

Date: 16 December 2020
Our ref: 327114
Your ref: APP/20/00725



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BY EMAIL ONLY

Dear Lesley Wells,

Planning consultation: APP/20/00725

Location: Wilsons Boatyard, Marine Walk, Selmore, Hayling Island, Hampshire

Thank you for your further consultation on the above dated 14 December 2020 which was received by Natural England on 15 December 2020. This follows on from your consultation on the above dated 02 September 2020 which was received by Natural England on 03 September 2020.

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 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) and has no objection.

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.

These include:

- The pontoon extension installation will be completed between the period 1st April and 30th September to avoid disturbance to overwintering birds that feed and roost in the area.
- Only coatings and treatments suitable for use in the marine environment will be used on the pontoon.
- Any machinery required for the installation of the pontoon will stay on the hardstanding areas of the boatyard and slip way and will avoid the intertidal mudflat habitat.
- The key factor in safeguarding against water pollution during the construction phase will be the diligence of the site manager and operatives. Therefore, the site manager and all site operatives should be made aware of the presence of the designated sites and should understand the requirement to ensure that construction works do not encroach into the designated sites beyond the footprint of the extension.
- Any temporary site compound set out for the storage of equipment, materials or machinery and cutting or mixing materials associated with the construction works should be located as far from the designated sites as possible and not within 10m of the shingle and mudflat habitats. Any temporary compound and all associated construction materials will be removed on completion of the works.
- If possible, store fuel and oils off site. If this is not possible then a proprietary bunded storage facility of the smallest practicable size located as far from the designated sites as possible and in all cases at least 10m landward from the highwater line should be used.
- If possible, undertake refuelling off site. If this is not possible refuelling should take place as far from the designated sites as possible on an impermeable surface. In practice this is likely to comprise a hardstand portion of the boatyard.
- A spill kit must be maintained on site.

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.

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

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, Wildlife Trust, geoconservation groups or recording societies.

Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here¹. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely.

Biodiversity enhancements

Natural England are now seeking a net gain approach to developments. This means that, rather than considering which level of impact may be acceptable, we are aiming to achieve an improvement for protected habitats and species or the ecosystem as a whole. This will help us to avoid the long term degradation of our natural assets. We therefore ask developers to propose additional measures that will help achieve this goal. This may include measures such as helping raise awareness of the local habitats and wildlife by installing interpretation on the natural environment present or contributing to physical enhancements of the site.

The “environmental net gain” principle is one of the key actions noted in Defra’s 25 Year Environment Plan. Additionally, Section 40 (1,3) of the Natural Environment and Rural Communities (NERC) Act, sets out that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving bio diversity”. Conserving biodiversity is thereby defined as “restoring or enhancing a population or habitat”. This requirement to enhance biodiversity applies to the Marine Management Organisation and local authorities responsible for granting any licenses.

Protected species

Natural England has produced standing advice² to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

In addition, we have not assessed this application and associated documents for impacts on marine protected species as listed on Schedule 5 of the Wildlife and Countryside Act (1981 as amended).

The onus is on the Applicant and the planning authority to ensure that they are legally compliant with the legislation throughout the duration of the licence. Further details of the species protected through this legislation throughout the duration of the licence. Further details of the species protected through this legislation can be found here: <https://www.gov.uk/government/publications/protected-marine-species>

Invasive Non-Native Species (INNS)

The Applicant should ensure that all necessary biosecurity measures are taken to avoid the introduction and / or spread of INNS.

¹

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me using the details provided below.

Yours sincerely,

Louise Montgomery

Thames Solent Area Team

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