

Date: 26 February 2018
Our ref: 237587
Your ref: MLA/2018/00031



Marine Management Organisation
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VIA EMAIL ONLY

Dear Sir/Madam

Consultation: Application (Construction of new works, Other works)

Location: Deacons Marina, River Hamble

Designated sites:

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Dorset Coast potential Special Protected Area (pSPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar
- Lincegrove and Hackett's Marshes Site of Special Scientific Interest (SSSI)

Thank you for your consultation dated 30 January 2018, consulting Natural England on the above application. The following constitutes Natural England's formal statutory response.

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended):

It is our advice, on the basis of the material supplied by the applicant, that in respect of statutory designated sites, seascapes and protected species an Environmental Impact Assessment (EIA) will not be required for this application.

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. We are therefore confident that the works will not hinder the conservation objectives of such a site.

The Conservation of Habitats and Species Regulations 2017

We can confirm that the proposed works are located within or in close proximity to the above SPA, SAC or Ramsar Site. Natural England advises that providing the works are carried out in strict accordance with the details of the application which has been submitted, it can be concluded that the application will not have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore, it is our view that an Appropriate Assessment should not be required. We recommend that the following conditions are included to ensure that the activity is undertaken in accordance with the details of the application which has been submitted:

Condition 1

The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice. All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment.

Condition 2

The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.

Reason: To minimise impacts to the marine environment and other users of the sea/seabed.

Condition 3

Vibro-piling should be used as standard. Percussive piling must only be used if needed to drive a pile to its design depth. If percussive piling is necessary then soft-start procedure must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved.

Reason: To reduce the effect of acoustic disturbance upon over wintering birds and to allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within or in close proximity to the above SSSI. Natural England advises that the proposal, if undertaken in accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However we recommend that the above conditions are included to ensure that the activity is undertaken as per the application:

Should the application change, or if the applicant submits further information relating to the predicted impacts of this proposal on the SSSI aimed at reducing the damage likely to be caused, we will provide further advice as appropriate.

If you are minded to grant consent for this application contrary to the advice relating to the above conditions contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon you, requiring that you;

- Provide notice to Natural England of the permission, and of its terms. This notice should include a statement of how (if at all) you have taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Joanne Widgery
Consultations Team

