

Date: 01 May 2018
Our ref: 243549
Your ref: MP282-FN-01



River Hamble Harbour Authority
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BY EMAIL ONLY

Dear Alison

**Mooring Buoy relocation at Brooklands Quay, Sarisbury Green, SO31 7EF (SU493 088)
River Hamble**

Solent Maritime Special Area of Conservation (SAC)
Solent and Southampton Water Special Protected Area (SPA)
Solent and Dorset Coast potential Special Protected Area (pSPA)

Thank you for your consultation dated 06 April 2018. The following constitutes Natural England's formal statutory response.

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).

The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017

We can confirm that the proposed works are located within the Solent Maritime SAC and Solent and Dorset Coast pSPA, and in close proximity to Southampton Water SPA.

As discussed with the applicant (01/05/2018, alexbenfield@marinaprojects.com) the legal boundary of the Solent Maritime SAC follows the 1.5 m (C.D) contour within the River Hamble based on depth contours at the time of designation. The legal boundary is defined by the map available on MAGIC, which means that the proposal as submitted falls within the Solent Maritime SAC. **Natural England therefore advises that the location of the two relocated moorings is moved closer to shore to prevent the moorings and associated footprint falling within the Solent Maritime SAC.**

If the moorings are relocated outside the SAC boundary, it can be excluded that the application will have a significant effect on any SAC or SPA site, either individually or in combination with other plans or projects. Natural England welcomes that if the moorings are relocated within the intertidal, outside the SAC, and the two remaining moorings are removed, there will be an improvement in the quality of the mudflat habitat present and a biodiversity net gain.

If the proposal is not updated as advised above and two moorings that are to be relocated remain in

their currently proposed position, within the boundary of Solent Maritime SAC, the proposal will result in an impact on SAC habitat, the area of which has yet to be established. Natural England therefore will be of the view that it cannot be excluded, on the basis of the objective information supplied by the applicant, that the application will have significant effects on the Solent Maritime SAC. This is because there is a risk that it will affect the following features of the designated site(s) :

- *Estuaries;*
- *Mudflats and sandflats not covered by seawater at low tide.*

If the proposed location is not amended, then under regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England advises that the relevant authority should undertake an Appropriate Assessment of the implications of this proposal against the site's conservation objectives. If the proposal remains unchanged, we will need to provide advice on the scope and content of this Appropriate Assessment.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are not located within or in close proximity to a Site of Special Scientific Interest. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). Therefore, if the works are carried out in accordance with the application, in Natural England's view they are not likely to damage any of the flora, fauna or geological or physiographical features for which the site is designated.

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

Yours sincerely



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