



EXTENDED PHASE 1 ECOLOGICAL ASSESSMENT

WILSON'S BOATYARD, MARINE WALK, HAYLING ISLAND PO11 9PG

DRAFT REPORT

June 2020

Report conditions

<i>Report title</i>	Extended Phase 1 Ecological Assessment –Wilson’s Boatyard, Hayling Island		
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<i>Written by</i>	Izabel Phillips	<i>Date</i>	19/06/2020

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Executive Summary

- This extended phase 1 ecological assessment report has been prepared in order to support a planning application for the proposed extension of an existing pontoon at Wilson's Boatyard, Hayling Island.
- An extended phase 1 ecological assessment of the application site was undertaken on the 12th June 2020 by Izabel Phillips of Phillips Ecology.
- The survey area comprised the existing pontoon, the footprint of the proposed pontoon extension and the immediately surrounding area. A data search extended to a 1km radius for designated sites and notable habitats.
- The application site is 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), the Solent Maritime Special Area of Conservation (SAC) and the Chichester Harbour Site of Special Scientific Interest (SSSI).
- With the implementation of precautionary construction avoidance measures, including pollution prevention measures and timing constraints, identified impacts on the identified designated sites will be avoided.
- Providing the works are carried out in accordance with section 11, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore, the planning authority can be confident that the development would accord with relevant planning policy, legislation and caselaw.

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1. Introduction

1.1 Report purpose

This report has been prepared in order to present the extended phase 1 ecological assessment undertaken for the proposed pontoon extension at Wilson's Boatyard, Hayling island.

1.2 Description of proposal

The current proposals comprise the installation of a new pontoon unit with float cages at the eastern end of the existing pontoon. The floating pontoon will be attached to the existing pile with an internal pile guide which is to be built into the new pontoon frame. The new pontoon unit will measure 10m by 2.5m and will be constructed from cast aluminium with a wooden slat surface. The proposed extension will not require any new permanent contact between the pontoon base and the underlying substrate.

1.3 Report context

Critchley Architecture and Design Ltd have prepared a planning application on behalf of David Wilson (the Applicant) for the proposed pontoon extension at Wilson's Boatyard, Hayling Island. It is anticipated that the planning authority, Havant Borough Council, will request that the planning application is accompanied by an ecological assessment. Phillips Ecology have been instructed by the Applicant to undertake this assessment.

1.4 Scope of assessment

An extended phase 1 ecological assessment was carried out on the 12th June 2020. The survey comprised a field survey and desktop study in order to identify notable or protected sites, habitats or species potentially affected by the proposal under consideration.

1.5 Survey area

The survey area comprised the existing pontoon, the footprint of the proposed pontoon extension and the immediately surrounding area. A data search extended to a 1km radius for designated sites and notable habitats.

1.6 Limitations

Limitations which are specific to each phase of the assessment are given in the relevant sections, below.

2. Data search

2.1 Methodology

A desk-based assessment was undertaken by Phillips Ecology on the 10th June 2020 with Multi-Agency Geographic Information for the Countryside (MAGIC). The MAGIC database was consulted for records of statutory designated sites and priority habitats for the development site and a 1km radius.

2.2 Limitations

The data search results are bound by the following statement contained within MAGICs general disclaimer: *“The materials contained on this website are of a general, informational, nature. We have used reasonable endeavours to ensure the accuracy and completeness of the contents of the pages on this site but the information does not constitute advice and must not be relied on as such.”*

2.3 Results

2.3.1 Statutory designated sites

The application site is located within four statutory designated sites. These are all associated with coastal and estuarine habitat and comprise Chichester and Langstone Harbours Ramsar, Solent Maritime Special Area of Conservation (SAC), Chichester Harbour Site of Special Scientific Interest (SSSI) and Chichester and Langstone Harbours Special Protection Area (SPA). Details on these are given in table 1, below.

Table 1 Statutory designated sites within 1km of the application site

Site Name	Approx. distance and direction from the site	Reason for designation
Chichester and Langstone Harbours Ramsar	0km	Two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. The site includes intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes. The site supports wintering bird assemblages of international importance and bird species of international importance, including: ringed plover <i>Charadrius hiaticula</i>, Black-tailed godwit <i>Limosa limosa islandica</i>, Common redshank <i>Tringa totanus tetanus</i>; Dark-bellied brent goose <i>Branta bernicla</i>, Common shelduck <i>Tadorna tadorna</i>, Grey plover <i>Pluvialis squatarola</i>, Dunlin <i>Calidris alpina</i>; and Little tern <i>Sterna albifrons albifrons</i>.

Site Name	Approx. distance and direction from the site	Reason for designation
Chichester Harbour SSSI	0km	Chichester Harbour is a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels. The site is of particular significance for wintering wildfowl and waders and also breeding birds both within the harbour and in the surrounding permanent pasture fields and woodlands. There is a wide range of habitats which have important plant communities.
Solent Maritime SAC	0km	Annex I habitats that are a primary reason for selection of this site: • Estuaries, • <i>Spartina</i> swards <i>Spartinion maritimae</i>; and • Atlantic salt meadows <i>Glauco-Puccinellietalia maritimae</i>. Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: • Sandbanks which are slightly covered by sea water all the time; • Mudflats and sandflats not covered by seawater at low tide; ▪ Coastal lagoons; • Annual vegetation of drift lines; ▪ Perennial vegetation of stony banks; • <i>Salicornia</i> and other annuals colonising mud and sand; • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes). Annex II species present as a qualifying feature, but not a primary reason for site selection: • Desmoulin's whorl snail <i>Vertigo moulinsiana</i>
Chichester and Langstone Harbours SPA	0km	The site supports populations of European Importance of the following species listed on Annex I of the Directive: Little tern, Sandwich tern <i>Sterna sandvicensis</i> , Little egret, Bar-tailed godwit <i>Limosa lapponica</i> , Ringed plover, Black-tailed godwit, Dark-bellied brent goose, Dunlin, Grey plover; and Redshank <i>Tringa totanus</i> . The site is also a wetland of international importance, regularly supporting at least 20,000 waterfowl.

2.3.2 *Ancient woodlands*

No non-statutory ancient woodlands are located within a 1km radius of the application site.

2.3.3 *Priority habitats*

The data search revealed the following priority habitats within 1km of the application site:

- Mudflats
- Coastal saltmarsh
- Broadleaved woodland
- Coastal and floodplain grazing marsh

3. Habitats

3.1 Methodology

A field survey was carried out on the 12th June 2019 by Izabel Phillips (bat licence ref: 2015-11750-CLS-CLS, dormouse licence ref: 2016-19512-CLS-CLS, GCN licence ref: 2015-16928-CLS-CLS). During the survey, all broad habitat types were identified and a list was compiled of characteristic plant species within each habitat type. These habitats are described below in accordance with Phase 1 habitat terminology.

3.2 Limitations

No limitations to the habitat survey were encountered.

3.3 Existing records

The data search revealed that priority habitats associated with the nearby coastal and estuarine landscape are the most prevalent priority habitats within a 1km radius of the site. Woodland cover is limited within the 1km data search area with only several small blocks of priority woodland recorded within 1km of the site. The majority of the surrounding area is characterised by a matrix of residential development associated with South Hayling.

3.4 Results

The following Phase 1 habitat types were recorded within the application site.

3.4.1 Strandline vegetation (H5)

The existing pontoon extends across a small belt of strandline vegetation which has established on shingle just above the high tide line (Figure 1). The community is species poor and sparsely vegetated with just several specimens of sea blite *Suaeda maritima* recorded in the shelter of the pontoon (Figure 2).



Figure 1 – strandline vegetation beneath the existing pontoon



Figure 2 – sea blite on strandline

3.4.2 *Intertidal mudflat*

The footprint of the proposed pontoon and half of the existing pontoon are located on intertidal mudflat habitat which is submerged at high tide (Figures 3 and 4). This habitat has established throughout the sheltered areas of the Mengham Creek estuary from silt derived from the river.



Figure 3 – view across to existing pontoon showing intertidal mudflat in background

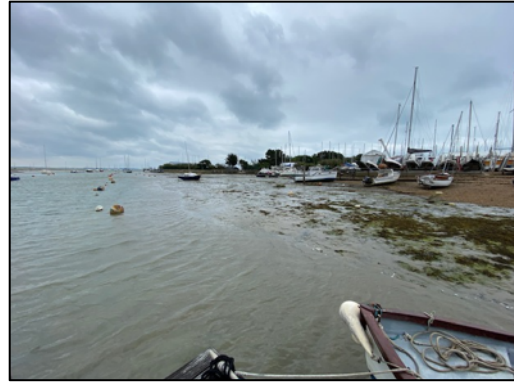


Figure 4 – view from existing pontoon showing intertidal mudflat in foreground

3.4.3 *Intertidal shingle*

The remainder of the existing pontoon extends across unvegetated shingle which is submerged at high tide.



Figure 5 – view across to existing pontoon showing intertidal shingle

4. Protected and notable species assessment

The scope of works, data search and habitat assessment have informed the scope of the protected and notable species assessment. On this basis, the following protected and priority species have been considered further within this report:

- Bats
- Reptiles
- Amphibians
- Breeding and wintering birds

The surveyed site has been assessed for its potential to support the above- named protected species based upon the criteria in Table 2.

Table 2 Protected species grading criteria

Grading criteria	Justification
<i>Negligible</i>	Site is entirely unsuitable for species. Presence of species highly unlikely.
<i>Low Potential</i>	Minimal suitable habitat present or, if present, highly degraded/fragmented. Minimal linkage to suitable habitat beyond site. Presence of species unlikely.
<i>Moderate</i>	Presence of some suitable habitat features for species. Surveyed site within/close to known range or known occurrence but factors such as isolation/fragmentation may reduce potential. Presence of species is more likely than not.
<i>High</i>	Presence of optimal habitat features for species. Surveyed site within known range/close to known occurrence. Excellent connectivity to optimal habitat. No justification for discounting presence of species.
<i>Confirmed presence</i>	Species confirmed on site through direct sighting, presence of field signs (e.g. scat, hair, prints, nest, eggs, habitation etc.) or through desk-based assessment.

5. Bats

An assessment was made of the site's suitability to support foraging and commuting bats in accordance with the Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition).

No structures are present within the site and the proposal will not result in any trees being felled, therefore, the survey did not comprise a detailed inspection of potential roost structures/trees.

5.1 Limitations

Limitations were not encountered during the course of the survey.

5.2 Assessment methodology

The site's suitability for supporting commuting and foraging bats will be assessed against the guidelines within Table 3 which have been adapted from the BCT Good Practice Guidelines.

Table 3 *Suitability assessment guidelines*

Suitability	Description of Foraging/Commuting Habitats
<i>Negligible</i>	Negligible habitat features on site likely to be used by commuting or foraging bats.
<i>Low</i>	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or un-vegetated stream, but isolated i.e. not very well connected to the surrounding landscape by other habitats. Suitable but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not parkland situation) or a patch of scrub.
<i>Moderate</i>	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as tree lines and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such tree, scrub, grassland or water.
<i>High</i>	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of tree and woodland edge. High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

5.3 Results

The site majority is dominated by coastal habitats including mudflats and strandline vegetation. Whilst these habitats are not recognised as high suitability habitats in table 3, they are likely to support an abundance of invertebrates for foraging bats. The application site is also set within a line of residential properties with gardens which back directly on to the strand line.

5.4 Assessment

When considered in view of the criteria set out in Table 3, the site is considered to support moderate suitability for foraging and commuting bats. This assessment is based on the sites connectivity with suitable foraging habitat and the likely abundance of invertebrates associated with the habitats on site.

In the context of the wider landscape, the habitats within the application site are considered unexceptional for foraging and commuting bats. They are, nevertheless, suitable for commuting and foraging bats and it is likely that bats will commute and forage through the site as a component of their wider foraging range.

6. Reptiles

6.1 Methodology

An assessment was made of the site's suitability to support reptile populations. Key habitat features include: tussocky/patchy grassland; scrub edge; linear watercourses; ponds; compost heaps; brash piles and rubble/soil heaps. Linkage to suitable habitat within the surrounding landscape will increase the potential for reptiles to occur, although populations can occur within isolated/fragmented habitats even within urban areas.

6.2 Limitations

Limitations were not encountered during the course of the survey.

6.3 Results

Coastal sites such as this can support more widespread reptile species, such as slow-worm where habitats such as rough grassland and scrub are present. However, the majority of the habitats within the site are submerged during hightide and the site is isolated from areas of rough grassland to the south. As such, the site is considered to be wholly unsuitable for reptiles.

6.4 Assessment

There is considered to be negligible potential for reptiles on site.

7. Great Crested Newts

7.1 Methodology

Great crested newts are only present in their breeding ponds during the spring and early summer – for the rest of the year, they will be dispersed across the surrounding area, generally in grassland, scrub, woodland and hedgerows, although they may be found in gardens and brownfield sites. They can travel some distance from their breeding ponds, and as a general rule, developments within 500m of such a pond may have the potential to have an impact on GCN, although to a certain extent, this does depend on any intervening habitat or barriers to dispersal.

An assessment was made of any waterbodies and terrestrial habitat within the site for their suitability to support populations of amphibians. Suitable waterbodies will generally be characterised by the presence of good quality water, diverse macrophyte cover and an absence of fish. For the European-protected great crested newt, each waterbody is normally assessed using the Habitat Suitability Index (HSI) system (Oldham et al., 2000) and assigned a grading score between zero (poor suitability) and 1 (excellent suitability).

7.2 Limitations

The HSI for great crested newts is a measure of habitat suitability. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, in isolation, the system is not sufficiently precise to allow the conclusion that any particular pond with a high score will support newts, or that any pond with a low score will not do so (Oldham et al., 2000).

7.3 Results

No freshwater waterbodies are located within 500m of the application site and the majority of the habitats within the site are submerged during hightide. As such, the site is considered to be wholly unsuitable for great crested newts.

7.4 Assessment

Given the absence of waterbodies with suitability for supporting great crested newts within 500m of the application site (and therefore a source of dispersing great crested newt) and the absence of suitable terrestrial habitat within the site, there is considered to be negligible potential for great crested newt to occur on site.

8. Breeding and wintering birds

8.1 Methodology

An assessment was made of the site's suitability to support breeding bird species. Nesting birds will utilise a broad range of habitats, including: built structures, trees, scrub, isolated shrubs, dense herbaceous vegetation (terrestrial and aquatic) and open grassland. All bird species and evidence of breeding activity (active or inactive) observed on site were recorded. The site was also assessed for its suitability to support feeding and roosting wintering birds.

8.2 Limitations

Limitations were not encountered during the course of the survey.

8.3 Results

The application site supports intertidal mudflat and shingle habitat that is submerged at high tide. A small belt of strand line vegetation has established in the shelter of the pontoon, however, it is very limited in extent. As such, the site is not considered to support opportunities for breeding birds such as waders which require habitat above the high tide mark for nesting.

The application site does support suitable habitat for overwintering birds. The intertidal mudflat habitat provides optimal habitat for feeding waders and all habitats within the site could support roosting behaviour.

8.4 Assessment

Whilst the habitats within the site do not support opportunities for nesting birds, they are considered to support high potential for wading birds which utilise the Chichester and Langstone harbours for overwintering.

9. Discussion and Assessment of Impacts

9.1 Relevant legislation and policy

Circular 06/2005 identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development. The site is considered to support habitats with suitability and potential for protected species and these may be affected by the proposed development. Therefore, the proposal triggers 'reasonable likelihood' under the Circular.

The Wildlife and Countryside Act 1981 (as amended) and the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations) may apply should protected species be confirmed on site.

In the case that a European protected species is found to be present and impacted by the proposal, the local planning authority will be required to engage with the Habitat Regulations. Permission will be granted unless:

- a) the development is likely to result in a breach of the EU Directive, and
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law (under licence).

When considering whether Natural England would not be unlikely to grant a licence for the identified impact, the local planning authority must consider the three tests which are set out in the Habitat Regulations:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Natural England will grant a licence if the development proposal is able to meet the three tests.

Case-law (*Morge vs. Hampshire County Council*) has clarified that planning authorities are able to grant permission for developments that would cause a breach of the Regulations is likely (i.e. in the case of this proposal, destruction of a bat roost), provided that sufficient information is provided to give the planning authority assurance that the relevant EPSM licence is not unlikely to be granted - i.e. planning authorities also have a duty to assess planning applications against these tests.

9.2 Designated sites

The application site is 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), the Solent Maritime Special Area of Conservation (SAC) and the Chichester Harbour Site of Special Scientific Interest (SSSI).

The designated sites support a range of habitats and bird species that are vulnerable to impacts arising from development such as disturbance and pollution during the construction and operational phases of a development. As such, the proposals have the potential to impact the abovementioned designated sites.

The proposed pontoon will be fixed to an existing pile and will not require any new permanent contact between the pontoon base and the underlying substrate. The absence of piling from the installation of the pontoon minimises the level of disturbance to the underlying substrate and wintering birds. However, if installed between 1st October and the 31st March, the presence of plant and contractors on site during this period is likely to impact SPA bird species through visual and noise disturbance. Birds are susceptible to disturbance, resulting in avoidance behaviours such as flight which may in turn affect feeding behaviour and ultimately impact the birds' health and productivity. However, it is noted that the birds frequenting the habitats within and adjacent to the survey area are generally accustomed to high levels of disturbance associated with the active boatyard and existing pontoon use and so a degree of habituation to activities can be expected.

The proposed construction and operation of the pontoon extension could impact the designated sites if appropriate pollution prevention measures are not implemented during the construction phase of the development and coatings and treatments unsuitable for use in the marine environment are used on the pontoon.

In addition, the installation of the pontoon could result in physical damage to the intertidal habitats through compaction and scouring via plant, contractors and the movement and storage of imported materials: this may result in damage to marine flora and invertebrates. The use of heavy plant may present another pathway for the introduction of pollutants and sediments to the water and intertidal habitats.

9.3 Bats

The proposal will not result in the loss of habitat which is considered to support suitability for foraging and commuting bats. Therefore, no impacts on foraging and commuting bats are anticipated.

9.4 Reptiles

Given the nature of the proposal, impacts on reptiles are not anticipated.

9.5 Great crested newts

Given the nature of the proposal, impacts on great crested newt are not anticipated.

9.6 **Breeding and wintering birds**

The proposal will not result in the loss of any suitable breeding bird habitat, however, as discussed in section 12.2, if installed between 1st October and the 31st March, the presence of plant and contractors on site for the pontoon installation during this period is likely to impact overwintering SPA bird species through visual and noise disturbance.

10. Requirement for further surveys

Further surveys are required where there is a reasonable likelihood that a protected species will be present and impacted by the proposed development. An assessment into the requirement for further surveys is presented below, however in summary, no further surveys are considered necessary.

10.1 **Bats**

As impacts on foraging and commuting bats are not anticipated, no further recommendations relating to bats are considered necessary.

10.2 **Reptiles**

As impacts on reptiles are not anticipated, no further recommendations relating to reptiles are considered necessary.

10.3 **Amphibians**

As impacts on great crested newt are not anticipated, no further recommendations relating to great crested newts are considered necessary.

10.4 **Breeding and wintering birds**

Subject to the precautionary mitigation measures set out in Section 11, no further surveys are considered necessary.

11. Mitigation recommendations

11.1 Designated sites

In order to ensure that adverse effects on the identified designated sites are avoided, the following measures are proposed during the construction phase of the development:

- 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.
- 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.
- 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.
- 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 high-water line.
- 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.

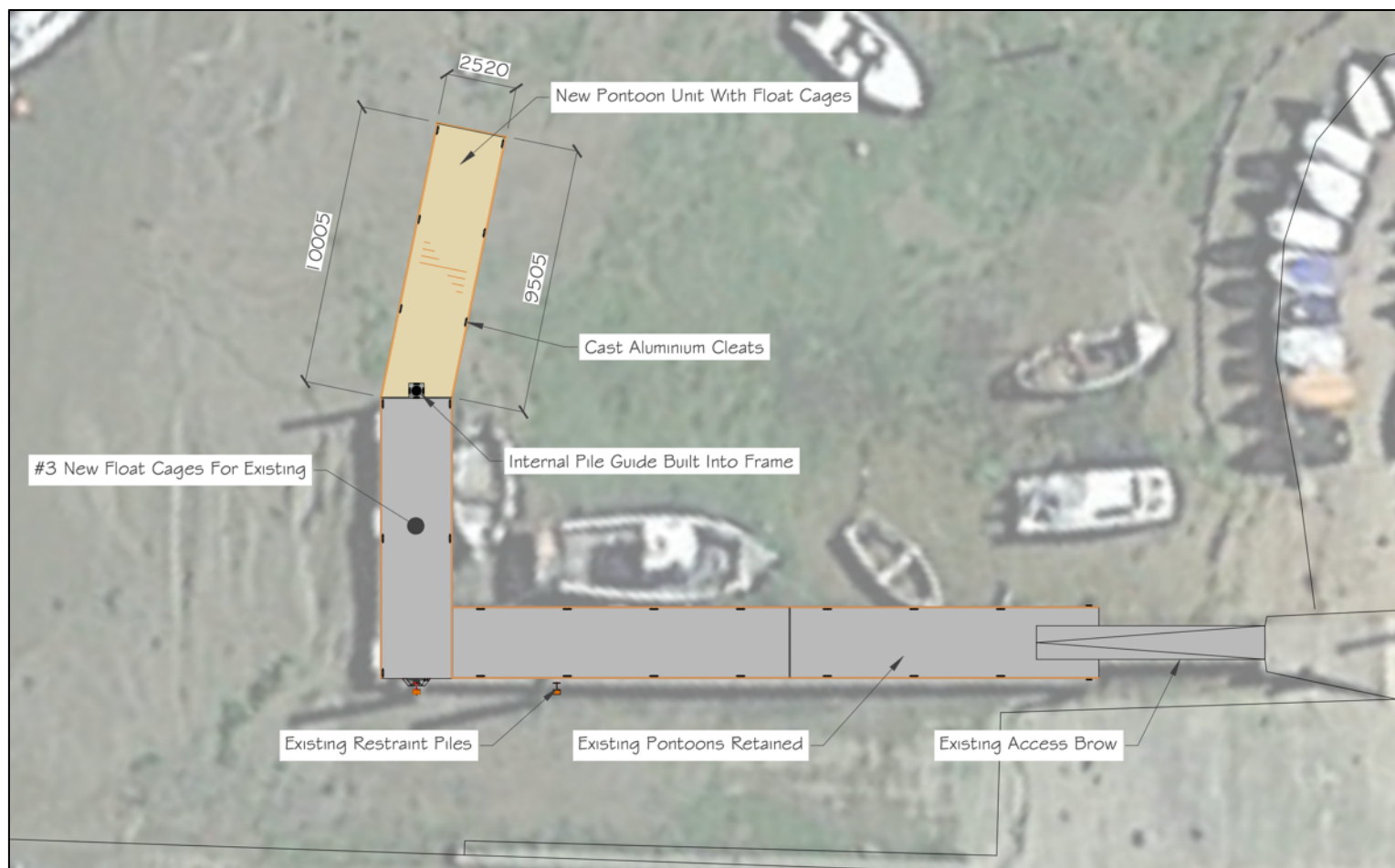
12. Conclusion

The extended phase 1 ecological assessment has confirmed that the application site is located within Chichester and Langstone Harbours SPA, the Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention, the Solent Maritime SAC and the Chichester Harbour SSSI. However, given the scale of the proposal, it is possible to deliver the scheme with a range of measures which avoid impacts on the identified designated sites. These include timing constraints for completion of the installation and pollution prevention measures. In view of the survey findings, and provided the recommendations set out above are followed, the planning authority can be confident that the development would accord with relevant planning policy, legislation and caselaw.

13. References

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Appendix 1 – Proposed Block Plan





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