

YACHTHAVEN, HAYLING ISLAND

ENVIRONMENTAL STATEMENT

DECEMBER 2011

APPENDIX 1.1

Civic Offices
Civic Centre
Road
Havant
Hampshire PO9 2AX

Tel (023)9247 4174
Fax(023)9248 0263
DX50005 Havant
www.havant.gov.uk

Mrs S Organ
PWP Architects
61 South Street
Havant
Hants
PO9 1BZ

Our Ref: APP/11/00955
Direct Line: (023)9244 6518
Ask For: Mrs R Hebden
Email: planning.development@havant.gov.uk
19 July 2011

Dear Mrs Organ

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND & WALES) REGULATIONS 1999 SCOPING OPINION.
Redevelopment of land at Yacht Haven, Copse Lane, Hayling Island**

Thank you for your request on the 23rd June 2011 for a scoping opinion. I understand that the development would comprise: a marine office; small boatyard for multi-hulled craft; pontoon with 19 berths; reinstated slipway; 6 detached houses; the decontamination of the site; the improvement of sea defences; the restoration of the coastal footpath and sluice pond; and the creation of a nature reserve on conservation grassland and western coastal meadow.

The purpose of the requested scoping opinion is to achieve a consensus over potentially significant environmental impacts and the content of the Environmental Statement (ES).

In summary your scoping report dated 23rd June 2011 identifies a range of likely significant impacts. The following comments result from consultations with the statutory EIA consultees and others who will also be consulted at the planning application stage.

1. Landscape and Visual Impact Including Designated Areas

To ensure that the proposed scheme does not adversely affect the character of the surrounding countryside, we recommend that consideration should be given to the following aspects in the environmental statement:

- The potential impact of the scheme on the landscape character and visual amenity of the surrounding area including the harbour.
- The detailed design of the proposed improvements should seek to respect and enhance local character and distinctiveness, and use appropriate materials and designs in all new built features.
- The development site is within/adjacent to the following designated area:

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Any development taking place within a nationally designated landscape is expected to be of the highest quality, which should respect, maintain, or enhance, local landscape character or distinctiveness.

A contextual Harbour-fronting elevation of the proposed development, showing the wider setting (including the residential properties to the east of the site) should be provided.

Natural England is concerned over the potential effect of this development on the natural beauty, local character and distinctiveness of the AONB and the Environmental Statement should include a full assessment of these effects. Full regard should be paid to the Chichester Harbour AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved and how this development can be improved so that it is 'good enough to approve'. We suggest that you also consult the Natural England's AONB Unit, if you have not done so already, in order to ensure that planning issues regarding this proposal take into account the various issues that arise as a result of the AONB designation.

2. Ecology and Nature Conservation Designations

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites).

The development site is partly within and partly adjacent to the following designated nature conservation sites:

- Chichester Harbour Site of Special Scientific Interest (SSSI)
- Chichester and Langstone Harbours Special Protection Area (SPA)
- Chichester and Langstone Harbours Ramsar site
- Solent Maritime Special Area of Conservation (SAC)

Further information on the above sites can be found at www.natureonthemap.org.uk or by request from this office. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (e.g. designated SPAs) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Government policy, stated in PPS9 and Ramsar Sites in England: A Policy Statement (DETR 2000), stipulates that Ramsar Sites be treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site and in our view it is likely that it will have a significant effect on internationally designated sites and therefore will require an appropriate assessment. We recommend that there should be a separate section of the Environmental Statement to address impacts upon

European and Ramsar sites entitled 'Information for Appropriate Assessment. This should include, but not be limited to, the following:

- Quantification of the amount of designated habitat likely to be lost - and in the case of SPA made unavailable to birds
- Assessment of potential impact of the proposals on estuary function and process (to specifically include any dredging activities if proposed)
- Assessment of the potential for pollutants, nutrients or other contamination to enter the watercourse during the construction and remediation proposed
- Assessment of the suitability of the area to be developed for SPA birds, and a quantification of mitigation area required, this should also consider wider disturbance issues related to both construction and operation
- The potential contribution the proposals may have on coastal squeeze issues, particularly the proposed changes to the sea wall

Local Wildlife Sites

Our records indicate that the development site is adjacent to the following Local Wildlife Site:

- Fields & Saltmarsh South of Copse Lane SINC

Local Wildlife Sites are identified by the County ecologist and are of county importance for wildlife. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife interests of the site identified above. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Please contact the County ecologist for further information.

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010.

We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:

- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out by suitably qualified and where necessary, licensed, consultants.

The great crested newt, dormouse and all species of bats are European protected species such that it is illegal to intentionally kill, injure or otherwise disturb them. If any of these species are found to be present you should also consult Natural England's Wildlife Management and Licensing Unit in Bristol (Tel. 0845 6014523) about licensing implications before any work can proceed.

Other features of nature conservation interest, e.g. habitats and species identified within the UK and Hampshire Biodiversity Action Plans.

Natural England advises that a habitat survey (analogous to the site survey) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting the most important wildlife areas within the site, and should if possible provide opportunities for overall wildlife gain.

The Environment Agency have requested that the environmental statement includes the potential for impact on migratory fish which include salmonoid species and European eel. The assessment should also consider the impact pathways to marine species also, this is particularly relevant as Langstone Harbour is a known Bass nursery area. The potential for impact may come from but not be limited to, impact from piling, dredging and loss of habitat. Many of the potential impacts can be avoided through timings of works and adopting suitable working techniques.

The scoping report includes the identification of potential impacts on breeding and wintering birds as a result of disturbance during both the construction and operation phases of the proposed development. The RSPB has emphasised the importance of referring to and specifically referencing the Solent Disturbance and Mitigation Project (SDMP) – which will be completed this year. Development that comes forward ahead of the results of this research should be treated on a highly precautionary basis.

The RSPB also state that the following issues should be referred to in the Scoping Report:

- Effects of direct loss of feeding/roosting habitat within the SPA/Ramsar or supporting habitats.
- Effects of overshadowing of the SPA/Ramsar or other supporting habitats by the development (including the pontoons).
- Effects of artificial light-spill onto the SPA/Ramsar or other supporting habitats from the development.
- Effects of dust smothering of feeding habitat within the SPA/Ramsar or supporting habitats during construction.

The Council's Environmental Health Officer has made the following comments regarding the Ecology section of the Scoping Report:

Referring to para 1.9 (of the scoping report) it is assumed that this section of the ES will cover both site-preparation, construction, and it is also assumed that the phrase "all potentially significant effects on designated sites for nature conservation" under 1.10 will also include any existing contamination, any issues associated with construction works (such as spillages, contaminated run-off, mobilised

contamination, dust & turbidity issues). Although presented under Ecology (EIA & EcIA), these are relevant receptors for the consideration of ground contamination operational phases.

3. Water Resources and Flood Risk including hydrology and hydrogeology

Areas of the site fall within tidal flood zone 3 as shown on the Environment Agency's indicative flood zone map. Any application for planning permission will need to be accompanied by a detailed flood risk assessment which will need to identify all sources of potential flood risk to the proposed development and any mitigation measures required to demonstrate that the development will be safe, in flood risk terms, over its full lifetime.

The proposed development includes improvements to the sea defences at the site. The scale and nature of these improvement works will need to be identified and their potential impacts assessed within the EIA document.

The Environment Agency may be able to supply tide level data for the site if required. Other sources of flood risk information include the PUSH SFRA and the North Solent Shoreline Management Plan. If further flood risk information is required in relation to this site please contact Rob Waite, at the Environment Agency, on telephone number 01962 764897.

You should also refer to PPS 25 with regard to flood risk and new development.

4. Ground Conditions and Contaminated Land

In order to assess potential contamination at the site and the associated risks the ES should include or be supplemented with a desk study report to include a site conceptual model and a preliminary risk assessment.

It is recommended that the requirements of PPS23 should be met. We therefore recommend you:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination
- Refer to the Environment Agency Guidance on Land Contamination Reports for the type of information that we require in order to assess risk.

The Council's Environmental Health Officer made the following comments with regard to ground contamination within the ES:

This site has been investigated previously (pre 2003), and is subsequently known to be contaminated to some degree. Concentrations & distribution of contamination may have changed over this period, along with guidance relating to the application of environmental standards. Any previous risk assessments are therefore considered to require updating, and ideally, a further round of intrusive investigation should be undertaken.

The scoping report is non-specific as to the proposals for 'further investigation and

assessment, however it is considered entirely appropriate that this forms an integral part of the ES.

It may also be appropriate for the ES to consider a remedial options assessment, as the treatment and handling of contaminated soils on this site may result in further impacts that should be considered under ecological assessments & mitigation of risks to ecological receptors (BAP species and protected habitats).

5. Air Quality

The Council's Environmental Health Officer made the following comments with regard to Air Quality within the EIA:

For the purpose of determining air quality impacts, I am in agreement with paragraph 1.27 of the report, which argues that given the nature & scale of the development, a traffic & transportation assessment is not required. Similarly, the comments under 1.28 relating to existing air quality are regarded as accurate, and I support the conclusion that an air quality assessment can be legitimately scoped out of the ES.

6. Transport

Assessment of operational traffic levels, particularly relating to appropriate vehicle access for HGV / Trailers and other commercial vehicles relating to the slipway & boat yard; and associated impacts from the levels and turning points, sight lines etc should be assessed. Reference should be made to policy DM12 of the Havant Borough Core Strategy.

On the basis of the contents of the Scoping Report, we are satisfied that the EIA will address the issues affecting the public footpath, Havant Footpath No 86, which runs through the site.

7. Cultural Heritage and Archaeology

The area of the proposed development highlighted in red on the enclosed plan is potentially archaeologically sensitive. Although there are no known archaeological finds or features from within the site itself there have been a number of discoveries indicating prehistoric occupation in the area. I note that the Scoping Report states that archaeology/cultural heritage is not considered to be an issue. While it may be that the impact of the development is not such that any archaeological mitigation would be necessary the application should include supporting evidence as to why it is considered that archaeology/cultural heritage is not considered to be an issue. This should be included within a Heritage Statement (within the ES).

8. Arboriculture

The Arboricultural survey and Arboricultural Method Statement should address all areas of concern that you have identified in your scoping report regarding arboriculture.

9. Utilities and Services

Southern Gas Networks offered the following comments which should be taken into consideration when preparing the ES.

We enclose an extract from our mains records in the location of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those pipes owned by SGN in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

You will note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to your site. NO mechanical excavations are to take place above or within 0.5 m of the low pressure and medium pressure system and 3 metres of the intermediate pressure system. You should where required CONFIRM THE POSITION of mains using HAND DUG TRIAL HOLES. A colour copy of these plans and the gas safety advice card should be passed to the senior person on site in order to prevent damage to SGN plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG4,7 "Avoiding Danger from Underground Services", must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. In addition please follow the advice given on the gas safety card. It must be stressed that both direct and consequential damage to gas plant can be dangerous both for your employees and to the general public, repairs to any such damage will incur a charge. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

10. Noise

The proposed Noise Assessment should describe/assess the proposed noise levels as well as the existing noise levels, to allow a comparison to be made.

In respect of Noise, the proposed assessment will also need to include an evaluation under British Standard BS4142 to consider the impact on the proposed dwellings and existing neighbouring residential properties by noise generated on the site.

Cumulative effect

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out within Chichester Harbour. To carry out the assessment of cumulative and in-combination effects, the following types of projects should be included. (Subject to the availability of information):

- a. Existing completed projects
- b. Approved but uncompleted projects
- c. Ongoing activities
- d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- e. Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Miscellaneous

The 'Zone of Influence (ZOI)' referred to in the statement needs to be defined. This is not explained in the statement or shown on the enclosed plan. It is important that this includes a sufficient area which fully acknowledges the various potential impacts.

Inter-related impacts

Clearly there is scope for inter-related impacts, for instance the ground contamination will have implications for the ecology within the site. Whilst inter-dependent impacts can be described and cross referenced within the text, I suggest that the planning and EIA process will be assisted by listing the main interrelationships in a single summary, perhaps a table. This will be of particular help in revealing the potential impacts of project changes, which may emerge during the planning process.

I trust that the above aids you in the production of an Environmental Statement. I have included a list of consultees and their contact numbers below in case you have any questions regarding the technical requirements of the Environmental Statement.

Natural England: Mr Thompson 0300 060 4625
The Environment Agency: Miss McLeod 01903 703858
HBC - Environmental Health: Jonathan Driver 02392 446677
HBC - Environmental Health: Less Glass 02392 446668
Chichester Harbour Conservancy: Linda Park 01243 512301
HCC Archaeologist: Dr Fluck 01962 832337
HBC Transport Engineer: Ms Ford 02392 446210
RSPB Conservation Officer: Ms Temple 01273 763605

Yours sincerely

Steven Weaver
Interim Development Services Manager