

Date: 30 March 2020
Our ref: 312782
Your ref: P/19/0031/FP



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BY EMAIL ONLY

Dear Alison

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

Thank you for your consultation dated 23 March 2020. 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, Solent and Dorset Coast SPA (SPA) and Lee-on-the-Solent to Itchen Estuary SSSI.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

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

As per our response to Fareham Borough Council on 08 October 2019 (Natural England ref: 290131; Fareham Borough Council ref: P/19/0031), we note that Fareham Borough Council, 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.

The appropriate assessment conducted by Fareham Borough Council concludes that they, as competent authority, are 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.

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

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 any 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



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