

Date: 22 February 2021
Our ref: 342342
Your ref: APP/20/00610



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BY EMAIL ONLY

Dear Ms Lesley Wells,

Planning consultation: Replacement sheet piled quay wall with concrete capping beam at Sparkes Marina

Location: 38 Wittering Road, Hayling Island, PO11 9SR

Thank you for your consultation on the above dated 03 February 2021 which was received by Natural England on 04 February 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

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.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

We can confirm that the proposed works are located within Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site) and the Solent Maritime Special Area of Conservation (SAC).

Appropriate assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given, and that the project specific conditions (shown below) as set out in the Marine Licence (L/2020/00238/1) granted by the Marine Management Organisation (MMO) are adhered to.

We recommend that the following conditions are attached to the land planning licence to reinforce compliance and avoid the potential for damage:

Condition 1: Sheet piling (works generating above water noise) are to be avoided during the overwintering period from October to March inclusive.

Reason 1: 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.

Condition 2: 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.

Reason 2: To ensure adherence to mitigation requirements and monitor bird use of the surrounding construction works.

Condition 3: 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 3: To avoid damage to the marine environment by concrete wash water contamination which is highly alkaline and contains high levels of suspended sediment.

Condition 4: 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 4: To minimise the risk of waste entering the marine environment.

Condition 5: 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 5: To reduce likelihood of marine pollution events.

Condition 6: 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 6: To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.

Natural England notes that the proposed works will result in a 98 m² loss of Annex 1 habitat – ‘mudflats and sandflats not covered by seawater at low tide’, which is a qualifying habitat for the Solent Maritime SAC and supporting habitat for the Chichester and Langstone Harbours SPA. This will be as a result from the quay wall extending 0.5 m from its existing location and unfortunately in this case the requirements of the work curtail any possibility of reducing this habitat loss further. Previous advice provided through the Discretionary Advice Service (DAS) to Marina Development Ltd. strongly encouraged avoidance and/or reduction of any habitat loss.

Given the overall size of the SAC and the amount of habitat impacted, the LPA considers that the habitat loss will not have an adverse effect on site integrity. Natural England concur with this conclusion that the habitat loss here would not constitute an adverse effect on site integrity based on the relative small scale of habitat loss, the physical area of loss (being up against the sea wall) and the temporal scale in which it will be lost (small scale losses over 6 years, culminating in a total of 98 m² habitat loss).

Natural England welcomes the additional measures proposed from the development, aiming to achieve an improvement for protected habitats and species and the ecosystem as a whole. It is understood, that the applicants have held discussions with the Chichester Harbour Conservancy to consider environmental enhancement measures, including removal of mud berths and pontoon system and Natural England would welcome these measures.

Additional environmental enhancement measures could also include, but not limited to; removal of redundant structures and debris from the intertidal area. Natural England would welcome any extra measures the applicant can do to support environmental enhancement.

Please note that the removal of mud berths or any redundant structures or debris currently present on the intertidal cannot be used to offset any potential habitat losses from the development, however Natural England encourage the above measures as part of good stewardship of the site and to support the natural functioning of the SAC and SPA.

Wildlife and Countryside Act 1981 (as amended)

Chichester Harbour Site of Special Scientific Interest

We can confirm that the proposed works are located within Chichester Harbour Site of Special Scientific Interest. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified and has no objection. However we recommend that the conditions listed above are attached to the licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

Protected Landscapes

Chichester Harbour AONB

Based on the plans submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONB. We would advise that the proposal is determined in line with relevant NPPF and development plan policies, landscape and visual impacts are minimised as far as possible and landscape advice is obtained from the AONB Partnership or Conservation Board.

Other Relevant Matters

In order to further reduce environmental pressures, we recommend that the following best practice measures should be adhered to:

- The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice. All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.
- The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.
- Vibro piling should be used as standard, percussive piling should only be used if needed to drive a pile to its design depth. A soft-start procedure should be used if percussive piling is required.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,



Dr Louise Montgomery

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