

Daphney Haywood
Planning Service
Havant Borough Council

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

28 October 2020

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

Location: Land at Sinah Lane, Hayling Island

Ref: APP/18/00724

Following our previous response on 15th August 2019 we have been in discussions with the Applicant regarding the proposed Wader and Brent Goose Refuge, which is relied upon as mitigation for impacts on the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site. As highlighted in our earlier response 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.

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.

As detailed in our earlier response, 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 there remain several outstanding issues to be finalised. Principally, the timing of the mitigation delivery and the frequency of monitoring once the refuge is established.

We are also aware that there have been several proposed changes since the application documents were submitted, including the management of the SUDs area and the fence lines that are not currently

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reflected in updated plans and this needs to be addressed. To provide clarity and reflect these changes we would suggest that the Winter Bird Mitigation Strategy should be updated.

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 undertaken ideally every 3 years but 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.

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

Yours sincerely



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