

Dear Graham,

APP/22/00822 | Extension to existing pontoons. | Boatyard, Marine Walk, Hayling Island, PO11 9PG 22.1168

Thank you for consulting me on this application. Thank you for your patience.

The application is accompanied by an Extended Phase 1 Ecological Assessment (Phillips Ecology, August 2022).

The application site is located within the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site and is adjacent to Chichester Harbour Site of Special Scientific Interest (SSSI). The footprint of the works is within an area of the Priority Habitat 'Intertidal Mudflats' and contains the SAC qualifying habitats 'Intertidal Mud' and 'Intertidal Mixed Sediments'.

The proposal is to replace the existing swing moorings with a fixed mooring platform. The footprint of the new pontoon is c.280m² with permanent direct impacts to the intertidal habitats occurring through the installation of four aluminium piles. The pontoon will rise and fall with the tide using floats, each of which is c.3.24m² in area. It is unclear how many of these floats are to be installed. The pontoon deck will rest on the floats at low tide, being c.660mm above ground level.

Whilst the removal of swing moorings is welcome (these are damaging to the intertidal habitats), in order to adequately assess the potential impacts to the various designated sites it is necessary to quantify the extent of intertidal habitat to be affected, both permanently and temporarily. Permanent impacts will arise through the installation of piles and temporary impacts will occur through the contact between the floats and the intertidal habitat as well as the potential effects of the resting pontoon at low tide periods. Together, these factors would lead to an area of habitat being unavailable at lower tidal periods as well as a permanent loss at all periods.

The application should include sufficient detail to enable the Local Planning Authority to undertake a Habitats Regulations Assessment (HRA). This should comprise an assessment of the potential effects on individual qualifying features (habitats and species) of each of the European designated sites within the application site. Whilst overall the predicted impacts may be relatively limited in the context of the wider European sites, the process of HRA must be followed in order for the LPA to effectively discharge its obligations under the Habitats Regulations. HRA is not able to take into account any mitigating measures when screening potential impacts. In this case, as there will be permanent and temporary impacts potentially arising from the proposal (habitat loss, visual disturbance, noise, pollution) it would be necessary to conclude that a Likely Significant Effect on the European sites could occur. It follows that further assessment would be required (often called the 'appropriate assessment and integrity test'), during which any mitigating measures can be discussed.

In summary, the site is within European designated sites and there is potential for impacts to the qualifying features of those sites. This necessitates that HRA is required. It is for the applicant to provide sufficient information to allow the LPA to complete its own HRA. HRA should consider the potential impacts on individual qualifying features of each of the European designated sites, and should be informed by the published High Level Conservation Objectives (HLCO), Supplementary Advice on Conservation Objectives (SACO) and Advice on Operations (AoO). Impacts should be qualified and qualified.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected habitats and species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated and are acceptable.

If you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

**Senior Ecologist
Ecology Team**

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Coronavirus (Covid-19)

Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).



Hampshire Services offers a range of professional consultancy services to partner organisations.

Specialist Environment Services provides data, advice and assessments for ecology, heritage and landscape.

www.hants.gov.uk/sharedexpertise



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Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Havant Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.