

**Havant Borough Council Local Plan Examination
Inspectors' Matters, Issues, and Questions (MIQs)**

MATTER 4 –

Habitat Regulations Assessment (HRA) and mitigation strategy

FRIDAY 18th JUNE 2021



**STATEMENT ON BEHALF OF THE
ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB)**

Policy E16 – Recreation impact on the Solent European Sites

4.6. Is Figure 21 accurate, and if not, does this need to be amended in order to be effective?

4.6.1 Figure 21 outlines the 5.6km zone of influence for the Solent Special Protection Areas (SPAs) within Havant Borough Council's boundary. Figure 21 in the Submission Havant Borough Local Plan, p.156 (CD01) is an inaccurate representation of the 5.6km zone of influence (ZOI); the omission of the southern part of Hayling Island from the ZOI has the potential to cause confusion to users in the application of any policy making reference to the Solent SPA zone of influence.

4.6.2 To effectively allow developers, statutory bodies, and interested parties to use Havant Borough Council Local Plan as an important reference tool in decision-making, consultation and other planning stages in the future, it is critical that maps accurately denote the correct boundaries for relevant policies, notably Policy E16 on Recreation impact on the Solent European Sites.

4.6.3 To address the RSPB's concerns Havant Borough Council has amended Figure 21 within the schedule of proposed changes, p.158 (CD27a). The RSPB agrees with the proposed change and recommends that the Inspectors includes these changes as main modifications.

Policy E17 – Solent Wader and Brent Goose feeding and roosting sites

4.12 Is the survey methodology by which 'Core Areas', 'Primary Support Areas', 'Secondary Support Areas' have been identified robust?

4.12.1 The RSPB supports that the Solent Wader and Brent Goose Strategy (SWBGS) as providing the best available scientific evidence of the importance of sites, which are functionally linked to the Solent SPAs used by feeding and roosting overwintering brent geese and waders. In the most recent surveys supporting the SWBGS (2016-2019) sites were surveyed by expert surveyors including WeBS counters and trained volunteers. The current Solent Wader & Brent Goose Strategy 2020 (examination document EB16a) collates data from the 2016-2019 dedicated bird movement study with records from the 2010 SWBGS, bird data from Hampshire Ornithological Society, Hampshire & Isle of Wight Wildlife Trust (HIWWT), the Solent Birds Studies bird surveys and Solent Birds Recording App, as well as additional surveys by Hampshire Biodiversity Information Centre surveys for the coastal local authorities. All records are checked to ensure accuracy.

4.12.2 To assess the importance of individual sites a metric-based analysis technique is used, which assesses each site in relation to population and assemblage thresholds, local value, max count, species incidence, and network function. The overall score identifies sites as "Core Support Area", "Primary Support Area" or "Secondary Support Area" or "Low Use Sites". The assessment of the importance of sites is therefore based on a significant number of records (10000 records just as part of the 2016-2019 surveys), and the methodology assesses the number of birds using the sites, placing this within national and local context, it also reflects the role the site plays in the network (linking value) and the range of species supported. The Core Support Areas (referred to as 'Core Areas' within Havant Borough Council Local Plan) are therefore 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.

4.12.3 One of the difficulties in assessing the importance of sites is that their use fluctuates with various factors including population size (dependent on breeding success), land management and habitat availability, weather conditions and level of disturbance. Therefore, one of the strengths of the SWBGS is that in contrast to the snapshots provided by bird surveys typically associated with individual planning applications it draws on data captured over a greater period and looks to quantify the role of sites as part of the network of supporting SPA sites, allowing a better understanding of the in-combination implications of development planning. The data supporting the Strategy is being constantly gathered and this is reflected in updates to the Strategy, ensuring that the importance of the sites reflects the best available evidence.

4.12.4 Hampshire and Isle of Wight Wildlife Trust lead on the co-ordination of survey work and analysis of data for the Strategy. The Solent Waders and Brent Goose Steering Group includes representatives from organisations such as the RSPB, Hampshire and Isle of Wight Wildlife Trust, Natural England, Hampshire County Council, and the East Solent Coastal Partnership. The Steering Group reviews the strategy and provides guidance on mitigation for brent geese and waders across the Solent. The methodology has been agreed and implemented by the SWBGS Steering Group and is consistently used by Local Planning Authorities across the Solent on planning considerations relating to the Solent SPAs.

4.13 Is Rook Farm's (site H27) function as a 'core area' for Solent Waders/Brent Geese capable of being adequately mitigated?

4.13.1 Core Support Areas such as 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*' (SWBGS Guidance on Mitigation and Offsetting Requirements, October 2018). The RSPB strongly urges that Core Support Areas should be protected by policy in Local Plans, 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 the Special Protection Area (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.

4.13.2 We support the wording in Havant Borough Council Local Plan which states under Policy E27 (Para 5.237-5.239, p.162) '*Core Areas are considered essential to the continued function of the SWBG ecological network. This is because they have the strongest functional linkage to the designated Solent SPAs in terms of their frequency and continued use by SWBG. Therefore, the unmitigated loss of a Core Area to development will not be permitted due to the negative impact this would have on the integrity of the Chichester & Langstone Harbours SPA.*'

4.13.3 As para 5.239 states '*It is considered difficult to replace Core Areas as there are limited opportunities available for alternative sites in close proximity to the SPA. Additional release of Core Areas will not be considered prior to the review of this Local Plan.*' The requirements and confidence associated with any mitigation proposals to address the loss of a 'Core Area' are therefore considerable.

4.13.4 The RSPB has objected to the allocation of Rook Farm in the Local Plan and to the refused planning application (APP/17/00007) as evidence has not been provided to demonstrate that the mitigation being proposed could provide the same function to that which would be lost. Therefore, it fails to provide the confidence required that a suitable refuge has been identified and is capable of being secured and delivered. Consequently, the RSPB considers that in order for Havant Borough Local Plan to be 'sound', site H27 should be removed from the plan as currently there is insufficient confidence that this site can be adequately mitigated.

4.14 Is Land North of Sinah Lane's (site H29) function as a 'primary support area' for Solent Waders / Brent Geese capable of being adequately mitigated?

4.14.1 The Sinah Lane site has been classified as a 'Core Area' in the recent update to the SWBGS (2020) as a result of additional records of use of the site by brent geese. Therefore, we support the changed wording to reflect this as contained in the 'Changes for the Inspector to Consider as part of the Examination' document (CD27a).

4.14.2 As stated in our response to question 4.13 'Core Areas' are considered essential to supporting the function of the Solent Wader and Brent Goose network and therefore the designated SPAs. Accordingly, the RSPB urges that 'Core Areas' are protected from development to maintain this function. Where development is proposed that impacts such sites these should come forward as part of a plan-led process.

4.14.3 A refuge has been proposed for waders and brent geese which retains the northern part of the 'Core Area' which is the part of the site preferred by the waders and brent geese, being most and consistently used. It is proposed that the refuge will be created and managed to reduce recreational pressure and improve habitat availability. To ensure the appropriate delivery of the mitigation, if the development proposals are consented the RSPB has agreed (subject to contract) to deliver the in-perpetuity management and monitoring once the Refuge has been established. The proposals have been assessed as part of an Appropriate Assessment which concluded that with the proposed mitigation the development proposals would not result in an adverse effect on integrity. The RSPB considers that providing these mitigation proposals are appropriately secured and delivered they would provide adequate mitigation.

4.15 Is Campdown's (site H40) function as a 'primary support area' and 'secondary support area' for Solent Waders / Brent Geese capable of being adequately mitigated?

4.15.1 The RSPB has objected to the allocation of Campdown (site H40) as part of the Local Plan and to the current planning application. 'Primary support areas' make an important contribution to the Solent Wader and Brent Goose network and are functionally linked to the designated SPAs. The RSPBs strongly encourages that these areas are protected within the Local Plan from development to maintain this function.

4.15.2 Any proposed allocation would therefore need to ensure it addresses the Habitats Regulations decision making tests, ensuring adverse effects on the integrity of the Special Protection Area (SPA) can be avoided through an Appropriate Assessment. Any proposals to mitigate the loss of these sites must be considered on a case by case basis.

4.15.3 Winter bird surveys conducted during 2015/16 and 2016/17 at Campdown (H40) for Havant Planning Application APP/19/01101 counted up to 150 curlew (*Numenius arquata*) present, indicating the importance of this site for wintering curlew and its function as a Primary Support area and Secondary Support Area under the SWBGS. Campdown provides one of the most important sites identified within the SWBGS for curlew, which is also comparatively resilient to sea level rise and climate change compared to other sites used by curlew. The site is also important for brent geese.

4.15.4 Any mitigation would therefore need to provide this same special function and the RSPB remains very concerned that it will not be possible to replicate this same function elsewhere, especially in terms of supporting large number of curlew.

4.15.5 Whilst the RSPB is very supportive of the creation of a strategic, permanent refuge site at Warblington (EX2), we consider this is only appropriate for mitigating for allocations with impacts to 'Low Use' or 'Secondary Support Areas' where mitigation cannot be delivered on site. Therefore, the RSPB does not consider it appropriate to propose Warblington as suitable at providing the mitigation for Campdown. We therefore support the removal of reference to Warblington as set out in the 'Changes for the Inspector to Consider as part of the Examination' document (CD27a) and recommend that the Inspector includes these changes as main modifications.

4.15.6 To date no appropriate mitigation site has been proposed that would be capable of delivering the same special function provided by Campdown, and no evidence has been provided to demonstrate that this site is capable of being mitigated. Therefore, the RSPB considers that the inclusion of Policy H40 (Campdown) within Havant Borough Council's Local Plan is unsound.

4.16 Is the approach to other proposals on Core Areas, Primary Support Areas, Secondary Support Areas, Low Use areas, and Candidate Sites justified?

4.16.1 The RSPB supports the approach outlined through the SWBGS (EB16a) and the Guidance on Mitigation and Off-setting Requirements provided for the relevant Local Planning Authorities (LPAs) to incorporate mitigation for functionally linked sites to the Solent SPAs within Local Plans. The RSPB considers it critically important that functionally linked land to the Solent SPAs are safeguarded through well-designed, plan-led processes. We are therefore supportive of Policy E17 of Submission Havant Borough Local Plan, p.160 (CD01) in regard to 'Core Areas' and 'Primary Support Areas'; *'Development proposals, other than on those sites specifically allocated in this Plan, which would involve the loss of all or part of a Core Area or Primary Support Area, will be refused.'*

4.16.2 In regard to 'Secondary Support Areas', 'Low Use Areas', and 'Candidate Sites' within Policy E17 of Submission Havant Borough Local Plan, p.160-161 (CD01), the RSPB is broadly supportive of the approach taken. The policy outlines requirements for mitigation and off-setting of sites that are consistent with the SWBGS, whose aims are to protect the network of functionally linked terrestrial wader and brent goose sites that support the Solent SPAs from land take and recreational pressures associated with new development. However, the RSPB considers that additional wording is required under CD01 Policy E17, p.160-161. **Recommended changes** are outlined below (underlined):

'Secondary Support Areas

Development proposals on Secondary Support Areas will only be permitted where either:

g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or

h. Where it can be demonstrated that criterion g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided in agreement with Natural England and consistent with the SWBG Strategy.'

4.16.3 Further, should the Inspectors be minded to include site allocations H27 and H40 in its main modifications, the RSPB considers that the below **recommended changes** should be included:

'Rook Farm (H27)

Development proposals at Rook Farm (H27), which at the time of allocation is located on a Core Area, will only be permitted where suitable replacement habitat is provided in perpetuity and as part of the Hayling Island Brent Goose Refuge (E26), or alternative provision agreed in consultation with Natural England and the local planning authority which:

And;

'Campdown (H40)

Development proposals at Campdown (H40), which at the time of allocation is located on a Primary Support Area and a Secondary Support Area, will only be permitted where suitable replacement habitat is provided in perpetuity and as part of Warblington Farm (EX2), or alternative provision agreed in consultation with Natural England and the local planning authority which:

d. Contributes to a biodiversity net gain to the SWBG network;

e. Is suitable in terms of habitat type and quality for at least the number of SWBG recorded on the site being lost; and

f. Is secured through a costed Habitat Management and Monitoring Plan'