

Daphney Haywood
Planning Service
Havant Borough Council

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

15 August 2019

Dear Mrs Haywood

Proposal: 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 Geese Refuge Area
Location: Land at Sinah Lane, Hayling Island
Ref: APP/18/00724

Thank you for consulting the RSPB on the above application.

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. We believe the key ecological issue for development in this area is the loss of supporting habitat for the associated bird species, primarily foraging habitat for brent geese and also safe high tide roosts for wintering waders.

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

**South East England
Regional Office**
1st Floor, Pavilion View
19 New Road
Brighton
BN1 1UF

Tel: 01273 775333
Facebook: @RSPBSouthEast
Twitter: @RSPB_SouthEast
rspb.org.uk

The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

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 is subject to the use of recognised goose scaring techniques to protect the crops from goose damage, as well as recreational disturbance.

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 an appropriate and 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 this adjacent area of agricultural land owned by the RSPB (the western part of the proposed winter bird refuge), which is currently subject to an agricultural tenancy, 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 and defined access routes.

To ensure the appropriate delivery of the Winter Bird Mitigation Strategy for the site, and mitigate the loss of the southern part of H34C, the RSPB has agreed (subject to contract) to accept the mitigation refuge area, along with an agreed and appropriate commuted sum of money to allow the on-going management once the land has been transferred to the RSPB.

For the mitigation strategy to be relied upon the following agreements need to be prepared (subject to contract) 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.

Timing and monitoring of winter bird refuge

The winter bird refuge area will need to be established and operational before construction works start. This is to ensure that any adverse effects on winter 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, the initial 3-years establishment monitoring should be undertaken independently. Subject to funding, the RSPB would undertake ongoing winter surveys (October to March) with two surveys per month (to supplement the existing WeBs surveys), following the initial establishment period, to ensure that the site continues to support the wintering birds (in particular brent geese). In addition the RSPB will continue to monitor the quality of the grass sward prior to each winter to ensure it is in good condition for foraging brent geese.

Construction phase disturbance

The applicant has noted that the development of the southern part of H34C may also result in disturbance impacts during the construction phase. They appear to have acknowledged the need for appropriate mitigation and propose that an approved Construction Environmental Management Plan (CEMP) is put in place to ensure construction phase impacts are avoided or adequately mitigated.

Measures to prevent disturbance during construction have been suggested for inclusion in the CEMP including:

- Main works restricted to the summer months (April – September)
- Winter work (October – March) restricted to reduce noise and visual disturbance
- Screening to avoid visual disturbance.

We agree with this approach and would expect that a condition be imposed that a CEMP should be drawn up and approved by Natural England (NE) and the Council before any works take place.

Ongoing Site Management

Subject to any planning permission, an agreed and fully-funded winter bird mitigation plan and the necessary legal agreements for the transfer of the land currently not in RSPB ownership and payment of the commuted sum, the RSPB would welcome the ongoing role of management, maintenance and monitoring of the winter bird refuge area. To manage the refuge to have the optimal grass sward for goose foraging, it is intended to graze with livestock (primarily during the summer months) at a maximum of 0.7 LSU/ha/year and mow the grass. It may also be necessary to occasionally apply fertilizer at a rate of 50kg – 75kg in the early autumn. Further to Natural England's comments grazing levels and the use of fertilizer will need to be considered within the nutrient budgeting for the site.

As regards the wider elements of the proposal, we have the following further comments.

Bird Aware Solent / Solent Recreation Mitigation Contributions

In addition to the potential impacts of the proposed development on the brent goose and wader supporting site network, the proposals will also contribute to wider cumulative recreational pressures across the Solent SPA/Ramsar sites. The RSPB supports the Solent Recreation Mitigation Partnership (SRMP) Strategy as the most appropriate mechanism for mitigating the cumulative effects of recreational disturbance across the Solent SPAs created by new residential development. Accordingly, we consider it essential that the applicant makes an appropriate additional contribution to the SRMP / Bird Aware Solent scheme, in order to ensure that any adverse effects on the integrity of the Solent SPAs/Ramsar sites, in combination with other housing developments around the Solent, are avoided.

Ecological Mitigation and Management Plan

The RSPB welcomes the inclusion of an Ecological Mitigation and Management Plan and the Biodiversity Net Gain Assessment. We strongly recommend that any recommendations or conditions proposed by Natural England and the Hampshire County Council (HCC) ecologist in relation to the Ecological Mitigation and Management Plan proposals (such as monitoring of the mitigation measures) are appropriately secured should the Council be minded to approve the application.

Summary

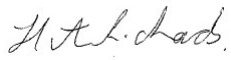
The RSPB believes that the creation of a permanent winter bird refuge on the northern half of H34C, as detailed in the Winter Bird Mitigation Strategy, along with the necessary SRMP / Bird Aware Solent contributions provides suitable mitigation for potential impacts on the Solent SPAs/Ramsar sites, and is consistent with the SWBGS mitigation guidance.

This approach reflects our interest as a conservation body, and as land-owner of both land adjacent to the site and land included as part of the mitigation strategy. In the latter capacity we are committed to working with the developers and the local authority to ensure that a sustainable and appropriately secured mitigation strategy is delivered.

As stated above, we have confined this response to the ecological issues concerning the Chichester and Langstone Harbours SPA/Ramsar site and, in particular, the loss of brent goose feeding habitat. We make no comment on wider biodiversity issues, or the acceptability of the development against other planning policies.

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

Yours sincerely

A handwritten signature in cursive script, appearing to read 'H.A.L. Richards'.

Heather Richards

Conservation Officer

Email: heather.richards@rspb.org.uk

Direct dial: 01273 763616