

Habitats Regulations Assessment (HRA)
Screening and Appropriate Assessment (AA)

PLEASE NOTE: Undertaking the HRA process is the responsibility of Havant Borough Council as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:		19/01/21
HRA completion date:		22/01/21
Application reference:		APP/20/00610
Application address:		Sparkes Marina, 38 Wittering Road, Hayling Island
Application description:		Replacement sheet piled quay wall with concrete capping beam
Lead Planning Officer:		Lesley Wells
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (as amended).		

Stage 1 - details of the plan or project		
	European site potentially impacted by planning application, plan or project:	▪ Chichester & Langstone Harbours Special Protection Area (SPA) ▪ Chichester & Langstone Harbours Ramsar site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar ▪ Portsmouth Harbour SPA ▪ Portsmouth Harbour Ramsar ▪ Solent and Isle of Wight Lagoons SAC (Hereafter known as the Solent European Sites)
	Is the planning application directly connected with or	No. The development consists of an extension to an existing pontoon associated with a Boatyard, which is

	necessary to the management of the site (if yes, Applicant should have provided details)?	neither connected to nor necessary to the management of any European site.
	Are there any other projects or plans that together with the planning application being assessed could affect the site?	Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity in combination with other development in the Solent area due to increase in recreational pressure. All new housing development that would drain to the Budds Farm or Thornham Wastewater Treatment Works due to increase in nitrogen deposition leading to a reduction in water quality. The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire.

Stage 2 - HRA screening assessment	
	Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.
	The proposed development is within the Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), the Solent Maritime Special Area of Conservation (SAC) and the Chichester Harbour Site of Special Scientific Interest (SSSI). The proposal is a replacement sheet piled quay wall with concrete capping beam, which would be installed immediately in front of the existing masonry wall, with the void infilled with new granular material. The wall to be repaired is on the east side of Sparkes Marina, at the mouth of the inlet to the mudflats. As to the existing masonry quay wall this is no longer maintainable, with a new sheet pile wall to be installed immediately front the old wall. The installation of the sheet piling is proposed to be conducted from the land, so no marine-based plant should be required.

	A Marine Licence Number L/2020/00238/1 was granted by the Marine Management Organisation a copy of which is attached. Sections 4 & 5 of the Licence sets out the 'Licensed activities' and 'Licensed conditions'. This sets out in detail the methodology for the replacement wall, including piling and timing, the installation of capping beam, and the removal of the redundant pontoons, which would result in the reduction of the number of berths by 2, to meet proposed environmental enhancements and ecological enhancements proposed in relation to the intertidal bed. An Ecological Clerk of works will be appointed to overlook the piling works across the period of October to March inclusive, to monitor the overwintering birds. As a result, there would be a likely significant effect to the following Solent European Sites due to water quality: ▪ Chichester & Langstone Harbours Special Protection Area (SPA) ▪ Chichester & Langstone Harbours Ramsar site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar ▪ Portsmouth Harbour SPA ▪ Portsmouth Harbour Ramsar Solent and Isle of Wight Lagoons SAC Would the proposal lead to a likely significant effect on European site integrity? Yes, due to the impact on overwintering birds and potential of pollution during the construction stage. (If yes, continue to Stage 3).
Stage 3 - Appropriate Assessment	
	Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.
	Water Quality The project being assessed would result in a replacement sheet piled quay wall with concrete capping beam. Policy CS11 of the Havant Borough Local Plan (Core Strategy) seeks to protect and enhance the special environment of Havant Borough and to reduce harm to nature conservation. Based on the information supplied the application may have a significant effect on the nature conservation sites identified above. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The proposed mitigation measures are set out in the applicant's Marine Licence Number L/2020/00238/1 granted by the Marine Management Organisation. The project's specific conditions are as follows:

"HM Coastguard (<mailto:nmoccontroller@hmcg.gov.uk>) must be notified prior to commencement of activities. The MMO must be sent a copy within 7 days of the issue of this notification.

Reason: *To ensure HM Coastguard is aware of the activities.*

A suitably qualified ecologist will be appointed as an Ecological Clerk of works (ECoW) to overlook the works and supervise on site from 01 October to 31 March inclusive. Notification of the extent of the ECoW attendance on site will be submitted to the MMO at least five days prior to the commencement of works. Written approval must be received from the MMO prior to the commencement of works.

Reason: *To ensure adherence to mitigation requirements and monitor bird use of the surrounding construction works.*

Waste concrete, slurry or wash water from concrete or cement activities must not be discharged, intentionally or unintentionally, into the marine environment. Concrete and cement mixing and washing areas must be contained and sited at least 10 metres from any water body or surface water drain.

Reason: *To avoid damage to the marine environment by concrete wash water contamination which is highly alkaline and contains high levels of suspended sediment.*

During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

Reason: *To minimise the risk of waste entering the marine environment.*

Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

Reason: *To reduce likelihood of marine pollution events.*

If percussive piling is required, soft-start procedures must be used to ensure incremental increase in pile power over set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: *To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.*

Vibratory or Percussive piling must not be undertaken during the period of between October and March inclusive.
Reason: To avoid impacts on the bird features of the designated sites over the duration of the six-year period the proposed works are to be conducted in.

Only coatings and treatments can be used that are suitable for use in the marine environment.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment.

Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours [or in line with the approved marine pollution contingency plan if one is available].

Within office hours: 0300 200 2024.

Outside office hours: 07770 977 825.

At all times if other numbers are unavailable: 0345 051 8486.
dispersants@marinemanagement.org.uk

Reason: To ensure that any spills are appropriately recorded and managed to minimise the risk to sensitive receptors and the marine environment.

The licence holder must submit information on the expected location, start and end dates of impact (percussive) pile driving to the Marine Noise Registry, in order to satisfy the 'Forward Look' requirements of the Registry, prior to the commencement of the licensed activities.

The licence holder must notify the MMO of the successful submission of 'forward look' data within 7 days of the submission.

<https://mnr.jncc.gov.uk/>

Reason: In order to collect the evidence required to support the implementation of the Marine Strategy Framework Directive, under descriptor 11.

The licence holder must submit the exact locations and dates of impact (percussive) pile driving to the Marine Noise Registry, in order to satisfy the 'Close-out' requirements of the Registry, every year by the 25 March detailing any impact pile driving/detonation of explosives carried out in the previous year within 12 weeks of completion of impact pile driving/detonation of explosives.

The licence holder must notify the MMO of the successful submission of 'close out' data within 7 days of the submission.

<https://mnr.jncc.gov.uk/>

Reason: In order to collect the evidence required to support the implementation of the Marine Strategy Framework Directive, under descriptor 11.

Where the temperature is 0 degrees C or lower at Sparkes Marina for 5 consecutive daytimes (but allowing short periods of thaw of one or two days), the licence holder must not undertake piling activity until the temperature increases above 0 degrees C for 5 consecutive days.

Reason: To avoid disturbance of waterfowl during periods of prolonged cold weather where the temperature falls below frozen conditions.

All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed within ten working days of completion of licensed activities.

Reason: To minimise impacts to the marine environment and other users of the sea/seabed."

The Council's Ecologist has been consulted who has advised:

"Further information has been provided of discussions between the applicant and Natural England. The discussions related to the loss of intertidal habitat within the adjacent marine protected areas, with an estimated 98m² loss overall. The proposed removal of two existing pontoon births, equating to c.200m², is proposed as compensatory habitat. Natural England have advised that this is welcome, and that the applicant's Habitats Regulations Assessment refers to the works as 'compensation' rather than 'mitigation'.

On the basis that Natural England have provided positive comments on the proposed scheme I advise that Havant Borough Council can conclude that all measures are acceptable."

To ensure the development is undertaken satisfactorily a planning condition is necessary to secure the mitigation package, which is as follows:

1. The development hereby approved shall proceed strictly in accordance with the Marina Licence Number L/2020/00238/1 granted by the Marine Management Organisation.

The applicant has confirmed through the planning application that they are committed to providing a mitigation package. Without the security of the mitigation being provided through a planning condition a significant effect would remain likely. As long as a condition is secured through the planning process, to avoid impacts on water quality and to prevent pollution, the development will not act against the stated conservation objectives of the European sites.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

This assessment represents Havant Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of The Conservation of

	Habitats and Species Regulations 2017 (as amended), Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework. This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above Solent European sites. The authority's assessment is that the potential to provide mitigation through a planning condition would remove the significant effects that otherwise would have been likely. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.
	Natural England Officer:
	Summary of Natural England's comments: NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites: Chichester & Langstone Harbours Special Protection Area (SPA), Chichester & Langstone Harbours Ramsar site, Solent Maritime Special Area of Conservation (SAC), Solent and Dorset Coast Special SPA, Solent and Southampton Water SPA, Solent and Southampton Water Ramsar, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar, Solent and Isle of Wight Lagoons SAC, and the Chichester Harbour Site of Special Scientific Interest (SSSI), and has no objection providing that all mitigation measures are appropriately secured in any permission given, and that the project specific conditions as set out in the Marine Licence (L/2020/00238/1) granted by the Marine Management Organisation (MMO) are adhered to. Natural England considers that the proposed development will also not have significant adverse impacts on designated landscapes: Chichester Harbour Area of Outstanding Natural Beauty Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.