

Date: 10/04/2017
Our ref: 212128
Your ref: APP/17/00178



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BY EMAIL ONLY

Dear Mrs McMurray

APP/17/00178 Erection of 2no. pontoon locating piles, repositioning of 2no. existing pontoon locating piles and extend pontoon 10m northwards. Hayling Island Sailing Club

**Chichester and Langstone Harbours Special Protection Area (SPA)
Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site)
Solent Maritime Special Area of Conservation (SAC)
Chichester Harbour Site of Special Scientific Interest (SSSI)**

Thank you for your consultation dated 24 March 2017. The following constitutes Natural England's formal statutory response.

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended):

It is our advice, on the basis of the material supplied by the applicant, that in respect of statutory designated sites, seascapes and protected species an Environmental Impact Assessment (EIA) will not be required for this application.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of any site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

The Conservation of Habitats and Species Regulations 2010 (as amended)

We can confirm that the proposed works are located within **Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar site and Solent Maritime SAC**. Natural England advises that providing the works are carried out in strict accordance with the details of the application which has been submitted, 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 it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required. We recommend that the following conditions are attached to the planning consent to ensure that the activity is undertaken in accordance with the details of the application which has been submitted and is therefore compliant with the above legislation:

Condition 1

The applicant should ensure that only coatings and treatments suitable for use in the marine environment are used. Environment Agency pollution prevention guidelines should be followed and all reasonable precautions should be undertaken to ensure no pollutants enter the water body.

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

Condition 2

The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the consented activities are removed upon completion of the consented activities.

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

Condition 3

The works must be completed between the period 1st April and 30th September.

Reason: To avoid disturbance to overwintering birds that feed in the area. The sensitive period for overwintering bird species runs from the 1st October to 31st March inclusive.

Condition 4

Before machinery access or works commence on site, a walkover survey for breeding birds must be completed. (Access routes should be rerouted if overlap occurs.)

Reason: To ensure breeding birds' nests are not disrupted.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within **Chichester Harbour SSSI**. 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. We recommend that the above conditions are attached to the planning consent to ensure that the activity is undertaken as per the application and is therefore compliant with the above legislation.

Should the application change, or if the applicant submits further information relating to the predicted impacts of this proposal on the SSSI aimed at reducing the damage likely to be caused, we will provide further advice as appropriate.

If the Council is minded to grant consent for this application contrary to the advice relating to the above conditions contained in this letter, we refer you to Section 28(1) (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon the MMO, requiring that you;

- Provide notice to Natural England of the permission, and of its terms. This notice should include a statement of how (if at all) the Council has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

I hope the above is clear however, if you have any queries relating to the content of this letter please do not hesitate to contact me using the details provided below.

Yours sincerely

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Solent Marine Team

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