

Daphney Haywood
Planning Service
Havant Borough Council

By email only: planning.development@havant.gov.uk

25 January 2021

Dear Mrs Haywood

Proposal: Erection of 195 No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Goose Refuge Area (Resubmission of APP/18/00724)

Location: Land at Sinah Lane, Hayling Island

Ref: APP/20/01093

Thank you for consulting the RSPB on the above application and for the extension to consider the reapplication. We responded in detail to the previous application APP/18/00724. As highlighted in our previous responses to APP/18/00724 we are increasingly concerned by the incremental loss of SPA/Ramsar supporting sites on Hayling Island and have engaged with this development to try to secure appropriate mitigation for the loss of the southern part of SPA/Ramsar supporting site H34C should planning permission be granted.

The application site lies within 150m of Langstone Harbour to the west, designated as a Site of Special Scientific Interest (SSSI), and forming part of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site in recognition of its national and international importance for wildlife, including wintering waterfowl and breeding seabirds. A large part of Langstone Harbour is owned and managed by the RSPB. The field containing the application site is used by wintering brent geese (*Branta bernicla bernicla*), an interest feature of the designated sites. The preservation of these feeding sites is essential to the protection of the wintering population of brent geese in the harbours and in turn to ensuring that the designated sites are not damaged.

Whilst the RSPB notes the potential impacts of development on wider countryside features such as hedgerows and mature trees, and encourages the inclusion of measures to address any such impacts and enhance the wider biodiversity (eg. breeding birds, bats, reptiles, etc.), we have limited our response to the mitigation of the impacts that the proposed development could have on the adjacent Chichester and Langstone Harbours SPA/Ramsar site, the RSPB Langstone Harbour reserve and the associated populations of wintering birds.

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working to give nature a home around the world.

Solent Waders & Brent Goose Strategy – brent goose feeding site (H34C)

The proposed development area is identified in the Solent Waders & Brent Goose Strategy (SWBGS) as a Primary Support site (H34C) for brent geese, with the northern area being particularly well used, with records of up to 1000 feeding brent geese. This is due in part to the site's location adjacent areas of eelgrass (*Zostera*) beds within the Harbour, as well as the regular presence of winter wheat crops within the application site itself, both of which brent geese feed on. However, we acknowledge that the current agricultural regime in this location does not guarantee suitable foraging habitat for brent geese in every winter and the site suffers from recreational disturbance.

It should be noted that additional sightings has been received this winter (2020/2021) from local residents on the use of the southern (Area B and C in the Winter Bird Mitigation Strategy Nov 2020) by brent geese which is not reflected in the supporting information.

Winter Bird Mitigation Strategy – proposed refuge area

We are increasingly concerned by the incremental loss of SPA supporting sites on Hayling Island and across the Solent as a whole. We therefore support the SWBGS which has improved our understanding of the network of sites used by the brent geese and waders and has provided guidance on mitigation measures. The RSPB has worked with WYG, the environmental consultants for this proposal, to develop a sustainable mitigation strategy for brent geese and other wintering birds (Winter Bird Mitigation Strategy, November 2018) in line with the SWBGS. This strategy includes enabling the adjacent area of agricultural land owned by the RSPB (the western part of the proposed winter bird refuge), to be managed in perpetuity for the benefit of foraging brent geese and waders. The RSPB believes that the creation of a permanent winter bird refuge on the northern half of H34C is consistent with the SWBGS mitigation guidance. The mitigation proposal comprises the establishment of a suitable extent of permanent grassland (using a seed mix favoured by brent geese) and its ongoing management by grazing with livestock or mowing, the addition of a network of small freshwater scrapes and improved management of recreational use through provision of interpretation, additional fencing, hedgerow planting and defined access routes.

An updated Winter Bird Mitigation Strategy (November 2020) has been submitted with this application, much of which is the same as the November 2018 version but it is disappointing to note that this has not be updated to reflect the latest discussions and situation. For example, the commuted sum and some of the management details are not accurate. We urge that the Strategy is updated and we would welcome further discussion regarding the details of the capital works necessary to set up the refuge should planning permission be granted.

There is also inconsistencies within the supporting documentation as the Information to Inform Habitats Regulations Assessment (November 2020) refers to the 2018b Winter Bird Mitigation Strategy and also states that there will be two access points to the Refuge area (via a new gate at the end of North Shore Road and a further access gate from the northern extent of the housing development, pg24). It is our understanding that that there will only be one entrance, as shown in Figure 1 of the Winter Bird Mitigation Strategy. Additional hedgerow planting is proposed to screen the former entrance at the end of North Shore Road. Only one entrance is required, and more could lead to greater risk from recreational pressure.

To ensure the appropriate delivery of the mitigation, if the development proposals are consented the RSPB has agreed (subject to contract) to accept the freehold transfer of the mitigation refuge area (not currently within our ownership), with an appropriate commuted sum of money to allow for the ongoing management and monitoring once the Refuge has been established.

For the Wader and Brent Goose Refuge to be relied upon the following agreements need to be prepared and agreed with the planning authority:

- i. Section 106 agreement.
- ii. Agreement relating to the transfer of the land.
- iii. Draft form of TR1 to be used transferring the land to the RSPB.

Progress has been made on the drafting of these documents, but these are yet to be finalised.

Timing and monitoring of Wader and Brent Goose Refuge

The Wader and Brent Goose Refuge must be established and operational before construction works start. This is to ensure that any adverse effects on the wintering birds (and therefore on the Chichester and Langstone Harbours SPA and Ramsar site), via the loss or damage of the existing feeding area within the proposed development site, are avoided.

Monitoring of the Refuge will be essential to ensure it is functioning effectively, and annual winter monitoring should be undertaken for the first 10 years. Following the confirmed establishment of the Refuge, winter monitoring should be at a minimum every 4 years (11-80 years).

Construction phase disturbance

Development of the southern part of H34C may also result in disturbance impacts during the construction phase. A condition should be imposed that a Construction Environmental Management Plan (CEMP) is drawn up and approved by Natural England and the Council before any works take place. This should specify that the main works are restricted to the summer months (April – September) and any winter work (October – March) is restricted and monitored to reduce noise and visual disturbance to the SPA/Ramsar birds.

Bird Aware Solent

In order to mitigate for the in-combination effects of increased recreational disturbance to the Solent SPAs/Ramsar sites, an appropriate contribution to the SRMP / Bird Aware Solent scheme must be provided in addition to the above mitigation.

Net Gain

A Biodiversity Net Gain (BNG) Document (November 2020) has been submitted in support of this application. We strongly disagree with this assessment, as it includes the Winter Bird Refuge in the assessment, which is necessary to meet the legal requirements under the Conservation of Habitats and Species Regulations (2017) (the Habitat Regulations). No additionality can be claimed for the Winter Bird Refuge and therefore additional biodiversity enhancement measures would be required to meet BNG.

Please do not hesitate to contact me if you have any questions or require any further information.

Yours sincerely



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