

Date: 23 April 2024
Our ref: 471740
Your ref: APP/23/01057



Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

Eastleigh House,
Eastleigh, SO50 9YN

T 0300 060 3900

VIA WEBSITE ONLY

Dear Joseph Toole,

APP/23/01057 – Erection of a 0.77m high flood prevention wall. Land opposite 56 Bath Road, Emsworth, PO10 7ES

Thank you for your consultation dated 02 April 2024. The following constitutes Natural England's formal statutory response.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

We can confirm that the proposed works are located within Chichester and Langstone Harbour Special Protection Area (SPA), Chichester and Langstone Harbours Ramsar, and Solent Maritime Special Area of Conservation (SAC).

Likely significant effect, appropriate assessment and further information required

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment:

- **General information:** Currently, the proposed application does not have enough information for us to assess its viability properly. The application should be updated to include information on the proposed timing of works, duration and materials to be used. This should then be included within an updated detailed methodology.
- **Methodology/CEMP:** Whilst the current documents include measurements for the proposed

Flood Prevention Wall (FPW) with regard to length and height, we require more information as to the construction methodology, access routes and materials to be used, as well as their suitability for use in the marine environment.

- **Preferred Option:** The application lists multiple options for the delivery of the FPW and gives a preferred option. However it is not clear which one will be taken forward. Therefore, a detailed methodology is required for all options and all should be assessed within HRA.

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 the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Chichester Harbour Special Site of Scientific Interest (SSSI). Natural England recommends that the MMO/LPA does not provide a marine licence for this activity on the grounds that the application, as submitted, is likely to damage the interest features for which Chichester Harbour SSSI has been notified. As the features overlap with the features of the European sites please see the section - The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) – for Natural England's advice on the works.

Other Relevant Matters

Best Practice Measures

In order to further reduce environmental pressures, we recommend that the following best practice measures should be adhered to and secured in the marine licence:

- The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice.
- All reasonable precautions should be undertaken to ensure no pollutants enter the waterbody.
- The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the application is removed upon completion of the works.
- The applicant should ensure that all material is disposed of at an approved waste site.

Invasive Non-Native Species (INNS)

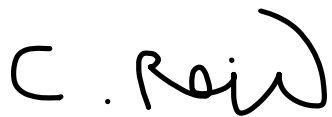
You should ensure that all necessary biosecurity measures are taken to avoid the introduction and or spread of INNS.

Protected species

We have not assessed this application and associated documents for impacts on marine protected species as listed on Schedule 5 of the Wildlife and Countryside Act (1981 as amended). The onus is on the Applicant and the MMO to ensure that they are legally compliant with the legislation throughout the duration of the licence. Further details of the species protected through this legislation can be found here: <https://www.gov.uk/government/publications/protected-marine-species>.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

A handwritten signature in black ink, consisting of the letters 'C' and 'Reid' in a cursive style.

Connor Reid
Thames Solent
E-mail: Connor.Reid@naturalengland.org.uk
Telephone: 07435207695