

ecological support,
management and solutions



Northney Coastal Path

Habitats Regulations Screening Report

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1.0 INTRODUCTION

1.1 Background

The proposals lie within the vicinity of designated Natura 2000 sites under the Habitats Regulations 2010, Havant Council as the Competent Authority, is responsible for ensuring that development does not cause any adverse impacts to the integrity of European sites. This document presents a consideration of the analysis that the Council will undertake through the screening process to determine whether a Habitat Regulations Assessment (HRA) is necessary as part of the determination of the viability and suitability of the proposed development, and therefore should be read as a Shadow Appropriate Assessment (AA).

1.1.1 Site Location and Current Situation

The existing grass path is on a bank along the north shore of Hayling Island extending approximately 220metres westwards from The Langstone hotel to the small parking area midway along the northern shoreline. (central Grid Reference SU 72392 04122). **Figure 1** below shows the site location. The grass bank has been subject to some maintenance in the form of wire mesh inserted on its surface, but this is beginning to fail. The path is narrow and considered dangerous in certain weather. The route is one of the missing links for pedestrians going to and from the village, to the bridge.

Figure 1. Location Plan.



1.1.2 Proposed Scheme

It is proposed to raise the bank as much as is feasible and create a new 1.2m wide path including a kerb edge to the 'parking area', to maintain the improved level throughout (**Plan 1**). This will provide a safe route for local residents.

1.1.3 Applicable Designated Sites

The proposed footpath follows the northern boundary of Hayling Island and the southern edge of Chichester Harbour as it stretches west and joins Langstone Harbour. Chichester and Langstone Harbours have the following designations: Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SPA), RAMSAR and Special Area of Conservation (SAC). It is also adjacent to Solent Maritime SPA.

The features for which Chichester Harbour was designated a SAC include sandbanks which are covered by sea water at all times, estuaries, mudflats and sandflats not covered by seawater at low tide and coastal lagoons. Internationally important wetland types and internationally important numbers of waterbirds were the Ramsar qualifying features. Similarly internationally important numbers of wintering waterbirds, migratory birds and breeding seabirds were the factors that lead to the site being classified as a SPA (Chichester Harbour Conservancy, 2017). The extensive intertidal mudflats are the feeding grounds for internationally important numbers of Ringed Plover (*Charadrius hiaticula*), Grey Plover (*Pluvialis squatarola*), Redshank (*Tringa totanus*), Black-tailed Godwit (*Limosa limosa*), Dunlin (*Calidris alpina*), Sanderling (*Calidris alba*), Curlew (*Numenius arquata*) and Greenshank (*Tringa nebularia*). Bar-tailed Godwit (*Limosa lapponica*) numbers are of European importance. Unimproved permanent pasture provides alternative feeding sites for the geese and major high tide wader roosts. Some of this pasture is floristically rich being a Red Fescue (*Festuca rubra*) sward with scarce species such as Green-winged Orchid (*Orchis morio*) and Adder's Tongue Fern (*Ophioglossum vulgatum*).

Langstone Harbour consists of large, sheltered estuarine basins comprising of extensive sand and mud-flats exposed at low tide. The mud-flats are rich in invertebrates and support extensive beds of algae and Eelgrasses (*Zostera* Sp). The basin contains a wide range of coastal habitats supporting important flora and fauna communities. The site is of particular significance for waterbirds, especially in migration periods and in winter. It also supports important colonies of breeding Terns (*Sternidae* Sp.) (JNCC, 2017a). The harbour includes one of the largest areas of mixed saltmarsh on the south coast, and extensive Cord-grass (*Spartina anglica*). The harbour is among the twenty most important intertidal areas in Britain as a summer and autumn assembly ground for waders during the moult and as a post-moult wintering ground (Natural England, 2017).

Solent Maritime SPA is designated due to it encompassing a major estuarine system on the south coast of England. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting Eelgrass and Green Algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. Unusual features include the presence of very rare sponges in the Yar estuary and a sandy 'reef' of the polychaete (*Sabellaria spinulosa*) on the steep eastern side of the entrance to Chichester Harbour. In addition, the site is notified for being the only site for Cord-grass (*Spartina spp.*). The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south-west England. This habitat supports species such as Sea-purslane (*Atriplex portulacoides*), Common Sea-lavender (*Limonium vulgare*) and Thrift (*Armeria maritime*) (JNCC, 2017b).

1.2 Aim

The aim of this Shadow Appropriate Assessment is to assess, insofar as is practicable and possible, the implications of the proposals in terms of the requirements of the Habitat Regulations, by identifying and evaluating the likely effects of the implementation of the proposals upon the integrity of the European sites within its vicinity, so as to illustrate compliance with policy 'CS11 Protecting and Enhancing the Special Environment and Heritage' of Havant Borough Council Core Strategy.

2.0 HABITATS REGULATIONS

The Habitats Directive (1992) requires all Member States to undertake an 'Appropriate Assessment', alternatively known as a 'Habitats Regulation Assessment (HRA)', of any plan or project requiring authorisation which would be likely to have a significant effect upon the integrity of an SPA. The assessment must demonstrate that based upon the best available scientific information, and in light of any suitable mitigation measures, the proposals would not cause an adverse effect upon the integrity of the SPA, either alone or in combination with other plans or projects. A precautionary approach must be adopted in HRA, and where a loss of site integrity cannot be ruled out the proposals may only be authorised under very exceptional circumstances (such as overriding public interest and with no viable alternative) and following consultation with the European Commission; regulation 48 of the Habitats Regulations presents a process by which development may be permitted within or near to European Sites. To summarise, if an Appropriate Assessment by a competent authority concludes that there will be an adverse impact upon the integrity of a European site, permission for the development can only be granted having ascertained that there are no alternative solutions and that the project is necessary for imperative reasons of overriding public interest; in such a case, compensatory measures must be taken to ensure that the overall coherence of the network of European sites is maintained.

The Conservation of Habitats and Species Regulations (2010) transposes the Habitats Directive into UK domestic legislation. The provisions of Article 6 of the Habitats Directive are met by Regulation 61 and Government Circular 06/2005, which establish the statutory obligations for HRA. The Habitats Regulations designate all local authorities as 'Competent Authorities', who must take responsibility for the undertaking of HRAs of all relevant proposals.

Under Article 6(3) Competent Authorities must ensure proposals under their jurisdiction have no adverse effect upon the integrity of Natura 2000 sites, and must therefore assess all proposals for their potential such impact via an initial screening process. Should the screening identify the potential for the project to cause such an impact, an AA must then be undertaken. Following the AA, permission should only be granted for the proposal when the Competent Authority is satisfied the proposal will have no adverse effect upon the integrity of the European site, through appropriate measures being established, or where further tests as described in Article 6(4) can be met. This process requires consultation with, and the agreement of, Natural England to ensure the requirements of the Habitats Regulations are satisfied prior to authorisation of the proposals.

In line with Regulation 10 of the Habitats Regulations, European sites have been taken to include Ramsar sites, Special Protection Areas (SPA) and Special Areas of Conservation (SAC).

3.0 POTENTIAL IMPACTS

The proposed activities are not essential for the management of the designated site(s). They focus on the safety of pedestrians.

3.1 Construction Phase

Figure 2 below shows the construction detail of the new path. A 450mm pipe will be installed within the existing ditch, to minimize the effect of reducing the ditch's capacity. (This pipe will then be connected to the existing tidal flaps). Pea shingle will then surround this pipe before the bank is constructed over this using inert compacted material. The slope leading to the Harbour itself will be covered with topsoil excavated on site whilst the path itself will first be covered using 'Type 1' sub base followed by self binding gravel. This will result in a 1200mm wide walkway. (This is a sympathetic rural solution, which has been implemented elsewhere around Chichester Harbour). The slope towards Northney Road will be concreted following the installation of a concrete kerb.

Figure 2. Construction detail of the pathway.

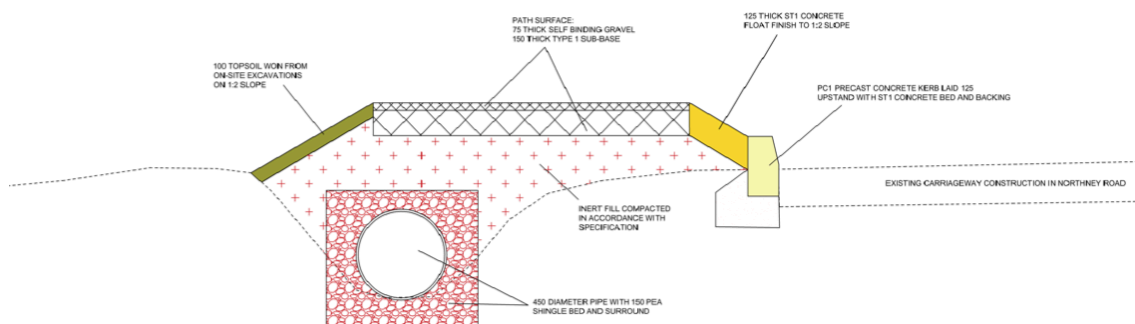


Table 1 details activities associated with the path construction, associated factors for consideration and potential impacts.

Table 1. Path Construction.

Activity	Associated Factors	Potential Impacts
Excavation of ditch (soils) to facilitate pipe installation	Presence of machinery (excavator)	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Risk of oil spill • Disturbance of birds
	Generation of dust	Air pollution
	Movement of soil and material entering Harbour leading	Risk of eutrophication impacting on floral species (i.e. Small Cordgrass and Eelgrass) and as a result feeding

		resources for Waders.
	Remove vegetation from ditch	Loss of small area containing saltmarsh species.
Pipe installation	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Risk of oil spill • Disturbance of birds
Introduction of shingle	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Disturbance of birds • Risk of oil spill
	Shingle entering harbour	All materials will be inert and so it is considered unlikely this will have a negative impact upon the features associated with the designated sites.
Bank Construction	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Disturbance of birds • Risk of oil spill
	Material entering harbour	All materials will be inert and so it is considered unlikely this will have a negative impact upon the features associated with the designated sites.
	Compacting material	<ul style="list-style-type: none"> • Machine noise • Air pollution from dust particles generated during compaction • Machine operator – increased human presence • Disturbance of birds
Spread top soil on northern slope	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator –

		increased human presence <ul style="list-style-type: none"> • Disturbance of birds • Risk of oil spill
	Movement of soil and material entering Harbour leading	Risk of eutrophication impacting on floral species (i.e. Small Cordgrass and Eelgrass) and as a result feeding resources for Waders.
Construction of path	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Disturbance of birds • Risk of oil spill
	Dust generation	Air pollution
	Introduction of material	All materials will be inert and so it is considered unlikely this will have a negative impact upon the features associated with the designated sites.
Create concrete slope construction	Use of hazardous material	Pollution entering the Harbour with the potential to impact on floral species (i.e. Small Cordgrass and Eelgrass) and as a result feeding resources for Waders.
	Dust generation	Air pollution
	Presence of machinery	<ul style="list-style-type: none"> • Engine noise • Air pollution from engine emissions • Machine operator – increased human presence • Disturbance of birds • Risk of oil spill

3.1.1 Water Pollution

The quality of stormwater and groundwater can be negatively impacted during construction activities. There is a risk that polluted water, generated during construction, could make its way into the Harbour due to it being located adjacent to proposals.

3.1.2 Air Pollution

Construction activities have the potential to impact on air quality. Construction activities are associated with the generation of nuisance dust (larger particles) and PM₁₀ emissions. The larger particles tend to fall out quickly and therefore the impacts

are generally most likely to be felt within 200m of the development (Bureau Veritas, 2013). As a result the adjacent designated sites could be impacted.

3.1.3 Noise Disturbance

Noise disturbance can have a range of impacts upon ecology dependent upon the sensitivity of the species, the nature and duration of the noise and the timing of the disturbance.

Noise associated with the project will only be a temporary disturbance and is considered to only contribute to a very small proportion of the cumulative potential for wildlife disturbance associated with the location of the site (i.e. along a busy road).

3.1.4 Hazardous Materials

A number of hazardous materials are associated with construction projects. Not only can this lead to contaminated earth, but the adjacent protected sites are particularly vulnerable to issues with run off with risk of hazardous substances impacting upon the fragile ecosystem.

3.1.5 Disturbance of Birds

Increased constant human presence associated with the construction of the new path will lead to increased anthropogenic impacts towards over-wintering birds.

3.2 Operational Phase

It is considered unlikely this project will result in a significant increase in recreational disturbance. People already utilise this route therefore it will not result in the introduction of human disturbance. Based on information gathered to the support the application it is estimated 350-400 pedestrian utilise this stretch of path per week. This included local walkers and bird watchers. If anything it is likely to encourage walkers to stay on the path rather than venture into neighbouring habitats. This would result in a positive impact in the long term.

Due to the presence of the road, it will not be safe for dogs to be off the lead, therefore it is considered highly unlikely increase off lead dog walkers will be encouraged to the area.

4.0 MITIGATION

4.1 Water Pollution

Works will be carried out in accordance with published guidance 'Control of water pollution from linear construction projects: technical guidance' (CIRIA, 2006). Some general practical measures and sensitive working practices with regard to water quality are provided below:

- Minimise the areas of exposed ground by working on sections
- Locate siltation traps on the site and discharge all runoff through the traps.
- Provide adequate drainage channels lined with impervious material.
- If it is not possible to install temporary water drainage works, use sand bags (and sealed hoarding) to divert site water run-offs to siltation tank and water treatment systems.
- Avoid carrying out earthworks during periods of rain and if is not avoidable ensure that the works are kept to a minimum.
- To prevent soil erosion, compact earthworks final surfaces and perform subsequent permanent work/surface protection immediately after surface formation and provide appropriate drainage.
- Cover and seal manholes (including newly constructed ones).
- Treat all contaminated surface water from concrete operations with appropriate facilities.

4.2 Air Quality

Below provides a selection of techniques in order to prevent/minimise this:

- Conduct routine and major maintenance in accordance to manufacturer's instructions, and maintain records of all inspections and maintenance works.
- Use fuel of quality specified by manufacturer/supplier.
- Shut down all vehicles and plant in intermittent use between work periods or throttle down to a minimum idling speed (if the former is not possible).
- Operate air pollution control equipment properly and effectively, in accordance to manufacturer's instructions.
- In the event of a malfunctioning or breakdown of any air pollution control equipment, suspend the plant, process(s) or activity(s) concerned as soon as practicable until the equipment is restored to its proper function.
- Exposed earth will be subject to surface compaction or be temporarily covered.
- The construction programme will schedule to complete works on open areas as quickly as possible.

4.3 Noise Disturbance

A number of methods can be implemented to reduce noise however the key method of reducing noise pollution will be to carry out works outside of the wintering bird season (Section 4.4):

- Avoid simultaneous operation of noisy equipment.
- Shut down all plant and equipment in intermittent use between work periods or throttled down to minimum idling speed.
- Maintenance and servicing of equipment and vehicles in accordance to manufacturers recommendations especially for noise mitigation components e.g. retaining silencers and mufflers supplied with construction equipment.
- Select quiet equipment whenever possible i.e. Hydraulic concrete cutters and crushers, and rock drills (up to 20 dB noise reduction) and fit pneumatic breakers with mufflers and damping collars (up to 21dB noise reduction).

4.4 Hazardous Materials

A variety of procedures can prevent ecological implications from hazardous substances:

- Use containers designed to minimise spills.
- Ensure that containers used are appropriate to the substances contained (e.g. do not react with the substance, resistant to corrosions).
- Ensure that containers are maintained in good conditions and securely closed.
- Ensure that saw dust, spill kits etc are readily accessible and of enough quantity.
- If, in the unlikely event a spillage occurs use sand, saw dust, or spill kit to absorb the spill and prevent it from spreading, dispose of the contaminated absorbent material as chemical waste.
- In the event of a major spill contain the spill to minimise reduce land contamination and pollution, the Project Manager will be informed immediately and will arrange for appropriate removal and disposal of the chemicals by authorised organisations, and determine if other parties (e.g. Environment Agency and Harbour Conservancy) need to be informed.

4.5 Timing of works

The majority of the above impacts can be dramatically reduced by the timings of the works. Works will be undertaken outside of the wintering bird season. Not only will this prevent disturbance of the qualifying features but also will reduce the likelihood of weather issues (i.e. increase run off associated with heavy rain events are less likely to occur in the summer months).

4.6 Natural Fibre Mat

The direct loss of saltmarsh habitat from the ditch will be unavoidable and permanent. However by covering the new area of topsoil with biodegradable erosion control, this will allow nearby plants to colonise and establish.

5.0 LIKELY SIGNIFICANT EFFECT

A search using Havant Borough Council's planning portal has not identified any other known projects affecting the same designated sites. Although a number of applications were identified these dealt with extensions to existing buildings. No projects since January 2014 (extension of nearby car park) are considered likely to result in an increase in recreational disturbance or indeed direct impacts upon the Harbour itself. It is therefore considered unlikely there will be any 'in combination' impacts. Table 2 below therefore provides likely significant effects to the project alone.

Potential effect	Qualifying feature likely to be affected	The mechanism / pathway of effect	Mitigation Measures	Likely significant effect alone?
Water Pollution	SAC and SPA Habitat	Vehicles / plant	All works will follow recommendations provided in Section 4.	No
Water Pollution	SAC and SPA Habitat	Use of concrete	All works will follow recommendations provided in Section 4.	No
Air Pollution	SAC and SPA Habitat	Vehicles / plant and generation of dust through compaction	All works will follow recommendations provided in Section 4.	No
Noise Disturbance	Over wintering birds	Vehicles / plant and personnel on site	Works will take place avoiding overwintering season for birds with the additional measures within Section 4 also utilised.	No
Material entering Harbour	SAC and SPA Habitat	Introduction of material (topsoil, shingle, gravel).	All materials will be inert. Topsoil will be covered by biodegradable erosion control.	No

6.0 CONCLUSION

It is considered that, with the use of mitigation measures detailed in this document, there would be no likely significant effect on Chichester and Langstone Harbour SPA or SAC or Solent Maritime SPA. As such, appropriate assessment is not required.

7.0 REFERENCES

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