

S Woodhams

Holly House, Sarisbury Green,
SO31 7AH

Installation of Elevated Jetty

RHHA Harbour Works Consent Application

Supporting Statement, WaFD and WFD Assessments
for Jetty Installation

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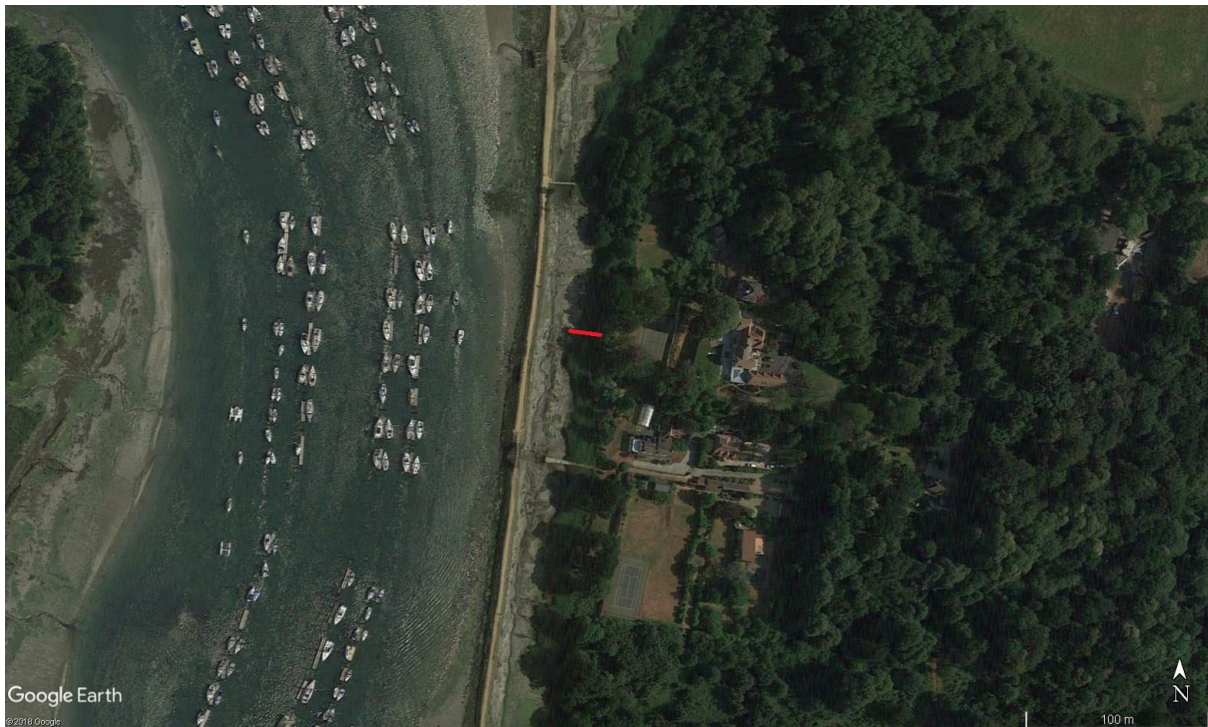
Appropriate Assessment

NE Response

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1. Location

The works location is shown on drawing 10685/2 and in red on the image below:



2. Proposal

It is proposed to construct a small jetty to provide access to the water for the site owner.

The jetty would be constructed from timber as shown on drawing 10685/2.

As can be seen on the image above (and on drawing 10685/2) there is an existing jetty south of the proposal.

Planning consent for the works has been granted for the works by Fareham Borough Council, application reference P/19/0031/FP.

As part of this planning application a Habitats Regulations Assessment (HRA) was undertaken by Fareham Borough Council. This assessment has been agreed with Natural England.

Documents relating to the planning decision and the HRA are included with this application and listed below:

Planning Decision Notice – PKN-191009- FINAL DECISION NOTICE –(CASEID-310344-85).PDF

Appropriate Assessment (HRA) - PKN-191008- APPROPRIATE ASSESSMENT –(CASEID-310344-80).PDF

3. Design Details & Usage

The proposed structure is of timber and full details are shown on drawing 10685/2.

The jetty will be used for small craft as all vessels will need to be small with shallow draft as the access to the river is constrained by the bridge over the public footpath. The largest practical vessel would be a small rib. Mention is often made regarding pollution from such craft, but this is not substantiated by the available evidence. Modern outboards are very efficient and meet the relevant legislation. The most common spillage is from fuelling and no refuelling will occur on the jetty.

Leaving a small vessel to dry out alongside a higher jetty is fraught with risk (damage, vandalism etc) and is not proposed.

4. Appearance

The appearance is entirely in keeping with the river environment.

5. Method Statement

In order to ensure that no damage to the intertidal will occur during the construction phase it is planned that the works will be constructed from the shore working out along the jetty itself. This will avoid the necessity for plant on the mudflat. Some works (bolting beams to piles etc) may be from a small boat (dory type) but this will only be at high waters.

The intention is not to remove any trees but just some of the vegetation for access (a gap of say 2m). The idea being to minimise impact.

For the jetty below MHWS the footprint is 15m². This is a plan area of the deck which will be open grid grp to maximise light penetration. The piles occupy a total area of 1.65m².

For the jetty above MHWS the footprint is 24m² but much of this is in the owner's garden. Again, an open grid grp deck will be used. The piles occupy a total area of 1.89m².

In order to avoid bird disturbance issues the works will be conducted outside of the overwintering bird season (Oct 1st to 31st March).

6. Waste Framework Directive

This section follows the guidance contained in the Guidelines on the interpretation of key provisions of Directive 2008/98/EC on waste.

The waste hierarchy sets out 5 methods of dealing with waste – Prevention, Preparing for re-use, Recycling, Other recovery and Disposal.

6.1 Prevention

Article 3(12) WaFD defines ‘prevention’ as:

‘Measures taken before a substance, material or product has become waste that reduce:

- the quantity of waste, including through the re-use of products or the extension of the life span of products;
- the adverse impacts of the generated waste on the environment and human health; or
- the content of harmful substances in materials and products.

Whilst prevention is not technically a waste management operation it does trigger whether the material becomes waste.

The works are a new installation so there is no prevention option.

6.2 Recovery

Recovery is part of the definition of ‘waste treatment’ (Article 3(14) WaFD). Waste treatment can only be a recovery operation or a disposal operation.

The result of a recovery operation is defined as: ‘waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy’ (see Article 3(15) WaFD).

Recovery consists of three sub-categories: preparing for re-use, recycling and other recovery.

There are no existing components but, as is common in such construction, there will be some material remnants (off-cuts etc) and these will be recycled by the contractor.

The works therefore comply with the Directive.

7. WFD Assessment

The assessment uses the online EA tables which are reproduced in the following pages.

Data is taken from the Catchment Data Explorer dated 16 Oct 2019.

Screening & Scoping Stage - WFD Tables for activities in estuarine and coastal waters

Works take place in or affect more than one water body, complete a template for each water body – *single water body*

Works include several different activities or stages as part of a larger project, complete a template for each activity as part of your overall WFD assessment – *single activity*

Activity	Description, notes or more information
Applicant name	<i>S Woodhams</i>
Application reference number (where applicable)	<i>n/a</i>
Name of activity	<i>Installation of elevated jetty</i>
Brief description of activity	<i>New jetty for private use</i>
Location of activity (central point XY coordinates or national grid reference)	<i>448964, 107868</i>
Footprint of activity (ha)	<i>0.0039 ha</i>
Timings of activity (including start and finish dates)	<i>Dependent upon Marine Licence and plant availability.</i>
Extent of activity (for example size, scale frequency, expected volumes of output or discharge)	<i>Single campaign</i>
Use or release of chemicals (state which ones)	<i>No</i>

Water body ¹	Description, notes or more information
WFD water body name	<i>Southampton Water</i>
Water body ID	<i>GB520704202800</i>
River basin district name	<i>South East</i>
Water body type (estuarine or coastal)	<i>Transitional Water (Estuarine in summary table)</i>
Water body total area (ha)	<i>3091.3</i>
Overall water body status	<i>Moderate</i>
Ecological status	<i>Moderate</i>
Chemical status	<i>Good by 2017</i>
Target water body status and deadline	<i>Moderate by 2015</i>
Hydromorphology status of water body	<i>Supports Good</i>
Heavily modified water body	<i>Yes – navigation, ports & harbours, flood defence</i>

WFD protected areas within 2km	Yes – SPA, SAC, Shellfish, Coastal sensitive (eutrophic)
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Specific risk to receptors -

Section 1: Hydromorphology

Consider if hydromorphology is at risk from your activity.

Use the water body summary table to find out the hydromorphology status of the water body, if it is classed as heavily modified and for what use.

Consider if your activity:	Yes	No	Hydromorphology risk issue(s)
Could impact on the hydromorphology (for example morphology or tidal patterns) of a water body at high status	Requires impact assessment	Impact assessment not required	No
Could significantly impact the hydromorphology of any water body	Requires impact assessment	Impact assessment not required	No
Is in a water body that is heavily modified for the same use as your activity	Requires impact assessment	Impact assessment not required	Yes

Record the findings for hydromorphology and go to section 2: biology.

Section 2: Biology

Habitats

Consider if habitats are at risk from your activity.

Use the water body summary table and Magic maps, or other sources of information if available, to find the location and size of these habitats.

Higher sensitivity habitats ²	Lower sensitivity habitats ³
chalk reef	cobbles, gravel and shingle
clam, cockle and oyster beds	intertidal soft sediments like sand and mud
intertidal seagrass	rocky shore
maerl	subtidal boulder fields
mussel beds, including blue and horse mussel	subtidal rocky reef
polychaete reef	subtidal soft sediments like sand and mud (not indicated on MAGIC).
saltmarsh	
subtidal kelp beds	

subtidal seagrass

² Higher sensitivity habitats have a low resistance to, and recovery rate, from human pressures.

³ Lower sensitivity habitats have a medium to high resistance to, and recovery rate from, human pressures.

Consider if the footprint ⁴ of your activity is:	Yes	No	Biology habitats risk issue(s)
0.5km ² or larger	Yes to one or more – requires impact assessment	No to all – impact assessment not required	No
1% or more of the water body's area			No
Within 500m of any higher sensitivity habitat			Yes
1% or more of any lower sensitivity habitat			No

⁴ Note that a footprint may also be a temperature or sediment plume. For dredging activity, a footprint is 1.5 times the dredge area.

Fish

Consider if fish are at risk from your activity, but only if your activity is in an estuary or could affect fish in or entering an estuary.

Consider if your activity:	Yes	No	Biology fish risk issue(s)
Is in an estuary and could affect fish in the estuary, outside the estuary but could delay or prevent fish entering it or could affect fish migrating through the estuary	Continue with questions	Go to next section	No
Could impact on normal fish behaviour like movement, migration or spawning (for example creating a physical barrier, noise, chemical change or a change in depth or flow)	Requires impact assessment	Impact assessment not required	No
Could cause entrainment or impingement of fish	Requires impact assessment	Impact assessment not required	No

Record the findings for biology habitats and fish and go to section 3: water quality.

Section 3: Water quality

Consider if water quality is at risk from your activity.

Use the water body summary table to find information on phytoplankton status and harmful algae.

Consider if your activity:	Yes	No	Water quality risk issue(s)
Could affect water clarity, temperature, salinity, oxygen levels, nutrients or microbial patterns continuously for longer than a spring neap tidal cycle (about 14 days)	Requires impact assessment	Impact assessment not required	No.
Is in a water body with a phytoplankton status of moderate, poor or bad	Requires impact assessment	Impact assessment not required	No
Is in a water body with a history of harmful algae	Requires impact assessment	Impact assessment not required	No

Consider if water quality is at risk from your activity through the use, release or disturbance of chemicals.

If your activity uses or releases chemicals (for example through sediment disturbance or building works) consider if:	Yes	No	Water quality risk issue(s)
The chemicals are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment	Impact assessment not required	No
It disturbs sediment with contaminants above Cefas Action Level 1	Requires impact assessment	Impact assessment not required	No

If your activity has a mixing zone (like a discharge pipeline or outfall) consider if:	Yes	No	Water quality risk issue(s)
The chemicals released are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment ⁵	Impact assessment not required	No

⁵ Carry out your impact assessment using the Environment Agency's surface water pollution risk assessment guidance, part of Environmental Permitting Regulations guidance.

Record the findings for water quality go on to section 4: WFD protected areas.

Section 4: WFD protected areas

Consider if WFD protected areas are at risk from your activity. These include:

- special areas of conservation (SAC)
- special protection areas (SPA)
- shellfish waters
- bathing waters
- nutrient sensitive areas

Use Magic maps to find information on the location of protected areas in your water body (and adjacent water bodies) within 2km of your activity.

Consider if your activity is:	Yes	No	Protected areas risk issue(s)
Within 2km of any WFD protected area ⁶	Requires impact assessment	Impact assessment not required	Yes

⁶ Note that a regulator can extend the 2km boundary if your activity has an especially high environmental risk.

Record the findings for WFD protected areas and go to section 5: invasive non-native species.

Section 5: Invasive non-native species (INNS)

Consider if there is a risk your activity could introduce or spread INNS.

Risks of introducing or spreading INNS include:

- materials or equipment that have come from, had use in or travelled through other water bodies
- activities that help spread existing INNS, either within the immediate water body or other water bodies

Consider if your activity could:	Yes	No	INNS risk issue(s)
Introduce or spread INNS	Requires impact assessment	Impact assessment not required	No

Summary

Receptor	Potential risk to receptor?	Note the risk issue(s) for impact assessment
Hydromorphology	Yes	HMWB for same use assumed
Biology: habitats	Yes	saltmarsh
Biology: fish	No	
Water quality	No	

Protected areas	Yes	<i>SPA, SAC, Shellfish, Coastal sensitive (eutrophic)</i>
Invasive non-native species	No	

8. WFD Impact Assessment and Mitigation

The assessment has identified potential risks to the following:

Hydromorphology –

The works relate to a small-scale. There is no additional risk.

Biology, Habitats –

There is saltmarsh nearby. The works have a very low impact and the proposed method and construction minimise any potential impact. This has all been agreed with the LPA ecologists and Natural England.

Protected areas -

Any impact on these sites has been assessed by the LPA under an HRA which has been agreed with Natural England. See later.

The works will therefore have no negative impact on the protected sites.

By following EA guidance, it is concluded that the proposal will not have a negative impact on the water body nor any protected area.

9. Protected Areas

The site is covered by the following protected areas:

Special Area of Conservation – Solent Maritime - Estuaries, Spartina swards and Atlantic salt meadows.

Special Protection Area – Solent and Southampton Water – primarily birds

Potential SPA – Solent and Dorset Coast – for Terns

Ramsar Site – Solent & Southampton Water – for birds

Site of Special Scientific Interest – Lee-on-the Solent to Itchen Estuary – intertidal habitat (primarily birds)

10. Potential Impacts

11.1 Operational

In terms of potential impacts the main concern is with birds. Whilst an increase in human activity within a protected area is naturally a concern it must be considered in relation to the existing environment.

The jetty will be used by the site owner and family with the potential for use of small craft (due to access depths) at high waters. It is therefore expected that the main occupation of the jetty will be at times when the area is covered by water.

The existing causeway immediately to the west of the proposed works forms a public footpath. This footpath is heavily used by dog walkers, cyclists, joggers etc at all states of the tide.

It is therefore apparent that the existing levels of activity in the area are orders of magnitude greater than those anticipated from the use of the proposed works.

11.2 Construction

With regard to the construction of the works there is likely to be some potential disturbance. It is therefore proposed that the construction works are undertaken outside of the overwintering bird season.

11. Environmental Assessment

The location within a designated area has been considered in some detail with the Local Authority and their advisors (HCC and NE). The Appropriate Assessment undertaken concluded the following:

The Authority has concluded that the adverse effects due to the direct loss of a small proportion of the SPA, Ramsar and SAC habitat could not be avoided, mitigated or compensated due to the nature of the proposals. However, this loss is so minimal that is not considered to be significant.

The Authority has also concluded that the disturbance during the construction phase on the Solent and Southampton Water SPA and Ramsar will be mitigated through the delivery of a CEMP and careful timing of the works. Furthermore, the small increase in recreational disturbance on SPA and pSPA birds is considered to be minimal, and the potential level of disturbance already exists by the existing occupiers of the associated residential property.

Therefore, there will be no adverse effect on the integrity of the Solent & Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA.

Natural England have stated to the LPA:

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Mitigation Measures

The deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.

Careful timing of the works to outside overwintering bird season which runs from October 1st to March 31st (inclusive) will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.

Implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Lee-on-the-Solent to Itchen Estuary SSSI.

Natural England advises that the proposal, if undertaken in strict 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 mitigation measures above are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

12. Flood Risk

The proposed structure is fully water compatible and will have no impact on flood risk.

Appendices –

Appropriate Assessment

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Habitat Regulation Assessment (HRA)

Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	27 August 2019
HRA completion date:	11 September 2019
Application reference:	P/19/0031/FP
Application address:	Holly House Holly Hill Lane Sarisbury Green Southampton SO31 7AH
Application description:	Elevated Jetty
Lead Planning Officer:	Peter Kneen
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site(s) potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> • Solent and Southampton Water Special Protection Area (SPA); • Portsmouth Harbour SPA; • Chichester and Langstone Harbours SPA; • Solent Maritime Special Area of Conservation (SAC); • Chichester and Langstone Harbours Ramsar site; • Solent and Southampton Water Ramsar site; • Portsmouth Harbour Ramsar site; • Potential Solent and Dorset Coast SPA (pSPA). <p>The three Ramsar sites listed above are not European sites subject to the Habitats Directive, the Wild Birds Directive or the Habitats Regulations. However, a similar assessment has been undertaken for the purposes of the Ramsar Convention, the NPPF and policy DSP13.</p>

	The Solent and Dorset Coast pSPA is not (presently) a European site subject to the Habitats Directive, the Wild Birds Directive or the Habitats Regulations. However, a similar assessment has been undertaken for the purposes of the NPPF and policy DSP13.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of a new elevated jetty, which is neither connected to nor necessary to the management of any European site or other sites listed above
Are there any other projects or plans that together with the planning application being assessed could affect the site(s) (Applicant to provide details to allow an 'in combination' effect to be assessed)?	There is not considered to be any other projects or plans that together with the planning application are likely to have a significant effect on the other European sites or other sites listed above.

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar/pSPA.

For the reasons given below, there is considered to be a likely significant effect on the Solent and Southampton Water Special Protection Area and Ramsar site, Solent Maritime SAC and the Solent and Dorset Coast pSPA as a result of the proposed works.

Solent and Southampton Water SPA/Ramsar

Solent and Southampton Water qualifies as a SPA for its breeding and wintering bird species. As breeding species, the site contains Common Tern, Little Tern, Mediterranean Gull, Roseate Tern and Sandwich Tern. Over wintering birds include Black-tailed Godwit, Dark-bellied Brent Goose, Ringed Plover and Teal.

Solent and Southampton Water also qualifies as a Ramsar site under four criteria, including:

- Supporting many wetland habitats such as saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Supporting an important assemblage of rare plants and invertebrates.
- Supporting avian assemblages of international importance
- Regularly supporting 1% of the individuals in a population of one species or subspecies of water bird (in this case, dark-bellied Brent goose).

Conservation objectives

Subject to natural change, ensure that the integrity of the SPA site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution, the structure and function of the habitats of the qualifying features and the population of each of the qualifying features.

SPAs classified under the EU Birds Directive and SACs designated under the EU Habitats Directive together form the Natura 2000 network. The Habitats Directive establishes the need to properly protect these sites and identifies that this should be carried out having regard to defined 'conservation objectives'. Ramsar sites were established as part of a global convention on important wetland areas; as such, on their own, they are not part of the EU protected sites. Therefore, Ramsar sites do not have agreed conservation objectives as a requirement of EU legislation. However, Ramsar sites are generally contiguous with a number of wetland SPAs and their underlying SSSIs.

While Ramsar sites do not have defined (per EU Habitats Directive) conservation objectives, it is a requirement that any protection and management measures in place for SSSIs, SPAs, and SACs that are contiguous with Ramsar sites adequately cover Ramsar interests where those interests are wider than other underlying UK / EU designation or classification. (<https://publications.parliament.uk/pa/cm199900/cmhansrd/vo001113/text/01113w12.htm> para 12)

The key way in which this is secured through UK planning policy is through NPPF 2018 paragraph 176 which explicitly states that Ramsar sites must be considered in the same way as EU sites.

Portsmouth Harbour SPA/Ramsar

Portsmouth Harbour qualifies as a SPA by supporting internationally or nationally important wintering populations of migratory water fowl, including Dark-bellied Brent goose, Red breasted merganser, Black-tailed and Dunlin.

Portsmouth Harbour qualifies as a Ramsar site for its intertidal mudflat areas supporting extensive beds of narrow-leaved and dwarf eelgrass, which in turn support the grazing dark bellied Brent goose populations.

Conservation objectives

Maintain or where appropriate, restore habitats and species populations of European importance to favourable conservation status.

Chichester & Langstone Harbours SPA/Ramsar

The SPA qualifies by supporting breeding populations of European importance including little tern, common tern and sandwich tern and overwintering populations of European importance of bar-tailed godwit, along with overwintering populations of European importance of a number of regularly occurring migratory species such as dark bellied Brent goose, dunlin, grey plover, red shank, etc. The Ramsar qualifies for comprising two large estuarine basins linked by the channel, supporting an internationally important assemblage of species.

Conservation objectives

Maintain or where appropriate, restore habitats and species populations of European importance to favourable conservation status.

The following section discusses the potential effects that can arise from development activity (both during construction and operation/occupation) at the application site, considers the potential for impact pathways to be present between the application site, and the potential impacts on these SPAs and Ramsar sites of the identified effect via any identified pathway.

Assessment of likely significant effect

Table 1. Solent SPAs (Solent & Southampton Water SPA, Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA) & corresponding Ramsar sites – assessment of likely significant effects

Potential Impacts	Comments
Habitat Loss	<p>Due to the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, no loss of habitat at these designations is anticipated. Therefore, no likely significant effect alone or in combination is anticipated at Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites.</p> <p>As the proposed elevated jetty is located within the Solent & Southampton Water SPA and Ramsar, there will be a direct loss of SPA and Ramsar habitat. Whilst the footprint of the jetty is understood to be 15m², it is elevated and therefore no direct loss of mudflats is anticipated. However, the piles of the jetty measures 1.65m². Therefore, there will be direct loss of 1.65m² of SPA mudflat and subsequent decrease in available habitat for SPA birds. Therefore, the proposals will result in a likely significant effect on Solent and Southampton Water SPA and Ramsar site is anticipated</p>
Increased Recreational Disturbance	<p>Due to the localised nature of the proposed development and its purpose (access to the water for the site owner and his family) and the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, there will be no increase in the level of recreation and disturbance of bird species, either alone or in combination with other projects/plans. However, as the application site is located within Solent & Southampton Water SPA and Ramsar, the installation of a new elevated jetty will result in a very small increase in human presence in this area and therefore a likely significant effect alone or in combination on Solent and Southampton Water SPA and Ramsar site is anticipated.</p>
Disturbance from construction activities	<p>Birds utilising SPA or Ramsar sites or associated supporting habitats can be disturbed during the construction phase of a development, for example though noisy construction activities, vibration, or visual disturbance.</p> <p>The site is located within the Solent & Southampton Water SPA and corresponding Ramsar site. Therefore, there is a likely significant effect on the Solent and Southampton Water SPA and Ramsar Site, alone. No in-combination effects are anticipated due to the small scale and localised nature of the proposed works.</p> <p>Due to the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, no likely significant effect alone or in combination is anticipated.</p>

Solent Maritime Special Area of Conservation (SAC)

Qualifying Features

- **Estuaries** - The Solent encompasses a major estuarine system on the south coast of England. 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.
- **Spartina swards** - The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south-west England.
- There are also a number of Annex I habitats and Annex II species (qualifying feature, but not a primary reason for selection of this site) such as mudflats and sandflats not covered by seawater at low tide, coastal lagoons, Desmoulin's whorl snail etc.

Conservation objectives

Subject to natural change, maintain the qualifying natural habitats and habitats of qualifying species in favourable condition.

Table 2. Solent Maritime SAC – assessment of likely significant effects

Potential Impacts	Comments
Habitat Loss	As the proposed elevated jetty is located within the Solent Maritime SAC, there will be a direct loss of SAC habitat. The footprint of the jetty is understood to be 15m ² , with the piles measuring 1.65m ² . Therefore, there will be direct loss of 1.65m ² of SAC mudflat habitat, along with an indirect impact of shading of 15m ² of the mudflat below. Therefore, the proposals will result in a likely significant effect alone on the Solent Maritime SAC.
Pollution from construction activities	As the site is located within the Solent Maritime SAC, the risk of water pollution incidents from construction activities could not be discounted. Therefore, there is a likely significant effect on the Solent Maritime SAC from construction activities.

Solent and Dorset Coast pSPA

Qualifying Features

Solent and Dorset Coast pSPA proposes to protect important foraging areas at sea used by qualifying interest features from colonies within adjacent, already classified SPAs. These qualifying interest features are three species of tern: common tern, Sandwich tern and little tern, all during breeding.

Conservation objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

The Solent and Dorset Coast pSPA is located 60m west of the proposed site. As the proposals are for an elevated jetty which will result in an increase in recreational boating activities within the pSPA, a likely significant effect as a result of increased recreational disturbance cannot be scoped out.

Would the proposal lead to a likely significant effect on European site?

Yes – Stage 2 of the HRA of the planning application has concluded that the development would have a likely significant effect on the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site, alone or in-combination with other plans/projects.

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

The project being assessed will result in direct loss of approximately 1.65m² of Solent and Southampton Water SPA and Ramsar and Solent Maritime SAC habitat. Due to the nature of this development which entails the installation of an elevated jetty, the loss of habitat is inevitable. However, the area of loss is considered to be too small in comparison to the total area of available SPA, Ramsar and SAC habitat. Therefore, it could be concluded that this loss will not adversely affect the integrity of the designated sites. Furthermore, the deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.

As the proposals are for the installation of a small jetty, noise, vibration, and visual disturbance during construction activity is considered to be very low. Therefore, careful timing of the works to outside overwintering bird season which runs from October to March will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided (the application would be subject to a condition requiring noisy works to be carried out outside the over-wintering bird period). Similarly, the implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar. This will ensure that the development is appropriately managed and adequate measures are in place to prevent any pollution incidents.

Due to the nature of the proposal, a very small increase in the level of recreational disturbance on the Solent and Southampton Water SPA and Ramsar and the Solent and Dorset Coast pSPA is likely. Whilst funding as a result of new housing development could be provided to the Solent Recreation Mitigation Partnership to mitigate for the impact of increased recreational pressure, no such financial contribution has been set for non-residential developments. The increase in the level of recreational disturbance as a result of the new jetty is however considered to be too small to be significant and therefore there will be no adverse effects on the integrity of the SPA, Ramsar and pSPA sites.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Solent and Southampton Water SPA, Solent & Southampton Water Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA. This represents the Authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s and potential Special Protection Areas is a matter of government policy set out in the National Planning Policy Framework 2018.

The Authority has concluded that the adverse effects due to the direct loss of a small proportion of the SPA, Ramsar and SAC habitat could not be avoided, mitigated or compensated due to the nature of the proposals. However, this loss is so minimal that is not considered to be significant. The Authority has also concluded that the disturbance during the construction phase on the Solent and Southampton Water SPA and Ramsar will be mitigated through the delivery of a CEMP and careful timing of the works. Furthermore, the small increase in recreational disturbance on SPA and pSPA birds is considered to be minimal, and the potential level of disturbance already exists by the existing occupiers of the associated residential property. Therefore, there will be no adverse effect on the integrity of the Solent & Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA.

Natural England Officer:

Date: 08 October 2019
Our ref: 290131
Your ref: P/19/0031



Fareham Borough Council
Civic Offices
Civic Way
Fareham
Hampshire
PO16 7AZ

4th Floor
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Upper Market
Street
Eastleigh SO50
9YN
T.07552268049

BY EMAIL ONLY

Dear Peter

Elevated Jetty Holly House Holly Hill Lane Sarisbury Green Southampton SO31 7AH

Thank you for your consultation dated 11 September 2019 The following constitutes Natural England's formal statutory response.

We can confirm that the proposed works are located within Solent and Southampton Water Special Protection Area (SPA) Solent Maritime Special Area of Conservation (SAC) Solent and Southampton Water Ramsar site, Potential Solent and Dorset Coast SPA (pSPA) and Lee-on-the Solent to Itchen Estuary SSSI.

Assessment of likely significant effect

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent People Over Wind Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. The application requires an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Appropriate assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Mitigation Measures

- The deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.
- Careful timing of the works to outside overwintering bird season which runs from October 1st to March 31st (inclusive) will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.
- Implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Lee-on-the Solent to Itchen Estuary SSSI. Natural England advises that the proposal, if undertaken in strict 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 mitigation measures above are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation:

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

Yours sincerely

Milly Fellows
Solent Team
E-mail: Milly.Fellows@naturalengland.org.uk

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/19/0031/FP

Decision Date: 9 October 2019

Fareham Borough Council, as the Local Planning Authority, hereby **PERMIT** the **Elevated jetty** at **HOLLY HOUSE, HOLLY HILL LANE, SARISBURY GREEN, SOUTHAMPTON, SO31 7AH** as proposed by application P/19/0031/FP subject to the following conditions:

1. The development shall begin before 9 October 2022.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Site Plans and Jetty Specifications (Drawing: 10685/2).
REASON: To avoid any doubt over what has been permitted.
3. The jetty's finished surface will be completed with a GRP open mesh deck, in accordance with the approved plans. There shall be deviation from this finish unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of protecting the biodiversity of the area.
4. The development hereby permitted shall only take place between 1 April and 30 September (inclusive). No works at all shall take place outside this time.
REASON: In prevent disturbance to overwintering birds within the river environment.
5. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- f) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms-1 at the boundary of the SPA;
- g) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) Temporary lighting;
- j) Protection of pedestrian routes during construction;
- k) No burning on-site;
- l) Scheme of work detailing the extent and type of piling proposed;
- m) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surrounding marine environment.

REASON: To ensure that the occupiers of nearby residential properties and the wider environment are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

6. At no time shall additional pontoons or boat docks be fixed to the jetty hereby approved without the submission of a further planning application for that purpose to the Local Planning Authority.

REASON: In the interests of protected the biodiversity of the area.

Informatives:

- i) Before any development is commenced on site, the granting of a Harbour Works Consent is required from the River Hamble Harbour Authority. The Harbour Authority can be contacted on 01489 576387 (harbour.office@hants.gov.uk)

Notes to Accompany Planning Decision Notice

Planning Application Ref: P/19/0031/FP

Decision Date: 9 October 2019

General Notes for Your Information:

- The approved documents can be obtained by viewing the submitted application online at www.fareham.gov.uk/planning
- The Council worked positively and proactively with the applicant and their agent to address any issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Peter Kneen on 01329 824363 or at pkneen@fareham.gov.uk if:
 - You would like clarification about this notice
 - You would like to make changes to your permission
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State against the imposition of any of the conditions this permission is subject to.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
 - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
 - Or submit online at The Planning Inspectorate website at
 - www.gov.uk/planning-inspectorate
- There is no third party right of appeal for neighbours or objectors.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

What to do next:

- Please take note of the conditions this permission is subject to. If these conditions are not met, for example if works are not carried out in accordance with the approved documents, the Council has the ability to take enforcement action where necessary.
- This permission relates to town planning. It does not grant other forms of consent which you may need, for example:

Building Regulations consent

- Building Regulations legislation sets out technical standards required for the design and construction of buildings.
- For advice please contact The Building Control Partnership:
 - Telephone 01329 824 823
 - Email bcpartnership@fareham.gov.uk
 - Website www.buildingcontrolpartnershipants.gov.uk

Consent for works in the vicinity of a public sewer

- A minimum distance of three metres (for apparatus up to three metres deep) must be maintained between any building and the public sewer. In some cases however, Southern Water will allow buildings to encroach on the public system.
- For further information please contact Southern Water:
 - Telephone 0845 278 0845
 - Website www.southernwater.co.uk

Works affecting neighbours

- Where proposals involve work on party walls or excavations near neighbouring properties, there may be measures required under the Party Wall Act 1996. Fareham Borough Council is not responsible for enforcing the Party Wall Act.
- For further information please see the following guidance:
 - Website www.gov.uk/party-wall-etc-act-1996-guidance.