

Havant Borough Council
Development Control
Civic Offices Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2017/119269/01-L01
Your ref: APP/17/00178
Date: 07 April 2017

Dear Sir/Madam

**ERECTION OF 2NO. PONTOON LOCATING PILES, REPOSITIONING OF 2NO.
EXISTING PONTOON LOCATING PILES AND EXTEND PONTOON 10M
NORTHWARDS.**

HAYLING ISLAND SAILING CLUB, SANDY POINT, HAYLING ISLAND

Thank you for consulting the Environment Agency on the above application. In the absence of any information to demonstrate that the proposals are compliant with the Water Framework Directive (WFD), we are unable to provide comments on the proposals.

Environment Agency
Canal Walk, ROMSEY, Hampshire, SO51 7LP.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

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The WFD requires no deterioration of watercourses, and to achieve good ecological status or good ecological potential in WFD water bodies. This includes any of the individual quality elements contributing to the water body status.

The proposed development has the potential to impact WFD objectives in the Chichester Harbour water body.

As the application is not supported by information to demonstrate compliance with WFD, it does not provide an adequate basis on which to make a decision. We are unable to provide comments and strongly recommend that you do not approve the application until WFD compliance has been demonstrated.

A WFD Assessment should comprise either:

- an explanation of why the activity has been screened out; or
- an explanation of why all elements have been scoped out, ideally using the scoping template; or
- an impact assessment.

The 'Clearing the Waters for All' guidance should be used for guidance on how the impact of the proposals on WFD compliance should be assessed:

<https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

The size and scale of the WFD Assessment should be proportional to the risk posed by the potential works, but the applicant must demonstrate that they have assessed the risks and provided mitigation where necessary. An example of a completed WFD Assessment for similar works has been attached for information.

Advice to Applicant:

Please note that this development may require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. Any works located in, over, under or within 8 metres of a main river or 16m or a tidal defence, is likely to require a Flood Risk Activity Permit from the Environment Agency.

The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

Further details and guidance are available on the GOV.UK website:

www.gov.uk/guidance/flood-risk-activities-environmental-permits

Yours faithfully

Mr Jon Maskell
Planning Advisor, Environment Agency

Direct e-mail PlanningSSD@environment-agency.gov.uk

Water Framework Directive assessment: scoping template for activities in estuarine and coastal waters

Use this template to record the findings of the scoping stage of your Water Framework Directive (WFD) assessment for an activity in an estuary or coastal water.

If your activity will:

- take place in or affect more than one water body, complete a template for each water body
- include several different activities or stages as part of a larger project, complete a template for each activity as part of your overall WFD assessment

The [WFD assessment guidance for estuarine and coastal waters](#) will help you complete the table.

Your activity	Description, notes or more information
Applicant name	Mr A Contractor
Application reference number (where applicable)	MLA/2017/XXXXX
Name of activity	1 Pontoon plus 1 pile
Brief description of activity	Construction of a 10m pontoon including the piling of one new pile. The proposed works will provide additional mooring space within an existing marina. The piling activity will in XXXXX Marina, which is within XXXX Water Framework Directive water body.
Location of activity (central point XY	SU 99999 99999

coordinates or national grid reference)	
Footprint of activity (ha)	0.003 ha
Timings of activity (including start and finish dates)	Dependent on the timing of license approval. The works should take no longer than 2 weeks and are proposed to be undertaken between 01/02/2017 and 31/03/2017.
Extent of activity (for example size, scale frequency, expected volumes of output or discharge)	Construction of a 10m long and 3m wide timber pontoon and driving of a 10m long 400mm diameter pile. There will be no discharge as a result of these works and any sediment mobilisation will be minimal.
Use or release of chemicals (state which ones)	None

Water body¹	Description, notes or more information
WFD water body name	<i>e.g. Portsmouth harbour</i>
Water body ID	<i>GB580705140000</i>
River basin district name	<i>South east</i>
Water body type (estuarine or coastal)	<i>Estuarine</i>
Water body total area (ha)	<i>1642.46</i>
Overall water body status (2015)	<i>poor</i>
Ecological status	<i>poor</i>
Chemical status	<i>good</i>
Target water body status and deadline	<i>Poor 2015</i>
Hydromorphology status of water body	<i>Supports good</i>
Heavily modified water body and for what use	<i>Yes coastal protection, flood protection, navigation ports and harbours</i>
Higher sensitivity habitats present	<i>Yes</i>

Lower sensitivity habitats present	Yes
Phytoplankton status	High
History of harmful algae	Yes
WFD protected areas within 2km	Yes

¹ Water body information can be found in the Environment Agency's catchment data explorer and the water body summary table. Magic maps provide additional information on habitats and protected areas. Links to these information sources can be found in the WFD assessment guidance for estuarine and coastal waters.

Specific risk information

Consider the potential risks of your activity to each of these receptors: hydromorphology, biology (habitats and fish), water quality and protected areas. Also consider invasive non-native species (INNS).

Section 1: Hydromorphology

Consider if hydromorphology is at risk from your activity.

Use the water body summary table to find out the hydromorphology status of the water body, if it is classed as heavily modified and for what use.

Consider if your activity:	Yes	No	Hydromorphology risk issue(s)
Could impact on the hydromorphology (for example morphology or tidal patterns) of a water body at high status	Requires impact assessment	Impact assessment not required	<i>No – The addition of one pile will not significantly impact on Hydromorphology within Portsmouth Harbour Water Body.</i>
Could significantly impact the hydromorphology of any water body	Requires impact assessment	Impact assessment not required	<i>No – No other WFD Water Bodies will be impacted by these works.</i>

Is in a water body that is heavily modified for the same use as your activity	Requires impact assessment	Impact assessment not required	<i>No – Not applicable</i>
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Record the findings for hydromorphology and go to section 2: biology.

Section 2: Biology

Habitats

Consider if habitats are at risk from your activity.

Use the water body summary table and Magic maps, or other sources of information if available, to find the location and size of these habitats.

Higher sensitivity habitats ²	Lower sensitivity habitats ³
chalk reef	cobbles, gravel and shingle
clam, cockle and oyster beds	intertidal soft sediments like sand and mud
intertidal seagrass	rocky shore
maerl	subtidal boulder fields
mussel beds, including blue and horse mussel	subtidal rocky reef
polychaete reef	subtidal soft sediments like sand and mud
saltmarsh	
subtidal kelp beds	
subtidal seagrass	

² Higher sensitivity habitats have a low resistance to, and recovery rate, from human pressures.

³ Lower sensitivity habitats have a medium to high resistance to, and recovery rate from, human pressures.

Consider if the footprint ⁴ of your activity is:	Yes	No	Biology habitats risk issue(s)
0.5km ² or larger	Yes to one or	No to all – impact	No

1% or more of the water body's area	more – requires impact assessment	assessment not required	No
Within 500m of any higher sensitivity habitat			No
1% or more of any lower sensitivity habitat			No

⁴ Note that a footprint may also be a temperature or sediment plume. For dredging activity, a footprint is 1.5 times the dredge area.

Fish

Consider if fish are at risk from your activity, but only if your activity is in an estuary or could affect fish in or entering an estuary.

Consider if your activity:	Yes	No	Biology fish risk issue(s)
Is in an estuary and could affect fish in the estuary, outside the estuary but could delay or prevent fish entering it or could affect fish migrating through the estuary	Continue with questions	Go to next section	No – although migratory fish are a consideration in Portsmouth Harbour, minimal silt dispersion is anticipated through piling activities. We will ensure that best practice piling methodology is used to minimise the impact of noise on surrounding fish and bird populations.
Could impact on normal fish behaviour like movement, migration or spawning (for example creating a physical barrier, noise, chemical change or a change in depth or flow)	Requires impact assessment	Impact assessment not required	No – See above
Could cause entrainment or impingement of fish	Requires impact assessment	Impact assessment not required	No – See above

Record the findings for biology habitats and fish and go to section 3: water quality.

Section 3: Water quality

Consider if water quality is at risk from your activity.

Use the water body summary table to find information on phytoplankton status and harmful algae.

Consider if your activity:	Yes	No	Water quality risk issue(s)
Could affect water clarity, temperature, salinity, oxygen levels, nutrients or microbial patterns continuously for longer than a spring neap tidal cycle (about 14 days)	Requires impact assessment	Impact assessment not required	No
Is in a water body with a phytoplankton status of moderate, poor or bad	Requires impact assessment	Impact assessment not required	No
Is in a water body with a history of harmful algae	Requires impact assessment	Impact assessment not required	Yes – However the proposed works will have no impact on harmful algae

Consider if water quality is at risk from your activity through the use, release or disturbance of chemicals.

If your activity uses or releases chemicals (for example through sediment disturbance or building works) consider if:	Yes	No	Water quality risk issue(s)
The chemicals are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment	Impact assessment not required	No – Minimal silt dispersion anticipated from proposed piling activities. We are confident that the vast majority of the minimal silt arising will drop out of the water column in the vicinity of the works and not

			impact on water quality in Portsmouth Harbour.
It disturbs sediment with contaminants above Cefas Action Level 1	Requires impact assessment	Impact assessment not required	No – See above.

If your activity has a mixing zone (like a discharge pipeline or outfall) consider if:	Yes	No	Water quality risk issue(s)
The chemicals released are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment ⁵	Impact assessment not required	No – See above

⁵ Carry out your impact assessment using the Environment Agency's surface water pollution risk assessment guidance, part of Environmental Permitting Regulations guidance.

Record the findings for water quality go on to section 4: WFD protected areas.

Section 4: WFD protected areas

Consider if WFD protected areas are at risk from your activity. These include:

- special areas of conservation (SAC)
- special protection areas (SPA)
- shellfish waters
- bathing waters
- nutrient sensitive areas

Use Magic maps to find information on the location of protected areas in your water body (and adjacent water bodies) within 2km of your activity.

Consider if your activity is:	Yes	No	Protected areas risk issue(s)
Within 2km of any WFD protected area ⁶	Requires impact assessment	Impact assessment not required	Yes – Within a Shellfish Water Protected Area (SWPA) and a Nutrient Sensitive Area (NSA) as identified in Magic Map. Also within 2km of Special Protected Area (SPA).

⁶ Note that a regulator can extend the 2km boundary if your activity has an especially high environmental risk.

Record the findings for WFD protected areas and go to section 5: invasive non-native species.

Section 5: Invasive non-native species (INNS)

Consider if there is a risk your activity could introduce or spread INNS.

Risks of introducing or spreading INNS include:

- materials or equipment that have come from, had use in or travelled through other water bodies
- activities that help spread existing INNS, either within the immediate water body or other water bodies

Consider if your activity could:	Yes	No	INNS risk issue(s)
Introduce or spread INNS	Requires impact assessment	Impact assessment not required	Yes – While the pile and pontoon are constructed of new materials that have not been located in any other water body, the machinery used to undertake the work will have been working in other water bodies.

Record the findings for INNS and go to the summary section.

Summary

Summarise the results of scoping here.

Receptor	Potential risk to receptor?	Note the risk issue(s) for impact assessment
Hydromorphology	No	
Biology: habitats	No	
Biology: fish	No	
Water quality	Yes	Harmful Algae flagged but no risk due to nature of works. No further assessment.
Protected areas	Yes	Potential risk to SWPA, SPA and NSA. Further assessment.

Invasive species	non-native	Yes	Potential risk from Plant Machinery moving from other locations. Further assessment.
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If you haven't identified any receptors at risk during scoping, you don't need to continue to the impact assessment stage and your WFD assessment is complete.

If you've identified one or more receptors at risk during scoping, you should continue to the impact assessment stage.

Include your scoping results in the WFD assessment document you send to your activity's regulator as part of your application for permission to carry out the activity.

Impact Assessment

Summary of Activity

Activity = Recreation and leisure

Activity Phase = Construction

Sub Activity = Piling and Placement of structure

The Activities Pressures Matrix highlights no pressures resulting from the above activities. Despite this we have considered the likely possible impact on WFD Protected Areas and provided details of mitigation where required.

Further details of the Activity

The proposed works are located within the Portsmouth Harbour WFD water body, within a WFD Shellfish Water Protected Area, a Nutrient Sensitive Area and in the vicinity of a Special Protected Area. The works will be small in scale and constitute the driving of one pile into the seabed and the installation of a 10m pontoon. The works are anticipated to be undertaken over a period of 10 days between the dates of 01/02/2017 and 31/03/2017. All piling activity will be undertaken using best practice piling technique to minimise noise.

Shellfish Water Protected Area

Given the limited scale and duration of the works we conclude that there will be **no impact on the Shellfish Water Protected Area**. While it is likely that some sediment will be re-mobilised during the piling activity, this will be very small volumes and it is reasonably assumed that the vast majority of this will drop out of the water column in the vicinity of the works. Any impact would be minimal, localised and for the limited duration of the works. We consider the risk to the Shellfish Water Protected Area to be very low and no mitigation is required.

Nutrient Sensitive Area

We conclude that the proposed activities would have **no impact on the Nutrient Sensitive Area**. While the mobilised sediments may contain a nutrient load, the scale and duration of the works means that this will be insignificant within the context of the WFD water body. Any impact would be minimal, localised and for the limited duration of the works. We consider the risk to the Nutrient Sensitive Area to be very low and no mitigation is required.

Special Protected Area

We have reviewed the Portsmouth Harbour SPA Advice on Operations spreadsheet. This identifies that piling activity has a direct impact on many of the bird features and supporting habitat. We would conclude however that given the limited scale and duration of the works and their location outside of the SPA there will be **no impact on any SPA features**. While we do not think it a requirement, we will mitigate any residual risk through the use of best practice piling methodology to minimise any associated noise that could impact on local bird populations.

Invasive Non-native Species

While the use of plant machinery brings a risk of Invasive Non-native Species, we will mitigate this risk by ensuring any contractor follows best practice guidance as outlined on the GB non-native species secretariat website <http://www.nonnativespecies.org/checkcleandry/>. As a result there will be **no impact from Invasive Non-native Species**.

Conclusion

In summary, the proposed works are located within Portsmouth Harbour WFD water body, a WFD Shellfish Water Protected Area and a Nutrient Sensitive Area. They are also within 2km of a Special Protection Area. Having undertaken a scoping exercise it was concluded that the proposed works posed a risk to Water Framework Directive Protected Area objectives. These risks required further assessment.

Our assessment of the potential risk posed to WFD Protected Area objectives concluded that the limited scale and duration of the works, as well as their location meant that there was no impact on the WFD Protected Areas identified. As a precaution, we have confirmed that all piling activity will be undertaken using best practice piling techniques to minimise any potential impact of this activity on local bird and fish populations. In addition, all contractors will follow published best practice to reduce the risk of spreading Invasive Non-native Species. It is our conclusion that the proposed works are compliant with the requirements of the Water Framework Directive.