder or provide a hazard to the legitimate users of the Trail or Nature Reserve.

Response: All three points are accepted. The available map of the Hayling Billy Local Nature reserve on MAGIC doesn't flag any fundamental issues re point 3.

Environment Agency

Point Raised: *We would advise the applicant that any works below mean high water are likely to require a marine licence from the Marine Management Organisation, in accordance with the Marine and Coastal Access Act (MCAA) 2009. If required, the application for a marine licence should clarify the extent and nature of works below mean high water and should be accompanied by a stand-alone WFD Assessment. Guidance on completion of a WFD Assessment (called 'Clearing the Waters for All') can be found at [https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and\[1\]coastal-waters](https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and[1]coastal-waters).*

Response: The MMO have issued a marine licence for these works, L/2022/00422/1.

Point raised: *The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.*

Response: The Environment Agency issued us a Notice of Excluded Option for these works on 08/12/22.

Hampshire County Council Highways.

Point raised: *CONSTRUCTION METHOD STATEMENT REQUIRED . No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include: (a) A programme of and phasing of demolition (if any) and construction work; (b) The provision of long term facilities for contractor parking; (c) The arrangements for deliveries associated with all construction works; (d) Methods and phasing of construction works; (e) Access and egress for plant and machinery; (f) Protection of pedestrian routes during construction; (g) Location of temporary site buildings, compounds, construction material, and plant storage areas; Demolition and construction work shall only take place in accordance with the approved method statement. Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality*

Response: This is accepted. Once a contractor has been appointed this can be planned to level of detail required and submitted for approval. Can you advise on timescale for approval? We currently need to aim these works for September 23 in order to meet all the other conditions and factors.

Natural England.

Point Raised: *Vehicle movements on the foreshore are kept to a minimum and access/egress routes are clearly defined.*

Response: All movements, especially on the foreshore, will be kept to the minimum possible to carry out this ecologically vital project. The routes will be noted within the Construction Environment management Plan.

Point Raised: *It is recommended that the works are completed as early as possible in mind of the arriving overwintering birds. West Hayling: Jan – February, or Mid-August – Mid-October. Long Island: Jan – April (Feb-March preferable), or August to Mid-October.*

Response: This is accepted.

Point Raised: *Bog mats must be used to avoid compression of the Annex I saltmarsh and mudflat features.*

Response: This is accepted and forms part of the marine licence.

Point raised: *Barge access during high spring tides only to minimise disturbance to PHI Coastal Saltmarsh and Annex I saltmarsh and mudflat features.*

Response: This is accepted and noted in our marine licence.

Ecology/ County Ecology:

Point raised: *The application is accompanied by a Habitats Regulations Assessment (Exo Environmental Ltd, June 2022). In procedural terms the HRA includes proposed access route mitigation measures as intrinsic to the scheme's delivery and therefore concludes that potential impacts can be screened out of further assessment. This argument is, it could be argued, in accordance with guidance on HRA (see CJEU C[1]323/17 People Over Wind and Peter Sweetman vs Coillte Teoranta) but is a nuanced point within the HRA process. I would have preferred to see the HRA proceed to Stage II, and consider the potential for impacts on specific SAC and SPA features and explore the impacts of the proposed access arrangements. The proposed access is certainly not 'no impact' and, through the inclusion of details to demonstrate how measures are in place to avoid/minimise damage, could be argued as mitigation measures to avoid/minimise damage (albeit limited and localised) to SAC qualifying habitats. Overall this is a technical point on the HRA process and different practitioners approach HRA in different ways. Havant Borough Council, as the Competent Authority under the Habitats Regulations, usually takes a more precautionary approach to HRA, with potential impacts (however minimal) taken forward to Stage II of the HRA process and then details included of the extent of those impacts and the measures included to avoid/minimise them.*

Response: Noted. The RSPB project team would be very keen to discuss this with County Ecology and ensure that the most suitable documentation format is supplied. Given the wider potential for habitat restoration and the Solent Seascape project, there is great scope for future beneficial projects within Hampshire and Havant Borough.

Point Raised: *If you are minded to grant permission, can I suggest that a Construction Environment Management Plan (CEMP) is secured by condition. This should include firm details of all construction operations and measures designed to avoid impacts to the natural environment. Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors and avoidance and mitigation measures detailed within the Habitats Regulations Assessment (Exo Environmental Ltd, June 2022). Development shall be implemented in strict accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

Response: This is accepted. We would welcome a conversation with County Ecology in advance of producing this given the nature of the project and its aims.

With regards to the above and any other issues, we would welcome a meeting with the planning authority to outline any unresolved issues if needed. This is a really important ecological project that the RSPB has gained funding to deliver at no cost to the authority but with an increasingly tight

delivery window. Ideally, at this point, we need to deliver this project in the September/October 23 window at West Hayling (Aug/October at Long Island).

Please do let me know if any conditions outside the ones noted already are going to be given so that I can offer an informed response in advance.

Many thanks,

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