



Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

By e-mail only; planning.development@havant.gov.uk

28 February 2022

Dear David Eaves,

Location: Rook Farm, land off St Marys Road, Hayling Island

Proposal: Outline application for development of up to 300 dwellings (including affordable housing). The proposal includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works. All matters reserved except for means of vehicular access. Accompanied by an Environmental Statement.

Application No: APP/21/01434

Many thanks for giving the RSPB opportunity to comment on the proposed development at Rook Farm, Hayling Island. The RSPB **objects** to these proposals due to uncertainty regarding impacts towards functionally linked land to the Solent Special Protection Areas under the Solent Wader and Brent Goose Strategy. Further details of our objection are outlined below.

1. Designations and the Application Site

The application site lies approximately 800m from Langstone Harbour to the west, and Chichester Harbour to the east, both designated as a Site of Special Scientific Interest (SSSI). These sites form part of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, designated in recognition of its national and international importance for wintering waterfowl and breeding seabirds, including dark-bellied brent geese (*Branta bernicla bernicla*) and Eurasian curlew (*Numenius arquata*). A large part of Langstone Harbour is owned and managed by the RSPB. The application site is also situated directly on land classified as a Core Area (H46B) as part of the Solent Wader and Brent Goose Strategy (SWBGS). Records have shown use of the site by small numbers of curlew and over 1,000 dark-bellied brent geese, showcasing its importance as a Core Area under the SWBGS.

RSPB Brighton Office
2nd Floor, London Gate
72 Dyke Road Drive
Brighton
BN1 6AJ

Facebook: RSPBEngland
Twitter: @RSPBEngland

Email: seplanning@rspb.org.uk

rspb.org.uk



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

We are increasingly concerned by the incremental loss of SPA supporting sites on Hayling Island and across the Solent as a whole. We urge the Council to apply a high standard of protection to these sites, as required under the Birds and Habitats Directives. The RSPB has previously objected to a planning application at Rook Farm (APP/17/00007) alongside objecting to Rook Farm's inclusion within Havant Borough Council's (HBC) Local Plan as a Strategic Site.

The shadow Habitats Regulations Assessment (HRA) for the site indicates Rook Farm as allocated '*allocated under Policy H27 of the submission version of the emerging Havant Borough Local Plan for the development of c. 390 dwellings*' (p.1, para 1.5). However, document CR18 of the Havant Borough Local Plan Examination ('*The Inspector's Interim Findings Report*') concluded that Policy H27 (Rook Farm) should be removed from the Council's anticipated supply as the Inspector is '*unable to find that the site currently meets the definition of 'deliverable' or 'developable' as set out at Annex 2 of the NPPF*' (para 35) due to the lack of clarity whether an appropriate mitigation site can be secured and significant uncertainties over the site's delivery.

2. Recreational disturbance impacts

Net increases in residential development that are within a 5.6km Zone of Influence are likely to have a significant effect on the three Solent SPAs (Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA, and Solent and Southampton Water SPA) either alone or in-combination with other developments. In order to not adversely affect the integrity of the SPAs, appropriate avoidance and/or mitigation measures are required from developments within the Zone of Influence. The Solent Recreation Mitigation Strategy (SRMS) has been adopted by Solent Local Authorities to address and mitigate recreational disturbance impacts from new development across the Solent through developer financial contributions. The RSPB welcomes acknowledgement of the required contributions towards SRMP by the Applicant in order to mitigate recreational disturbance impacts to the Solent SPAs.

3. Solent Wader and Brent Goose Strategy mitigation site

Under the SWBGS, Mitigation Guidance (p.6, para 13)¹ states that Core Areas such as H46B (Rook Farm) are considered:

'essential to the continued function of the Solent waders and Brent goose ecological network and have the strongest functional linkage to the designated Solent SPAs in terms of their frequency and continuity of use by SPA features.'

The RSPB strongly urges that Core Support Areas should be protected from development both through policy in Local Plans and individual applications to safeguard the integrity of the network. Any proposed allocation would therefore need to ensure it addresses the Habitats Regulations decision making tests, ensuring adverse effects on the integrity of Chichester and Langstone Harbours SPA can be avoided through an Appropriate Assessment. Given the importance of "Core Support Areas" to the functioning of the SPA, mitigation would be required that was capable of delivering that same special function.

The SWBGS Mitigation Guidance requires, as a minimum, the following criteria (p.6, para 16) to be fulfilled alongside the full criteria for the replacement of Primary Support Areas (p.7-8, para 19 [see Appendix I]):

- *A suitable replacement site of an equal, or in some circumstances greater, size and quality must be provided in close enough proximity to the Core Area affected to fully replace its ecological function.*

¹ SWBGS Steering Group (2018) *Solent Waders and Brent Goose Strategy (SWBGS): Guidance on Mitigation and Off-setting Requirements*.

- *The freehold or long term lease (in perpetuity) of the replacement site must be passed to an appropriate conservation body, or the LPA, in a suitable condition and managed in perpetuity as a nature reserve for waders and / or brent geese.'*

Currently, no such information has been provided by the Applicant for the RSPB to assess the effectiveness of any mitigation site proposed under this site application. The shadow HRA references a mitigation site with details on the location of the site redacted in the report. Further, winter bird surveys are being carried out by CSA Environmental over the winter of 2021/22 and therefore have not been completed. The RSPB is confident that H46B continues to provide a critical role as a feeding area for wintering feature species of the Solent SPAs at high tide, but will also await further details from the outcome of the winter surveys in order to assess the requirements of any mitigation site proposed to provide the same special function of H46B. Until such information is available, the RSPB is unable to determine whether adverse effects on the integrity of the SPA can be avoided through appropriate mitigation, and **objects** to these proposals.

We hope you have found these comments useful. Please do not hesitate to get in touch should you wish to discuss any of our comments further.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jack Thompson', with a long horizontal line extending to the right.

Jack Thompson
Conservation Officer
Email: jack.thompson@rspb.org.uk
Direct dial: 07719 079 000

'19. There will be a requirement for the off-setting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds. The appropriateness of any off-setting areas in respect of fulfilling the required ecological function will be judged against the following criteria, ranked in order of importance:

A. Habitat Type – the proposed off setting site must support habitats, or be suitable for recreating habitats that provide the same, or enhanced, ecological function as those that are to be lost or damaged.

B. Disturbance – the ecological function of an off-setting site is likely to be seriously undermined if subject to regular disturbance from recreational use and unmanaged public access. The appropriateness of the location of the off-setting site and the proposed measures to prevent indirect effects will need to be fully assessed.

C. Area of habitat – where the replacement habitat would be of equal ecological quality the area required should be of a similar extent to the site being lost or damaged. There may be situations however, where a greater area is required when habitat created may be of poorer quality to that lost or damaged, or there is a high level of risk involved. Similarly, if significant ecological enhancements are possible that increase the carrying capacity of the replacement site above that of the Primary Support Area affected then a smaller area of replacement habitat might be acceptable. This might include the partial loss of a Primary Support Area providing the remainder can be made significantly improved in habitat quality with long term management so as to provide for a greater capacity for the target species than the original site. In all such cases the test will be to ensure the replacement habitats provide a clear and permanent net gain for the target species.

D. Timing and availability of habitat – operational at the time it is required. Essentially, 'in time' to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site.

E. Geographic location – for ecological reasons of structure and function it is considered appropriate for the off-setting habitat to be provided as close to the original site as practicable.

The solution should also be capable of being:

F. Validated in respect of achieving its ecological function / purpose; and

G. Monitored for effectiveness; and

H. Adapted to adjust to unfolding circumstances in future management; and

I. Resilient in the face of predictable future pressures such as natural population fluctuations and climate change.'

20. The land will need to be restored to a suitable condition and managed specifically for the waders and / or geese, ideally as a nature reserve owned or leased by LPA or NGO partner (or similar stable management body such as Land Trust) in perpetuity.

21. The management of the land must be set out in an agreed costed management and monitoring plan and sufficient funds provided to the agreed manager of the site to cover full costs in perpetuity. The preferred approach to secure long term funding for all off-setting areas is to provide an endowment whereby the interest is used for on-going management. This approach secures long term funds in perpetuity.

22. *Given the difficulty of 1) justifying the need for a scheme and 2) providing the appropriate level of mitigation up front (ie making the off-setting area available prior to the loss or damage to the original site), it is the preferred approach that acceptable schemes affecting Primary Support Areas should come forward through the local plan process. This will ensure an early assessment of viable off-setting areas and consider how the necessary management can be secured and delivered upfront. A local planning authority could adopt a habitat banking approach to release potential sites provided that the above criteria can be met.*
23. *Joint working between the local planning authority, Steering Group and applicant is advised in all cases. However, it is ultimately the applicant's responsibility to identify and secure viable replacement sites for the loss of any non-designated wader and brent goose sites.*