

Date: 27 July 2017  
Our ref: 219680  
Your ref: Proposed pier extension at Hamble Point Marina



River Hamble Harbour  
Authority Harbour Master's Office  
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## VIA WEBSITE ONLY

Dear Alison

Pontoon Reconfiguration and Piling, Hamble Point Marina, Hamble

Solent and Dorset potential Special Protection Area (pSPA)  
Solent Maritime Special Area of Conservation (SAC)  
Solent and Southampton Water Special Protection Area (SPA)  
Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI)  
Solent and Southampton Water Ramsar

Thank you for your consultation dated 28 June 2017. 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) is not 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. 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.

### **The Conservation of Habitats and Species Regulations 2010 (as amended) and The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended)**

We can confirm that the proposed works are located within Solent Maritime SAC and Solent and Dorset pSPA, and near to the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar. Natural England advises that providing the works are carried out in strict accordance with the details of the application which have been submitted, it can be excluded that the application will 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 of the implications of this proposal on the site's conservation objectives should not be required. We recommend that the following conditions are attached to the harbour works consent to ensure that the activity is undertaken in accordance with the details of the application which have been submitted and therefore compliant with the above legislation:

#### **Condition 1**

Vibro-piling should be used as a 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 migratory fish, and to allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.

Condition 2

Due to the sensitivity of the summer fish migration season, piling works are best undertaken outside of the summer migration period. Natural England suggests that further advice is sought from the Environment Agency with regard to timing restrictions.

Reason

To avoid impacts upon migratory fish from piling.

Condition 3

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 sea/seabed.

**Wildlife and Countryside Act 1981 (as amended)**

We can confirm that the proposed works are located adjacent to Lee-on-the Solent to Itchen Estuary Site of 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 above conditions are attached to the harbour works consent to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

If the Harbour Authority is minded to grant consent for this application without applying the 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 the Harbour Authority, 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) the Harbour Authority has 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.

**Other Relevant Matters**

Advisory note – due to the sensitive nature of the overwintering birds, it would be preferable if the works are not carried out within the months of January and February. If piling needs to be completed in winter, piles nearest the mudflats should be completed as early as possible at the beginning of winter or as late as possible at the end of the winter, to avoid the most sensitive times.

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

Yours sincerely

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