

Date: 22 March 2016

Mark Pullen
Hayling Health Society



Cromwell House
15 Andover Road
WINCHESTER
Hampshire
SO23 7BT

By email only, no hard copy to follow

Dear Mark,

Proposal: Installation/replacement of 8 houseboats within the Kench, Langstone Harbour

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

Thank you for seeking consent from Natural England to install/replace 8 houseboats within the Kench in Langstone Harbour. As per our discussions please find enclosed the necessary paperwork:

Appendix A – Formal consent from Natural England for Hayling Health Society (and its members) to undertake the proposed works.

Appendix B – A signed version of your proposed Site Management Plan.

Appendix C – A copy of our letter confirming that the proposed mitigation measures are sufficient.

Appendix D – A copy of the Habitats Regulations Assessment undertaken by Natural England.

I hope that this response is clear and helpful, please do not hesitate to contact me should you wish to discuss in further detail, or if any aspect requires clarification.

Yours Sincerely

A solid black rectangular box used to redact the signature of Graham Horton.

Graham Horton
Senior Adviser
Dorset, Hampshire and Isle of Wight

Email: Graham.Horton@naturalengland.org.uk
Tel: 0300 060 4851 / 07917 520702



Langstone Harbour Site of Special Scientific Interest, Hampshire ("the SSSI")

CONDITIONAL CONSENT

Section 28E(4) Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000)

To:

Mark Pullen.....

Of:

Hayling Health Society.....

Natural England grants you consent to carry out, cause or permit to be carried out the installation of new houseboats within the Kench (Langstone Harbour) as described within your Briefing Paper (dated 12 November 2015).

Subject to the following conditions:-

1. The proposed mitigation measures will be removed in advance of any works commencing as described within the Briefing Paper (dated 12 November 2015).
2. The proposed mitigation measures will be removed for the lifetime of this consent.
3. Works are to be carried out as described within the Management Plan (dated 15 March 2015)
4. The Management Plan should be reviewed after a period of 5 years from the date of this Consent. Subsequent further review periods should be determined in discussions between Natural England and the Hayling Health Society.

Signed for Natural England:



Date:

22 March 2016

APPENDIX A

You have a right of appeal to the Secretary of State against this conditional consent. Your notice of appeal must reach the Secretary of State within the period of two months beginning with the date of this Notice. Defra's recommended form for lodging such an appeal to them can be accessed through the following link [sssi appeal form](#). Defra has also produced guidance on the appeals process "A Guide for taking part in appeals under section 28F of the Wildlife and Countryside Act 1981 (as amended) February 2009" which can be accessed through the following link [taking part in appeals under section 28F](#).

For further reference regarding consent appeals please refer to the Sites of Special Scientific Interest (Appeals) Regulations which can be accessed through the following links, [\(Appeals\) Regulations 2009](#) & [2010 \(Appeals\) \(Amendment\) Regulations](#).

If you wish to change the proposed operations or their location or to carry out additional operations for which consent has not yet been given, or if a time period set out above, has expired, you are required to give further written notice to Natural England.

Unauthorised operations may destroy, damage or disturb features of special scientific interest.

It is the responsibility of the grantee of this consent to ensure that no other consents, whether of a public or a private nature, are needed and, if needed, to secure them him/herself. The grantee is also responsible for carrying out the consented operations safely and in all ways according to the law.

STATEMENT OF REASONS FOR CONDITIONS OF CONSENT

The conditions included on this Consent are there to ensure that the works take place in the manner agreed between Hayling Health Society and Natural England.

The proposed mitigation measures (described in the Briefing Paper) ensure that the loss of mudflat as a result of the proposal is balanced by the gain of habitat resulting from the removal of the swing mooring.

Following the procedures described within the Management Plan (dated 15 March 2015) will ensure that the works do not cause damage to the SSSI.

The Management Plan should be jointly reviewed after a period of 5 years to ensure that it is still fit for purpose. After this 5 year period, it will be up to both parties to agree the timescale for further review.

APPENDIX A

As well as lying within an SSSI, the area affected by this proposal is within a Natura 2000 site. It appears to Natural England that this application for consent is not directly connected with or necessary to the management of the site and that it is likely to have a significant effect on the site (either alone or in combination with other plans or projects). Accordingly, an appropriate assessment of its implications for the site has been carried out, concluding that without the conditions set out in this Notice of Conditional Consent it cannot be ascertained that it will not adversely affect the integrity of the site.



Natural England
Cromwell House
15 Andover Road
WINCHESTER
Hampshire
SO23 7BT



Langstone Harbour Site of Special Scientific Interest
Chichester & Langstone Harbours Special Protection Area
Solent Maritime Special Area of Conservation
Chichester & Langstone Harbours RAMSAR

Management Agreement

for

Hayling Health Society

2015-2020

CONTACTS:

Organisation: Natural England

Contacts: Josie Allen, Hampshire Coast and Isle of Wight Team, 2nd Floor, Cromwell House, Andover Road, Winchester, SO23 7BT

Telephone: 0300 060 0246

Hayling Health Society

Contact: Mark Pullen, Chairman 01730 265842/ 07802 754870

Registered office: Morris Crocker, Station House, North St, Havant, Hampshire PO9 1QU

Version No 6: 15th March 2015

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1.0 SUMMARY AND DEFINITIONS

This Management Statement has been produced by Natural England in conjunction with Hayling Health Society (HHS) to give consent under section 28E of the Wildlife and Countryside Act 1981 (as amended) for Operations (defined below) undertaken by Hayling Health Society Members (Members includes members of HHS, their families friends guests and all others using the site with their permission) at that part of the Langstone Harbour SSSI/SAC/SPA/RAMSAR owned by HHS (the Plot). The Plot, i.e. the land affected by the Management Statement is shown on the map in Appendix 1.

This Management Agreement grants 5 year consent from 15 March 2015 to 14 March 2020

2.0 INTRODUCTION

2.1 Background

Operations agreed by Natural England are specified below, under section 4.0 *Operations which are granted consent under s28E of the Wildlife and Countryside Act 1981 (as amended)*, and require no further consultation provided that activities fall within the stated scope.

Discussion with Natural England, and the submission of notices, will be required for any activities that fall outside of the stated scope and are activities listed under Appendix 4 *Operations Likely to Damage the SSSI*.

Emergency works outside those permitted through this agreement (*'unforeseen or planned event which has life threatening or extreme loss implications and requires immediate action'*) may be undertaken by Hayling Health Society, but Natural England must be notified of any such works as soon as possible.

Natural England's agreement to Operations specified below is to the Hayling Health Society and its Members (as defined above) only and does not give consent to other SSSI owners, occupiers or other parties. In such cases the normal notice procedure must be followed. The Hayling Health Society agrees to use reasonable endeavours to ensure that Members follow this agreement.

2.2 Objectives of Hayling Health Society

- To comply with statutory conservation requirements.
- To protect and manage the heritage features and natural habitats within Hayling Health Society's care.
- To ensure that it's members are able to maintain and access their boats and to allow their reasonable use of their land, boats and facilities for pleasure and recreation.

2.3 Objectives of Natural England

- To conserve and where possible enhance the interest features for which the SSSI has been notified by maintaining or restoring them to a favourable condition.
- As the SSSI also forms part of a European Special Protection Area (SPA) to avoid the deterioration of the habitats of the SPA's qualifying features, and the significant disturbance of its qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to the aims of the Wild Birds Directive.
- As the SSSI also forms part of a European Special Area of Conservation (SAC), to avoid the deterioration of the SAC's qualifying natural habitats and the habitats of its qualifying species (if appropriate), and the significant disturbance of any qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

2.4 European Site Conservation Objectives

The detailed European Site Conservation Objectives (for SACs/SPAs) can be found at:
<http://www.naturalengland.org.uk/ourwork/conservation/designatedareas/sac/conservationobjectives.aspx>

3.0 SITE INFORMATION

3.1 Overview

Langstone Harbour is a SSSI, SAC, SPA and Ramsar designated site of international importance. Langstone Harbour is a tidal basin which at high water resembles an almost landlocked lake. At low water extensive mud flats are exposed and the harbour includes one of the largest areas of mixed saltmarsh on the south coast. The harbour also supports SAC designated features including spartina swards, Atlantic salt meadows, and perennial vegetation of stony banks.

The harbour is of international importance as a rich intertidal system supporting high densities of intertidal invertebrates and together with the interconnected Chichester and Portsmouth Harbours, Langstone Harbour is one of the ten most important sites in the UK for wading birds and wildfowl dependent on the extensive eelgrass beds.

3.2 Description of the land under Hayling Health Society's control

The area of Langstone Harbour SSSI/SAC/SPA/RAMSAR under Hayling Health Society's control is the Western half of a small inter-tidal inlet known as The Kench. This includes intertidal mudflat and shingle. Outside The Kench, foreshore on the Northern side of the land is also within the SSSI and is used but not owned by HHS.

The land within HHS's control includes one slipway for the use of the members at large and 7 formal private/informal slipways as well as moorings for 8 houseboats and 57 chalets (some of the houseboats straddle the boundary of the SSSI/SAC/SPA/RAMSAR, the chalets fall outside the SSSI/SAC/SPA/RAMSAR). HHS also has a total of 38 licenced mud moorings within the SSSI/SAC/SPA/RAMSAR – some located in The Kench and the balance on the north beach.

4.0 Operations which are granted consent under s28E of the Wildlife and Countryside Act 1981 (as amended)

- i) External repair and maintenance of boats and their berths
- ii) Maintenance and like-for-like replacement of moorings for boats, including any H frames or similar structures.
- iii) Maintenance of landing stages
- iv) Use of vehicles
- v) Use of boat launching trollies and trailers
- vi) Use of foreshore

4.1 Additional advice

Consent for the activities outlined in 3.0 is granted subject to all reasonable endeavours being taken to achieve the following conditions:

- i. Any works that have potential to create a significant amount of flakes of paint, coatings, rust or other debris will be undertaken as follows:
 - a. Protection should be laid on the foreshore to catch the debris, which should be collected and removed from the SSSI/SAC/SPA/RAMSAR site and disposed of in a proper and timely fashion, away from the SSSI/SAC/SPA/RAMSAR.

- b. Debris will not be left on the beach for extended periods when works are not being undertaken to prevent loose debris being blown further onto the SSSI/SAC/SPA/Ramsar habitat and the debris will not be allowed to be covered by the tide.
 - c. In the case of strong winds sanding or rust removal will not take place so as to prevent significant spread of any dust outside the working area.
- ii. If any scaffold, ladders and other structures are required to undertake external works, these should be used in a way which minimises damage to the SAC and SPA/Ramsar supporting habitat
- iii. You should check whether other permissions/licenses are required from other statutory bodies, e.g. Marine License from Marine Management Organisation (MMO), Langstone Harbour Board, Environment Agency etc. before any works involving construction works, the use of a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the sea bed within the UK marine licensing area below the mean high water springs mark, are undertaken.
- iv. Permitted works are to be carried out safely and in accordance with good practice at all times with reasonable measures to mitigate potential damage to the SSSI/SAC/SPA/RAMSAR using appropriate methods and site protection, materials, tools, ladders and access platforms.
- v. Works should where possible be conducted between 1 April and 30 September 2013, i.e. outside the sensitive bird over-wintering season. Within the bird over-wintering season (1 October to 31 March), works may be undertaken other than at high tide.
- vi. Use of tools will be restricted to hand-held manual and power tools.
- vii. To minimise the potential for any pollution, any required refueling of equipment or machinery used for the maintenance works should where possible take place off the SSSI/SAC/SPA/Ramsar site and, ideally, spill kits should be kept on site to prevent any damage or pollution occurring during the works
- viii. Coatings/treatments to be suitable for use in the marine environment and used in accordance with good environmental practice with reasonable precautions to prevent pollutants entering the water-course. All operations must be carried out in such a way as to give rise to as little damage as reasonably practical to the SSSI/SAC/SPA/Ramsar
- ix. If any such damage to the SSSI/SAC/SPA/Ramsar does occur, the applicant must ensure that the damaged area is restored to its former condition so far as is reasonably practicable.
- x. Any contractors required and all those involved with the works should be informed of the status and legal obligations attached to the designation and the location of the boundary of the protected area.
- xi. No equipment, materials or machinery or fuel to be stored within the SSSI/SAC/SPA/Ramsar and all items associated with the works to be removed upon completion other than when stored on board a boat in the SSSI/SAC/SPA/RAMSAR.
- xii. Use of vehicles will be restricted to launching and recovery of boats and for the delivery of heavy items and/or disabled/elderly people where other access is infeasible.

5.0 Protection of breeding birds

All wild birds are protected by law. This includes their nests (whilst in use or being built) as well as any eggs the nest may contain. Under the Wildlife & Countryside Act 1981 (as amended) ('WCA'), it is an offence to:

1. intentionally kill, injure or take any wild bird;
2. intentionally damage, destroy or take the nest of any wild bird while it is in use or being built (nests of golden eagle, white tailed eagle and osprey are protected all year round);
3. intentionally destroy an egg of any wild bird;
4. intentionally or recklessly disturb Schedule 1 wild birds or their dependent young while they are nesting (including disturbance of nesting young).

Although within the WCA no dates are legally stated between which vegetation cannot be trimmed, cut, laid or coppiced, the main bird breeding season is recognised as being between 1 March and 31 July. Therefore the risk of committing any of the above offences is increased between these dates. It is recommended that if work **has** to be undertaken within these dates that a thorough check of all vegetation is carried out by appropriately qualified or skilled personnel for any signs of breeding activity first (such as observation from a distance using binoculars and direct searching of a hedge for nests).

6.0 Protected Species

Additional protected species which may or may not be a special interest feature of the Langstone Harbour SSSI may be present on the Plot.

Before activities are undertaken by Hayling Health Society in the Plot, further consideration must be given by Hayling Health Society as to the possible presence of such species and the likely impact of activities on them, avoiding impacts where possible through following best practice guidance. A separate licence from Natural England may be needed if offences cannot be avoided. See <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/default.aspx> for more information.

7.0 Document sign off

7.1 Signed for Hayling Health Society:

Name:

Date:

7.2 Signed for Natural England:

Name: [REDACTED]

Date: 22 March 2016

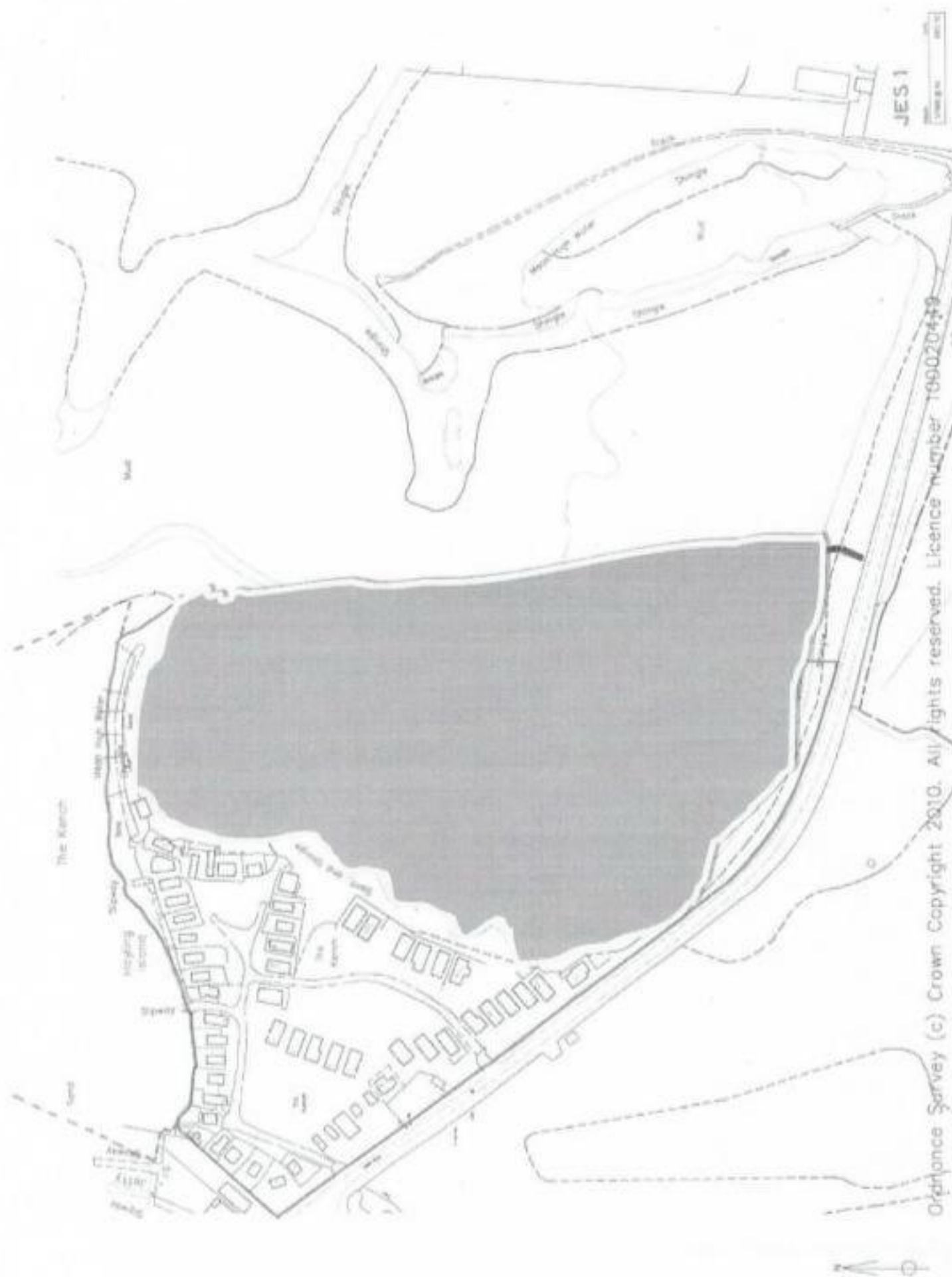
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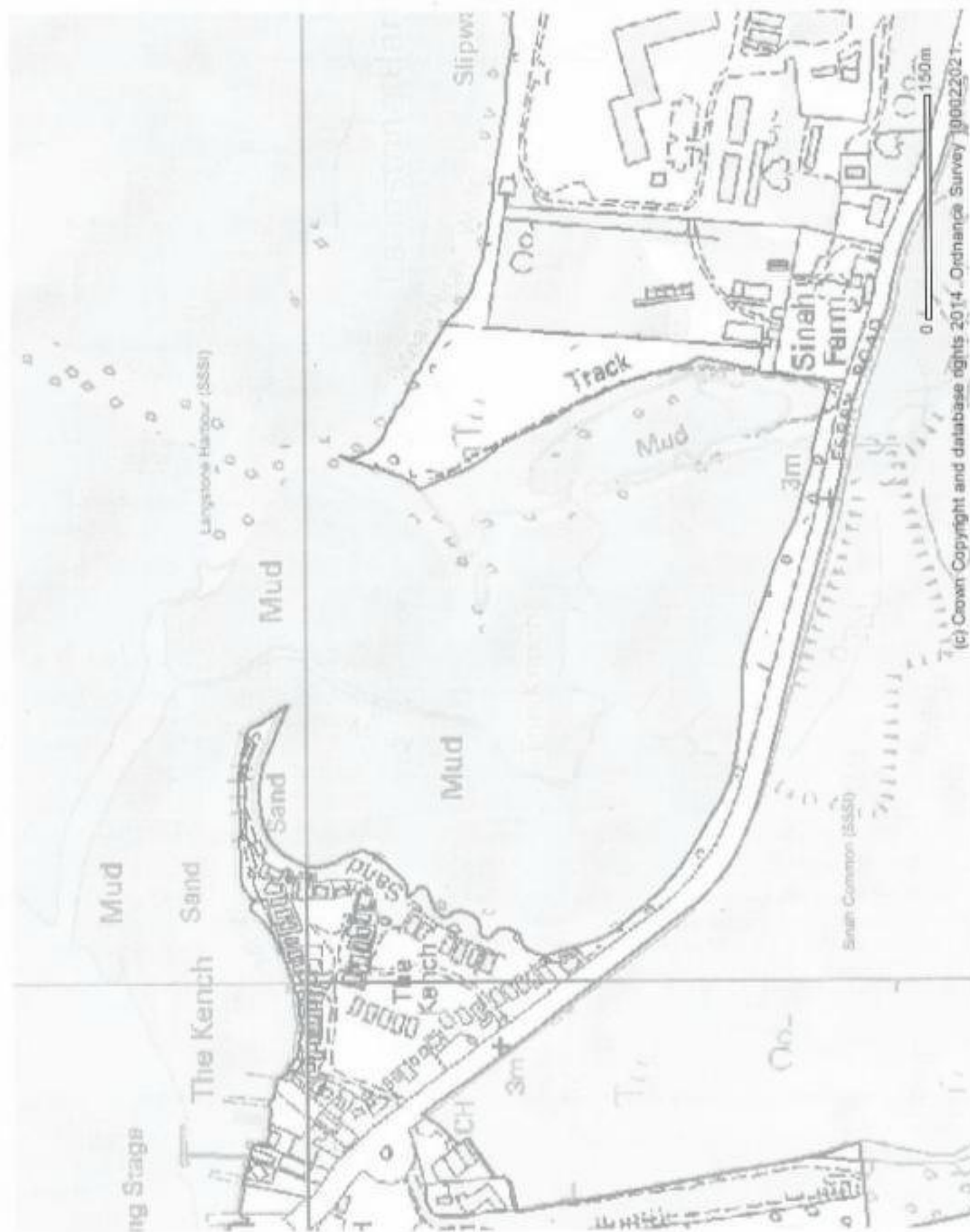
8.0 APPENDICES

LIST OF APPENDICES

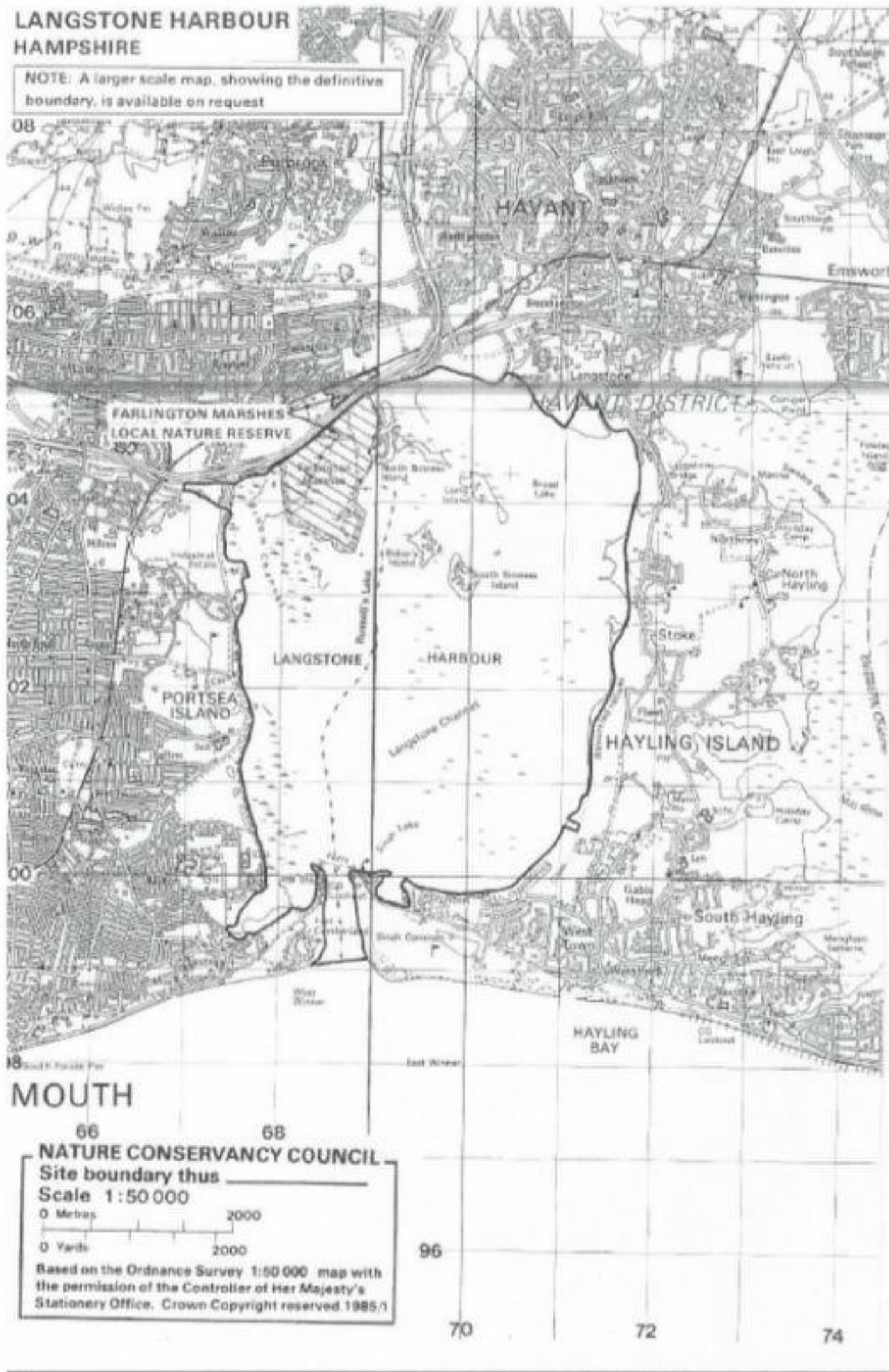
- Appendix 1 - Map of the land under Hayling Health Society's control and of the Plot
- Appendix 2 - Boundary map for the Langstone Harbour SSSI
- Appendix 3 –Citation for the Langstone Harbour SSSI
- Appendix 4 – List of operations likely to damage the SSSI

Appendix 1 - Map of the land under Hayling Health Society's control within red line, green area is the Plot





Appendix 2 – Notification boundary map for the Langstone Harbour SSSI



Appendix 3 – Citation for the Langstone Harbour SSSI

File ref:

County: Hampshire **Site Name:** Langstone Harbour SSSI

Local Planning Authority: Hampshire County Council, Havant Borough Council, Portsmouth City Council

National Grid Reference: SU 700030

Ordnance Survey Sheet 1:50,000: 197 **1:25,000:** SU 60, 70; SZ 69, 79

Area: 2,069.4 (ha) 5,113.4 (ac)

Date Notified (Under 1949 Act): 1 9 5 8 **Date of Last Revision:** 1 9 7 9

Date Notified (Under 1981 Act): 1 9 8 5 **Date of Last Revision:** –

Other Information:

Farlington Marshes (118.9 ha) is a Local Nature Reserve owned by Portsmouth City Council and managed by the Hampshire and Isle of Wight Naturalists' Trust under a long lease; 550 ha including a series of saltmarsh islands and extensive mud flats are owned by the Royal Society for the Protection of Birds.

Reasons for Notification:

Langstone Harbour is a tidal basin which at high water resembles an almost landlocked lake. At low water extensive mud flats are exposed, drained by three main channels which unite to make a common and narrow exit to the sea. The harbour includes one of the largest areas of mixed saltmarsh on the south coast, and extensive cord-grass *Spartina anglica* marsh in an advanced state of degeneration. The Site of Special Scientific Interest including Farlington Marshes, a peninsula of grassland and marsh on reclaimed tidal silt protected by a sea wall; and a similar but much smaller area at Southmoor in the north-east of the harbour. The harbour is of international importance as a rich intertidal system supporting high densities of intertidal invertebrates and large populations of migrant and overwintering waders and wildfowl, dependent upon them and upon the extensive beds of eelgrass *Zostera* species. The *Zostera angustifolia* and *Z. noltii* beds are among the largest in Britain. The harbour is among the twenty most important intertidal areas in Britain as a summer and autumn assembly ground for waders during the moult (when they require abundant high protein food) and as a post-moult wintering ground. Dunlin *Calidris alpina* often exceed 30,000 individuals, or 6% of the British winter population, or 3% of the European and North African wintering population. Grey plover *Pluvialis squatarola* and black-tailed godwit *Limosa limosa* achieve numbers which represent 1–2% of the European and North African migration flyway population; and redshank *Tringa totanus* and ringed plover *Charadrius hiaticula* do so periodically. At times as many as 20% of the black-tailed godwit, 8% of the ringed plover and 8–10% of the grey plover wintering in Britain are present in the harbour. The total numbers of waders present sometimes exceeds 40,000. Langstone Harbour and the adjoining and connected Portsmouth and Chichester Harbours form a single, coherent ecosystem which is among the ten most important intertidal areas for waders in Britain. In the 1970s and 1980s Langstone Harbour alone has consistently supported in excess of 5,000 wintering dark-bellied geese *Branta bernicla*, or 5–10% of the world population depending on fluctuating population levels. It has supported up to 2.5% of the European winter population of shelduck *Tadorna tadorna* and regularly supports substantial numbers of other ducks in autumn and winter.

Farlington Marshes intrudes into the north-west sector of the harbour. Its vegetation is strongly influenced by drainage water from the chalk and by brackish water infiltration. The marshes embrace a variety of habitats – brackish marsh, fresh marsh, a large lagoon with associated reed *Phragmites* beds, *Agrostis stolonifera* grassland and scrub. It is a vital high water wader roost for the Harbour and a major feeding ground for Brent geese after the *Zostera* beds in the Harbour have been consumed. Few comparable sites have survived agricultural improvement on the south and east coasts of England, where the habitat was formerly common: the grassland flora is especially rich for reclaimed silt, and includes over 50 species of grasses. Southmoor shares these characteristics but is much smaller.

Langstone Harbour has been the forum for important ecological research on estuarine eutrophication and the relationship with algal blanketing of the muds, changes in invertebrate communities and changes in the composition of vertebrate predator communities.

Appendix 4 – List of operations requiring Natural England's consent for Langstone Harbour SSSI

Operations likely to damage the special interest

Site name: Langstone Harbour, SSSI, Hampshire

OLD1001182

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing and cessation of grazing).
3	Changes in stock feeding practice.
4	Changes in the mowing or cutting regime (including hay making to silage and cessation).
5	Application of manure, fertilisers and lime.
6	Application of pesticides, including herbicides (weedkillers).
7	Dumping, spreading or discharge of any materials.
8	Burning of vegetation.
9	The release into the site of any wild or feral animal*, or domestic pig or any plant or seed.
10	The killing or removal of any wild animal*, including pest control.
11	The destruction, displacement, removal or cutting of any tree, shrub, hedge, turf or aquatic plant or alga.
12	The introduction of tree and/or woodland management+.
13a	Drainage (including the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of tidal creeks and channels, streams, springs, ditches and drains, including their banks and beds, as by re-alignment, re-grading and dredging.
13c	Management of aquatic and bank vegetation.
14	The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes).
15	Infilling of ditches, drains, ponds, pools or marshes.
16a	The introduction of freshwater fishery production and/or management, including sporting fishing and angling.
16b	The introduction of new coastal fisheries or changes in coastal fishing practice or fisheries management and seafood or marine life collection, including the use of traps or fish cages.
17	Reclamation of land from sea, estuary or marsh.
18	Bait digging in intertidal areas.
19	Erection of sea defences or coast protection works, including cliff or landslip drainage or stabilisation measures.

- 20 Extraction of minerals, including peat, shingle, sand and gravel, topsoil, subsoil, shells and spoil.
- 21 Construction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground.
- 22 Storage of materials.
- 23 Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
- 24 Clearance of boulders, large stones, loose rock and shingle, and re-grading of foreshores.
- 26 Use of vehicles or craft likely to damage or disturb vegetation or fauna.
- 27 Recreational or other activities likely to damage vegetation or fauna.
- 28 Changes in game and wildfowl management and hunting practice.

* 'animal' includes any mammal, reptile, amphibian, bird, fish or invertebrate.

+ including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.

Date: 18 December 2015

Appendix C



Mark Pullen
Hayling Health Society

Cromwell House
15 Andover Road
WINCHESTER
Hampshire
SO23 7BT

By email only, no hard copy to follow

Dear Mark

Thank you for your email of 12 November 2015 requesting Natural England's formal feedback on your proposal (Briefing paper for dealing with the environmental impact of the replacement of houseboats at the Kench, draft 12/11/2015). Please accept my sincere apologies for the delay in responding to you.

We are pleased to provide you with our advice. We hope that together we can agree a way forward which provides some certainty for your members; avoids further disagreements and protects this important area of Langstone Harbour for all to enjoy.

We agree that the surrendering of the intertidal swing mooring (O22) will mitigate for any potential loss of any intertidal habitat when the 8 houseboats (listed) are due to be replaced. Even if all of houseboats replace their craft at the permitted maximum hull size, the removal of the swing mooring will still ensure that there is a net gain of intertidal habitat. We note that the boat has already been removed from the mooring; this is helpful as it will ensure that the site is already starting to recover before the proposed houseboat replacements (and the associated impacts upon the intertidal) occur.

As we have previously advised, we are happy to jointly agree a way forward; however this wouldn't eliminate the need for planning permission should Havant Borough Council take the view that planning permission was required. To ensure all parties are clear about what has been agreed we think it would probably be a good idea to keep HBC updated as your proposals develop. We could provide them with a copy of this letter if you wish.

As we jointly agree the principle of how this could move forward, we just need now to agree the best mechanism to do so. From our perspective we would like to come up with an approach which gives your members the flexibility they need to replace their houseboats (and undertake any associated ancillary works) and provides us with some assurance that any works carried out are done so in a manner which recognises the sensitivities of the harbour.

It would probably be worthwhile discussing in more detail and so I would be very happy to meet with you to understand how best to do this. Perhaps you could contact me at your convenience to discuss and we can find a mutually acceptable date.

I hope that this response is clear and helpful, please do not hesitate to contact me should you wish to discuss in further detail.

Yours Sincerely



Graham Horton
Senior Marine Adviser
Dorset, Hampshire and Isle of Wight

Email: Graham.Horton@naturalengland.org.uk
Tel: 0300 060 4851 / 07917 520702



Appendix D
Habitats Regulations Assessment (HRA)

Regulation 21 of the Habitats Regulations 2010

Casework Tracker or
Application ref.

EU Site
Code
Ref.

UK9011011
UK11013
UK0030059

Case name

Houseboats in the Kench

Assessment made by

Graham
Horton

Date:

22 March 2016

Application:

Mark Pullen on behalf of Hayling Health Society

European Site(s):

Chichester and Langstone Harbours SPA
Chichester and Langstone Harbours Ramsar
Solent Maritime SAC

Component SSSI(s):

Langstone Harbour SSSI

Assessment Contents:

Summary

Part A – Introduction and information about the project

Part B – Information about the European Sites

Part C – Screening of the project

Part D – Appropriate assessment and conclusions on site integrity

Part E – Consent decision with respect to European Sites

Appendices

Document Control



Appendix D Habitats Regulations Assessment (HRA)

Regulation 21 of the Habitats Regulations 2010

Assessment Summary

Hayling Health Society (HHS) wishes obtain Consent which will enable its members to replace their houseboats as and when they reach the end of their lifespan. A maximum of 8 houseboats will be replaced. Although the size of the future vessels is unknown, there is a defined maximum size for the new vessels (length = 18.3 m x beam = 6.1 m). If all of the proposed new houseboats are built to their maximum size then this will result in the loss of approximately 896 m² of intertidal mudflat.

To mitigate for the loss of habitat (which will result from the replacements), HHS have removed an intertidal swing mooring which will ultimately provide a net gain of intertidal mud habitat.

Once the houseboats have been replaced, a Management Plan has been produced which will allow HHS' members to carry out works upon their vessels as described without harming the interest features of the site and therefore without the need to seek further Consent from Natural England.

Based on the proposed mitigation measures, and the terms agreed within the Management Plan, we have concluded that the proposal will not result in an adverse effect on site integrity, either alone or in combination, on either the Solent Maritime Special Area of Conservation or the Chichester and Langstone Harbours Special Protection Area and Ramsar site.

PART A – Introduction and Information about the project

A1. Introduction

This is a record of the Habitats Regulations Assessment undertaken by Natural England for the Consent request submitted on 11 November 2016 by Hayling Health Society and which affects the Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar, Solent Maritime SAC.

The application constitutes a notice given to Natural England under Section 28E(1)(a) of the 1981 Wildlife and Countryside Act (as amended) seeking consent for a proposal to carry out, cause or permit to be carried out an operation or operations listed by a SSSI notification (hereby referred to as 'the project').

Where such a proposal also affects a European Site, Regulation 21 of the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") requires an assessment to be made of such proposals to secure compliance with the EC Habitats Directive (Council Directive 92/43/EEC).

Natural England may only give consent to the proposal where it is able to ascertain that the proposal will have no adverse effect on the integrity of the European Sites.

A2. Details of the project

Type(s) of project: Applications for SSSI consent (a S28E notice of operations requiring Natural England consent)

Location (including grid references): The Kench, south eastern area of Langstone Harbour

Name of applicant: Mark Pullen on behalf of Hayling Health Society (HHS)

Description of the project and its constituent elements:

HHS wishes to obtain Consent which will enable its members to replace their houseboats as and when they reach the end of their lifespan. A maximum of 8 houseboats will be replaced. Although the size of the future vessels is unknown, there is a defined maximum size for the new vessels (length = 18.3 m x beam = 6.1 m).

To mitigate for the loss of habitat which will result from the replacements, HHS have removed an intertidal swing mooring which will ultimately provide a net gain of intertidal mud habitat.

Once the houseboats have been replaced, a Management Plan has been produced which will allow HHS' members to carry out works upon their vessels as described without harming the interest features of the site and therefore without the need to seek further Consent from Natural England.

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PART B: Information about the European Site(s)

B1. Brief description of the SAC/SPA/RAMSAR and their Qualifying Features

Chichester & Langstone Harbours SPA Qualifying features

- During the breeding season the area regularly supports:
 - *Sterna albifrons* (Eastern Atlantic – breeding) – 4.2% of GB breeding population; 5yr mean 1992-1996
 - *Sterna hirundo* (Northern / Eastern Europe – breeding) – 0.3% of the GB breeding population; 5yr mean 1992-1996
 - *Sterna sandvicensis* (Western Europe/Western Africa) – 0.2% of the GB breeding population; 5yr mean 1993-1997
- Over winter the area regularly supports:
 - *Limosa lapponica* (Western Palearctic – wintering) – 3.2% of the GB population; 5yr peak mean 1991/92 – 1995/96
 - *Anas acuta* (North-western Europe) – 1.2% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Anas clypeata* (North-western/Central Europe) – 1% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Anas crecca* (North-western Europe) – 0.5% of the population; 5yr peak mean 1991/92 – 1995/96
 - *Anas Penelope* (Western Siberia/North-western/North-eastern Europe) – 0.7% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Arenaria interpres* (Western Palearctic – wintering) – 0.7% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Branta bernicla bernicla* (Western Siberia/Western Europe) – 5.7% of the population; 5yr peak mean 1991/92 – 1995/96
 - *Calidris alba* (Eastern Atlantic/Western & Southern Africa – wintering) – 0.2% of the population; 5yr peak mean 1991/92 – 1995/96
 - *Calidris alpina alpina* (Northern Siberia/Europe/Western Africa) – 3.2% of the population; 5yr peak mean 1991/92 – 1995/96
 - *Charadrius hiaticula* (Europe/Northern Africa – wintering) – 3% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Mergus serrator* (North-western/Central Europe) – 3% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Numenius arquata* (Europe – breeding) – 1.6% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Pluvialis squatarola* (Eastern Atlantic – wintering) – 2.3% of the population; 5yr peak mean 1991/92 – 1995/96
 - *Tadorna tadorna* (North-western Europe) – 3.3% of the population in GB; 5yr peak mean 1991/92 – 1995/96
 - *Tringa tetanus* (Eastern Atlantic – wintering) – 1% of the population; 5yr peak mean 1991/92 – 1995/96
 - 93,230 waterfowl (5yr peak mean 01/04/1998)

Chichester & Langstone Harbours Ramsar Qualifying features

Ramsar criterion 1

Two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. The site includes intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes.

Ramsar criterion 5

Assemblages of international importance:

Species with peak counts in winter:

76480 waterfowl (5 year peak mean 1998/99-2002/2003)

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation):

Species with peak counts in spring/autumn:

Ringed plover, *Charadrius hiaticula*, Europe/Northwest Africa

853 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9-2002/3)

Black-tailed godwit, *Limosa limosa islandica*, Iceland/W Europe

906 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9- 2002/3)

Common redshank, *Tringa totanus totanus*, 2577 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3)

Species with peak counts in winter:

Dark-bellied brent goose, *Branta bernicla bernicla*, 12987 individuals, representing an average of 6% of the population (5 year peak mean 1998/9-2002/3)

Common shelduck, *Tadorna tadorna*, NW Europe 1468 individuals, representing an average of 1.8% of the GB population (5 year peak mean 1998/9-2002/3)

Grey plover, *Pluvialis squatarola*, E Atlantic/W

Africa –wintering 3043 individuals, representing an average of 1.2% of the population (5 year peak mean 1998/9-2002/3)

Dunlin, *Calidris alpina alpina*, W Siberia/W Europe 33436 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9-2002/3)

Species/populations identified subsequent to designation for possible future consideration

under criterion 6.

Species regularly supported during the breeding season:

Little tern, *Sterna albifrons albifrons*, W Europe 130 apparently occupied nests, representing an average of 1.1% of the breeding population (Seabird 2000 Census)

Solent Maritime SAC Qualifying features

Annex I habitats that are a primary reason for selection of this site

1130 Estuaries

The Solent encompasses a major estuarine system on the south coast of England with four coastal plain **estuaries** (Yar, Medina, King's Quay Shore, Hamble) and four bar-built **estuaries** (Newtown Harbour, Beaulieu, Langstone Harbour, Chichester Harbour). The site is the only one in the series to contain more than one physiographic sub-type of estuary and is the only cluster site. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting eelgrass *Zostera* spp. and green algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. Unusual features include the presence of very rare sponges in the Yar estuary and a sandy 'reef' of the polychaete *Sabellaria spinulosa* on the steep eastern side of the entrance to Chichester Harbour.

1320 *Spartina* swards (*Spartinion maritimae*)

Solent Maritime is the only site for smooth cord-grass *Spartina alterniflora* in the UK and is one of only two sites where significant amounts of small cord-grass *S. maritima* are found. It is also one of the few remaining sites for Townsend's cord-grass *S. x townsendii* and holds extensive areas of common cord-grass *Spartina anglica*, all four taxa thus occurring here in close proximity. It has additional historical and scientific interest as the site where *S. alterniflora* was first recorded in the UK (1829) and where *S. x townsendii* and, later, *S. anglica* first occurred.

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

The Solent contains the second-largest aggregation of **Atlantic salt meadows** in south and south-west England. Solent Maritime is a composite site composed of a large number of separate areas of saltmarsh. In contrast to the Severn estuary, the salt meadows at this site are notable as being representative of the ungrazed type and support a different range of communities dominated by sea-purslane *Atriplex portulacoides*, common sea-lavender *Limonium vulgare* and thrift *Armeria maritima*. As a whole the site is less truncated by man-made features than other parts of the south coast and shows rare and unusual transitions to freshwater reedswamp and alluvial woodland as well as coastal grassland. Typical **Atlantic salt meadow** is still widespread in this site, despite a long history of colonisation by cord-grass *Spartina* spp.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

1110 Sandbanks which are slightly covered by sea water all the time

1140 Mudflats and sandflats not covered by seawater at low tide

1150 Coastal lagoons * Priority feature

1210 Annual vegetation of drift lines

1220 Perennial vegetation of stony banks

1310 *Salicornia* and other annuals colonizing mud and sand

2120 *"Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")"*

Annex II species that are a primary reason for selection of this site

Not applicable.

Annex II species present as a qualifying feature, but not a primary reason for site selection

1016 *Desmoulin's whorl snail* *Vertigo moulinsiana*

PART C: Screening of the project

There are two screening stage tests required under Regulation 21 (transposing Article 6(3) of the Habitats Directive):

C1. Test: Necessary to management (of the European site)

Test conclusion:

Natural England has considered the whole project under Regulation 21 (1)(b) of the Conservation of Habitats and Species Regulations 2010 and has decided that it is not directly connected with or necessary to the management of the Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar, Solent Maritime SAC, for the reasons outlined above.

C2. Test: Likelihood of significant effects (LSE)

C2.1 Alone

This section details how those constituent elements of the project, which are not considered necessary for or directly connected with the management of the European Site(s), may have a likely significant effect(s) alone, after each of the project elements are tested against each of the relevant European site features and an assessment of their vulnerability to potential effects using best available evidence and information is made. Measures that would avoid or reduce the likelihood of significant effects arising and which are already integral to the project as submitted have been taken into account at this stage.

Potential effect	Qualifying feature likely to be affected	The mechanism/pathway of effect	Does the project include measures which would mitigate the potential effects? (Y/N) If Yes provide details	Likely Significant Effect alone (LSE)? (Yes/No/Uncertain) If no then move to in-combination test. If yes move through to AA

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Loss of 896 m² of intertidal mudflat	Mudflat and Sandflats not covered by seawater at low tide (part of the SAC designation)	Replacement with larger houseboats.	Yes, the removal of an intertidal swing mooring will ensure an overall net gain of intertidal habitat	Yes
Disturbance of overwintering and breeding bird features	SPA and Ramsar	Works to install and maintain the new houseboats.	Yes, works are subject to an agreed Management Plan which ensures that any works will take place in a manner which will not harm the interest features of the European Sites	No

C2.2 In combination with other plans and projects:

From the section above, any elements of the project deemed to have an effect which are not significant on their own must now be considered for in combination impacts. Effects not considered to be significant alone in section C2.1 have been considered with the details of other live plans and projects and their effects to make an assessment of likely significant effect 'in combination'.

There are no other projects within the Kench or elsewhere within Langstone Harbour which are likely to have an in combination effect. The effects of this project are highly localised and controlled through a Management Plan, such that it is highly unlikely that they will combine with impacts from other projects to result in a significant effect on any of the interest features of the European Sites.

C2. Test conclusion:

Natural England has considered the project under Regulation 21 (1)(a) of the Conservation of Habitats and Species Regulations 2010 and has decided that it **is** likely to have a significant effect, either alone or in combination with other plans or projects, for the following reasons:

The loss of intertidal mudflat, part of the Solent Maritime SAC, as a result of the increased footprint of the new houseboats is judged to constitute a likely significant effect. The proposed mitigation to offset this impact will be more fully considered within the Appropriate Assessment (as described below).

PART D: Appropriate assessment and Conclusions on Site Integrity

D1. Appropriate Assessment

Having considered that the project is not directly connected with or necessary to the management of the Solent Maritime SAC and is likely to have a significant effect on some or all of the features of that site (either alone or in combination with other plans or projects), this section contains the appropriate assessment of the implications of the project in view of the conservation objectives for the European Site (as required by Regulation 21 of the Habitats Regulations).

The Qualifying Features, on which significant effects are likely or cannot be ruled out, and which are integral to this appropriate assessment are;

- Mudflat and Sandflats not covered by seawater at low tide

D1.1 European Site Conservation Objectives

- Subject to natural change, maintain the mudflats and sandflats not covered by seawater at low tide in favourable condition, in particular:
 - Intertidal mud communities
 - Intertidal muddy sand communities
 - Intertidal sand communities
 - Intertidal mixed sediment communities

D1.2 Assessment of likely effects without mitigation measures

The proposed new houseboats will have a maximum footprint size of 18.3 m x 6.1 m (112 m²). If all of the proposed new houseboats are built to their maximum size then this will result in the loss of approximately 896 m² of intertidal mudflat. This loss would result in a reduction in overall extent of habitat, as well as having a detrimental effect on the intertidal communities living within this habitat. It is therefore considered that this loss constitutes a likely significant effect.

D1.4 Assessment of likely effects taking account of mitigation measures and legally enforceable conditions/restrictions

HHS have proposed to remove an intertidal swing mooring to mitigate for this impact. The swing mooring (identified as O22) is located nearby (within the Kench), and has already been removed by HHS in advance of the new houseboats being installed. The chain is 7 m long, and the boat usually secured here is 7 m long. Aerial photographs provided of an adjacent swing mooring demonstrate the negative impacts associated within intertidal swing moorings on the condition of mudflats and the communities within them. The amount of intertidal affected by the swing mooring is estimated at being 615 m².

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As a result of the proposed houseboat replacements and the removal of the mooring there is expected to be an overall net increase of approximately 151 m² of intertidal mud habitat within Langstone Harbour and the wider Solent Maritime SAC.

D1.5 Assessment of residual effects

The proposed mitigation measures will ensure that there will be no residual effects on either the Solent Maritime SAC, or the Chichester and Langstone Harbours SPA or Ramsar site.

D2. Conclusions on site Integrity

Because the project is not wholly directly connected with or necessary to the management of the Chichester and Langstone Harbours SPA and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 21 of the Conservation of Habitats and Species Regulations 2010 to ascertain whether or not there would be an adverse effect on the integrity of the Chichester and Langstone Harbours SPA.

Natural England has concluded that:

With respect to the SAC;

- ☐ It can be ascertained that the project **will not** have an adverse effect on the integrity of the site subject to conditions.

With respect to the SPA;

- ☐ It can be ascertained that the project **will not** have an adverse effect on the integrity of the site subject to conditions.

With respect to the RAMSAR site;

- ☐ It can be ascertained that the project **will not** have an adverse effect on the integrity of the site(s) subject to conditions.

PART E: Consent decision with respect to the European Sites

As the relevant competent authority, Natural England has carried out a Habitats Regulations assessment of the project as required by Regulation 21 of the Conservation of Habitats and Species Regulations 2010 and has decided that, with regard to the European Site and its qualifying features;

- ☐ Consent may be given subject to the following conditions:
 1. The proposed mitigation measures will be removed in advance of any works commencing as described within the Briefing Paper (dated 12 November 2015).
 2. The proposed mitigation measures will be removed for the lifetime of this consent.



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3. Works are to be carried out as described within the Management Plan (dated 15 March 2015)
4. The Management Plan should be reviewed after a period of 5 years from the date of this Consent. Subsequent further review periods should be determined in discussions between Natural England and the Hayling Health Society.

The reasons for this decision are as follows:

- The conditions included on this Consent are there to ensure that the works take place in the manner agreed between Hayling Health Society and Natural England.
- The proposed mitigation measures (described in the Briefing Paper) ensure that the loss of mudflat as a result of the proposal is balanced by the gain of habitat resulting from the removal of the swing mooring.
- Following the procedures described within the Management Plan (dated 15 March 2015) will ensure that the works do not cause damage to the SSSI.
- The Management Plan should be jointly reviewed after a period of 5 years to ensure that it is still fit for purpose. After this 5 year period, it will be up to both parties to agree the timescale for further review.

The Habitats Regulations assessment of the implications of this project on the European Site has been completed.



Appendix D
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Appendices

Hayling Health Society Briefing paper – 12 November 2015

Document Control

Assessment prepared by	Graham Horton	Senior Adviser, Dorset, Hampshire and Isle of Wight team
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Date		
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Date		