

FAO Graham Speller

Your refs: APP/21/00419 | Submission of a Full Planning Application for the erection of a Temporary Sales Cabin including car parking on the land at Sinah Lane, Hayling Island. This application is associated with the development proposed under planning reference: APP/20/01093, which has the benefit of a resolution to grant planning permission. | 8 and Land Behind, Sinah Lane, Hayling Island APP/21/00420. Display of signage with illumination and flags etc. Land at Sinah Lane, Hayling Island.

Our refs: 355049 and 355024

Thank you for consulting us on the above applications

Loss of supporting habitat

The application is assessed in combination with the approved residential application APP/20/01093 which included a bespoke mitigation package to address the loss of supporting habitat for the SPAs.

The Sinah Lane, Hayling Island Winter Bird Mitigation Plan (March 2020) proposes a refuge on the north of the proposed housing development, adjacent to the Hayling Island Brent Goose Refuge (Local plan ref IN1K). The area would be actively managed to provide permanent foraging for Brent Geese and other waders during the winter by the RSPB. Negotiation is ongoing between the applicant and the RSPB to secure appropriate management and monitoring.

Natural England advises that provided the competent authority is satisfied the legal agreement secures in perpetuity management of the site by an appropriate organisation, and the measures are in place prior to commencement of construction, we raise no further concerns on this aspect of the proposals. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats and Species 2017 (as amended).

Construction impacts

It is noted that a CEMP will be secured with any planning permission. Provided the CEMP includes measures for dust control, pollution and surface water drainage measures during construction and measures to prevent noise, lighting and visual disturbance on the designated sites and supporting habitat, Natural England raises no further comments.

It is recommended that an appropriate planning condition or obligation is attached to any planning permission to secure the following measures:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant then Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)

We advise that you may want to seek your own legal advice on the implications of the Sweetman II ruling and the level of detail that should be included within an Appropriate Assessment.

Please contact me if you have any queries relating to this advice

Kind regards

Rachael Clemson
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