

From: Norton, Tristan [Tristan.Norton@hants.gov.uk]
Sent: 26 July 2013 13:10
To: Richard Nash
Cc: Planning and Development Shared Mailbox; Havant Auto-Reply
Subject: APP/13/00583 5 John King Shipyard, Kings Street, Emsworth. PO10 7AY 13.0719

Dear Richard,

APP/13/00583 Removal of existing brick steps, replacement with retractable timber steps and enlargement to existing balcony 5 John King Shipyard, Kings Street, Emsworth. PO10 7AY 13.0719

Thank you for consulting me on this application. In summary, the proposed works are of a small scale and would seem unlikely to result in any significant ecological impacts. However, the works will take place within areas of national and international importance for nature conservation and therefore a highly-precautionary approach should be applied in order to avoid any impacts to sensitive habitats and species. The applicant must seek consultation with Natural England in respect to the designated sites.

The application is not accompanied by any ecological information and, whilst the proposed works are small-scale, I would still expect the application documents to acknowledge that the application red line falls within designated sites. The entire intertidal area here is within the nationally-designated Chichester Harbour Site of Special Scientific Interest (SSSI) as well as the internationally-designated Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and the Solent Maritime Special Area of Conservation (SAC).

These sites are legally protected under EU law, via the Conservation of Habitats and Species Regulations 2010 (as amended) and are of extremely high ecological value for the habitats and species they support. Under the Regulations, which transpose the EU Habitats and Directive into domestic law, if a project is not connected to or necessary for the management of the designated site and is likely to have a significant effect on a designated site (it is the responsibility of the applicant to present evidence to demonstrate that there will be no 'likely significant effect') the planning authority (as a 'competent authority' as defined by the Regulations) is required to carry out an appropriate assessment of the project in light of the conservation objectives of the designated site to determine whether it will have an adverse effect on site integrity. Prior to this I would request that the applicant provides further details.

In terms of potential impacts to the ecological value of these sites, the key period of potential impact would be during the demolition of the existing brick steps and the construction of the new timber steps – presumably this will require contractors to be on site for a number of days/weeks, utilising machinery, fuels etc. Impacts such as trampling/poaching and storage of materials/fuels could result in damage to sensitive intertidal habitat, whilst the use of noisy machinery and the presence of contractors could result in disturbance to birds using the sites. It should be stressed that impacts to bird species (such as brent geese, a qualifying feature of the SPA and Ramsar) will only be an issue during the overwintering period (October to March), whilst damage to habitat is a year-round constraint.

As with all developments taking place within statutory designated sites, Natural England must be consulted and it is inevitable that permission will need to be obtained for the works – any works within a SSSI must be approved by Natural England. Similarly, as the works also fall within the SPA, Ramsar and SAC, additional consent will be needed. In this case, the works would not result in a net loss of habitat (it could be argued that it will increase the amount of intertidal) but there is

potential for damage and disturbance. Damage and disturbance (however limited in extent) may be construed as causing a 'likely significant effect' and therefore contrary to the Regulations.

In summary, the works will take place within nationally- and internationally-designated sites and information must be provided to demonstrate how the integrity of those sites will not be affected – the proposals would not appear present a significant change top the status quo but the potential ecological implications need to be acknowledged. Consultation must be sought with Natural England.

I trust the above is useful – if you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

**Senior Ecologist
Ecology Team**

Strategic Environmental Delivery Group,
Economy, Transport and Environment Department
Hampshire County Council
Elizabeth II Court West
The Castle, Winchester
Hampshire SO23 8UD
Direct Line: 01962 832335
Mobile: 07885 594878

E-mail: tristan.norton@hants.gov.uk; www.hants.gov.uk/biodiversity

Please consider the environment before printing this email.

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.