Havant
BOROUGH COUNCIL

Coastal
Partners

# Appendix A3 - MMO Scoping Clarification letter opinion July 2021

Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Ms. Hannah Jackson
Coastal Partners

**By Email Only**

Our reference:
EIA/2021/00002

07 July 2021

Dear Hannah,

**Langstone Flood and Coastal Erosion Risk Management Scheme: Scoping Clarifications**

Thank you for your email and attached letter dated 28 May 2021 to the Marine Management Organisation (MMO) requesting clarifications following the issue of the MMO's scoping opinion dated 20 May 2021 for the proposed Langstone Flood and Coastal Erosion Risk Management Scheme (EIA/2021/00002). Please find this letter as a response to the queries raised in your letter, with the details from your letter copied for convenience.

## Section 4.6 Fish Ecology and Fisheries

"Section 4.6.17 states '*both the core and additional schemes are scoped out for fishing owing to the low commercial fishing activity within the vicinity of the scheme'.* This statement appears to contradict the preceding section 4.6.16 which implies commercial fishing should be scoped in by stating '*There is potential for both commercial and recreational fishing activities within the area which must be covered'.* Coastal Partners are proposing to contact the Inshore Fisheries and Conservation Authorities (IFCA) for updated advice, but assuming low commercial activity continues to be identified as in the scoping report we will continue to scope it out. Further clarity is required from the MMO should they disagree with our interpretation of the scoping opinion".

As referred to in paragraph 4.6.17, the final design of the project had not been confirmed containing an additional option (rock armour at the spit). Therefore paragraphs 4.6.16 and 4.6.17 suggest that the Applicant provide further consideration and justification if scoping out regarding impacts to navigation and commercial/recreational fishing activities.

## Section 4.11 Air Quality and Climate

"Section 4.11.1 firstly states '*The MMO agrees with the rationale for the Air Quality scoping assessment and the conclusion to scope out…*' however the agreement to scope out appears to be contradicted by subsequent text in section 4.11.1-4.11.2 such as *'the assessment must take account of the risks to pollution …..'*. Coastal Partners are currently intending to scope out air quality from the Environment Statement. The England Biodiversity Strategy by Defra is proposed to be covered within the upfront planning and policy sections. Further clarity is required from the MMO should anything different be required".

The MMO can confirm that it agrees with the conclusion to scope out consideration of significant

air quality effects from the Environmental Impact Assessment (EIA). The further information was included following consultation with our advisors to aid and ensure the drafting of the final EIA was in accordance with these principles.

### Section 4.13 Seabed/Land/Soil Quality

"Coastal Partners would like to clarify that no dredging is required for the proposed flood defence scheme. Where foreshore sediments need to be excavated for construction works, these will be placed back over the toe of any new structures in the same location. Section 4.13 in particular appears to have been incorrectly written on the assumption dredging is required and consequently the advice given is more in relation to the specification for a sampling plan request for dredging and disposal. As no dredging is required and considering the small scale of the proposed marine works, Coastal Partners considers the scoping report to remain sufficiently detailed. Table 4.6 of the Scoping Report also recognises works on the foreshore will be undertaken over the low tide period to minimise resuspension of contaminants into the water column and a silt curtain will be in place during construction works on the foreshore, which will contain any suspended sediments within the works area and prevent any significant impacts on water quality in the harbours. Coastal Partners therefore continue to consider that water and sediment quality should be scoped out and requires further advice from the MMO should they consider otherwise, in light of the confirmation that there will be no dredging as part of the scheme works.

Similarly, Coastal Partners consider the current samples collected and analysed within the scoping report adequate on the basis of the small scale of the proposed works with no dredging proposed. In addition, where AL2 values are not available for PAHs, the intertidal sediment samples collected during the 2018 ground investigation were compared to ISQG Probable Effects Level (PEL) and all were below this threshold as shown in Table 4.5 of the Scoping Report. Coastal Partners therefore propose that it is not necessary to undertake any further sediment contaminant sampling and require clear and timely additional advice from the MMO should our understanding be incorrect".

As noted in paragraph 4.13.1 the MMO acknowledged that the proposed scheme involves very little disturbance to marine sediment, but the MMO advised that further information such as depths and volumes were required before MMO could conclude that this could be completely scoped out.

The MMO has consulted with our technical advisors at The Centre for Environment, Fisheries and Aquaculture Science (Cefas) following the submission of the further information above. As no dredging and disposal are confirmed as required, and confirmation that any works on the foreshore will be undertaken at low tide to minimise the resuspension of sediments, the MMO are content that no further information regarding the sediment sampling or contamination levels of the sediment is required. Consequentially the MMO are also content that water and sediment quality can be scoped out of the assessment, with regards to sediment contamination.

### 4.14 Population and Human Health

"Please can we request a copy of Appendix 1 and 2 which this section implies should have been attached to the scoping opinion".

Apologies for the Appendices not being on the final response document. Please see the response from Public Health England to the MMO dated 12 April 2021 attached with this response letter. Appendix 1 and 2 correspond to this consultation response.

**Your feedback**

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us.

Please help us by taking a few minutes to complete the following short survey (https://www.surveymonkey.com/r/MMOMLcustomer).

Please accept my apologies for the delay in this response, the MMO case team have had limited capacity and availability. Please do not hesitate to contact the case team using the details provided below.

Yours sincerely,

[redacted]

Sarah Errington
Marine Licensing Case Manager

D +44 (0)208 225 7401
E sarah.errington@marinemanagement.org.uk

Copies to:
Eva Szewczyk (Senior Case Manager) – eva.szewczyk@marinemanagement.org.uk
Emmanuel Mulenga (Case Officer) – emmanuel.mulenga@marinemanagement.org.uk