

Foulkes & Sons Boatyard

Riverside Yard, Blundell Ln, Bursledon,
Southampton SO31 1AA

Environmental information to inform any required Habitats
Regulations Assessment by the Competent Authority

Compiled by Dr P Tosswell, Lymington Technical Services Ltd

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1. Introduction

Foulkes and Sons operate a family boatyard (known as Riverside Boatyard) on the west bank of the River Hamble, just north of the railway bridge. The site has been operated by the family for over 80 years.

The works involve refurbishment of an existing quay wall. Whilst structurally sound, the wall is in poor visual condition and is not suitable for vessels to lie against. The proposal is to reface the wall for suitable access.

Drawing 10948/2 shows the proposed works.

As the works are not directly connected with, or necessary for, the conservation management of a habitat site, consideration is required as to whether the works are likely to have a significant effect on the habitat site. This is known as 'LSE' and is determined under a Habitats Regulations Assessment (HRA). The definition of an LSE is not clear as the term 'significant' is often taken to mean 'any'. In this document 'significant' is taken to mean having a noticeable adverse effect on a habitat.

The HRA process can be divided into 3 main stages –

Stage 1 – Screening for likely significant effects (LSEs) – whether the works will have a significant effect on a European Site

Stage 2 – Appropriate Assessment (AA). This applies if an LSE is identified in Stage 1

Stage 3 – Mitigation and alternative solutions. If adverse effects are identified during the AA then alterations and mitigation must be provided to fully cancel any adverse effects.

The well documented Court of Justice of the European Union (CJEU) decision in the People Over Wind (Sweetman vs Coillte Teoranta) case (C323/17) determined that inclusion of any mitigation measures for the works (at the application stage) presupposed that there would have been a LSE. As such, a full HRA would have been required.

A 'shadow' HRA is a common approach.

Stage 1 Screening is undertaken by the applicant and this information is presented in this document.

Stage 2 Appropriate Assessment by a 'Competent Authority'.

For marine works (such as this application) The Conservation of Habitats and Species Regulations 2017, Provision 103 Marine Works, states:

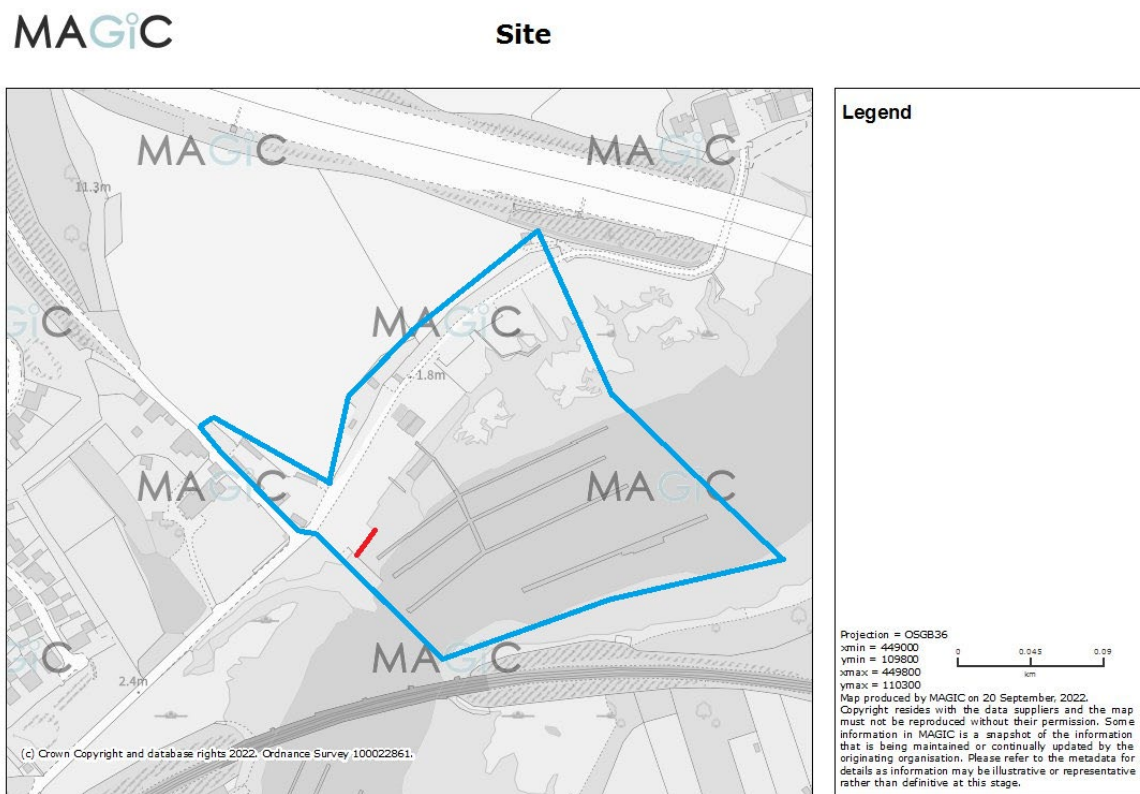
(1) The assessment provisions apply in relation to the granting of a licence, consent, or other approval for marine works.

(2) Where the assessment provisions apply, the competent authority may, if it considers that any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the licence, consent, or other approval were subject to conditions or

requirements, grant the licence, consent, or other approval subject to those conditions or requirements.

2. Internationally Protected (European) Sites & Other Relevant Areas

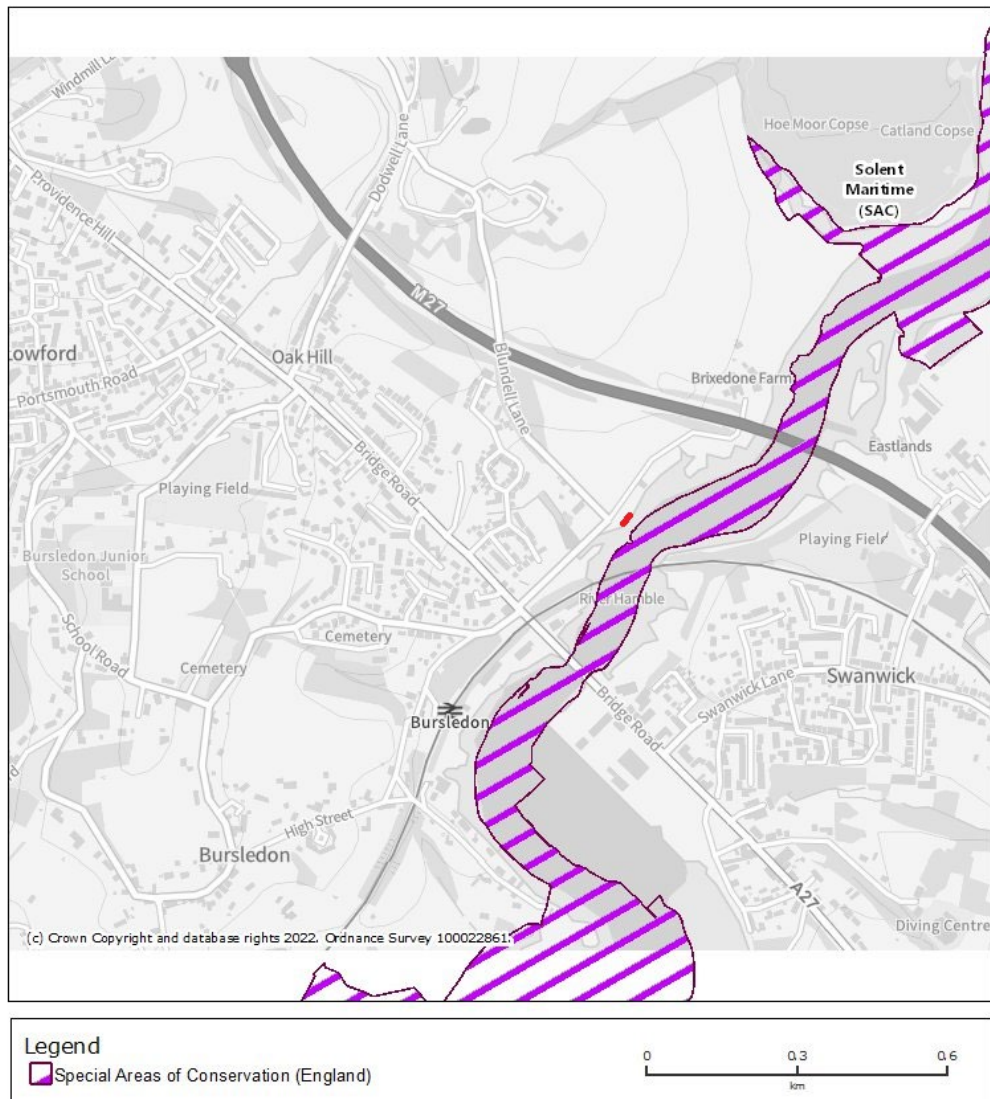
The image below shows the general boatyard operation area outlined in blue and the actual works area in red.



Solent Maritime Special Area of Conservation (SAC) – Solent Maritime (UK0030059)
(Internationally protected site). Red line shows works area.

MAGiC

SAC



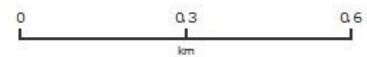
Solent & Dorset Coast Special Protection Area (SPA) – UK9020330 (Internationally protected site). Red line shows works area

MAGiC SPA Marine Components



Legend Special Protection Areas (Marine Components GB)

- Classified
- Potential

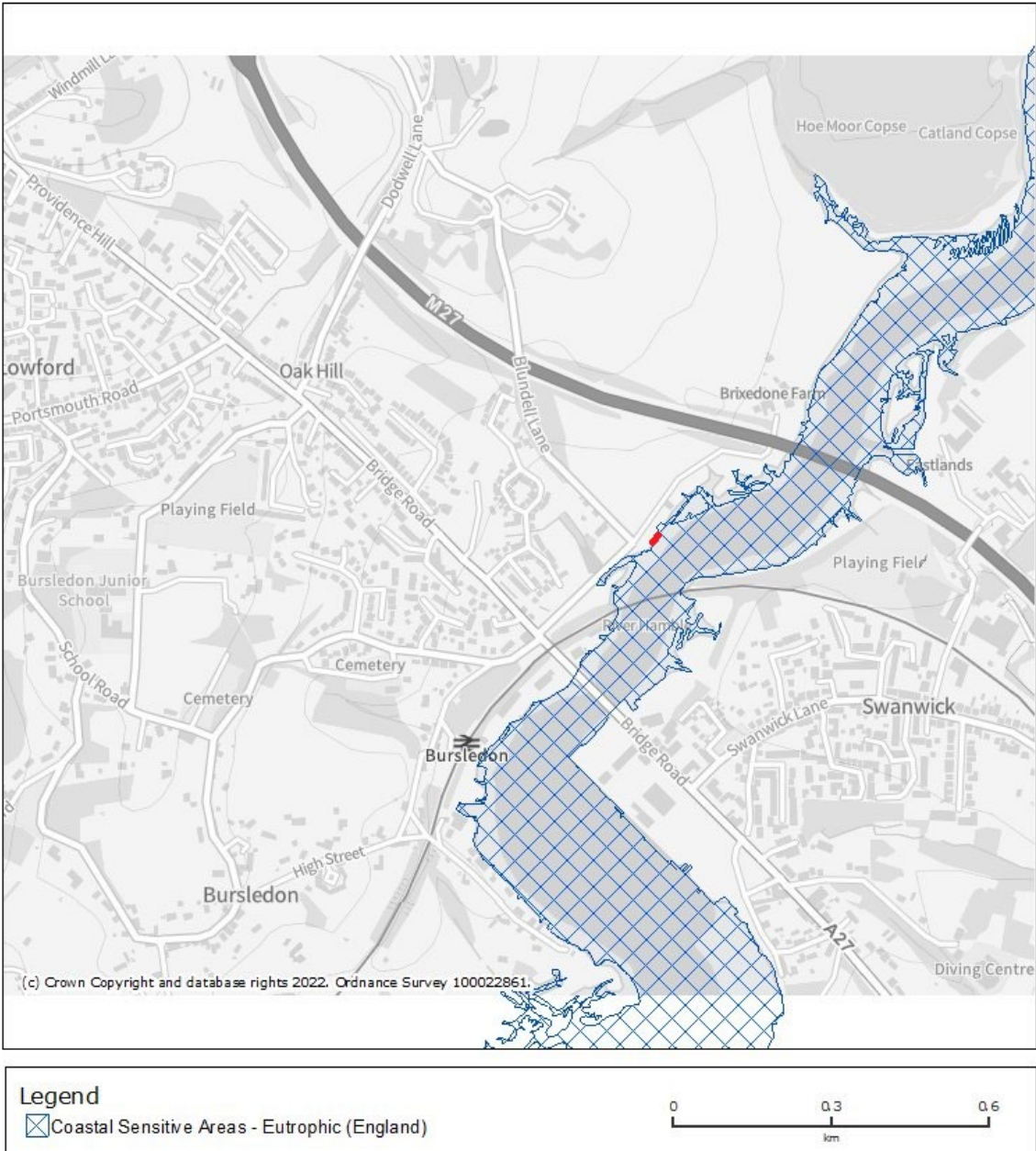


Projection = OSGB36
xmin = 447400
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xmax = 450700

Coastal Sensitive Areas - Eutrophic. Hamble Estuary (UKENCA123). Red line shows works area.

MAGiC

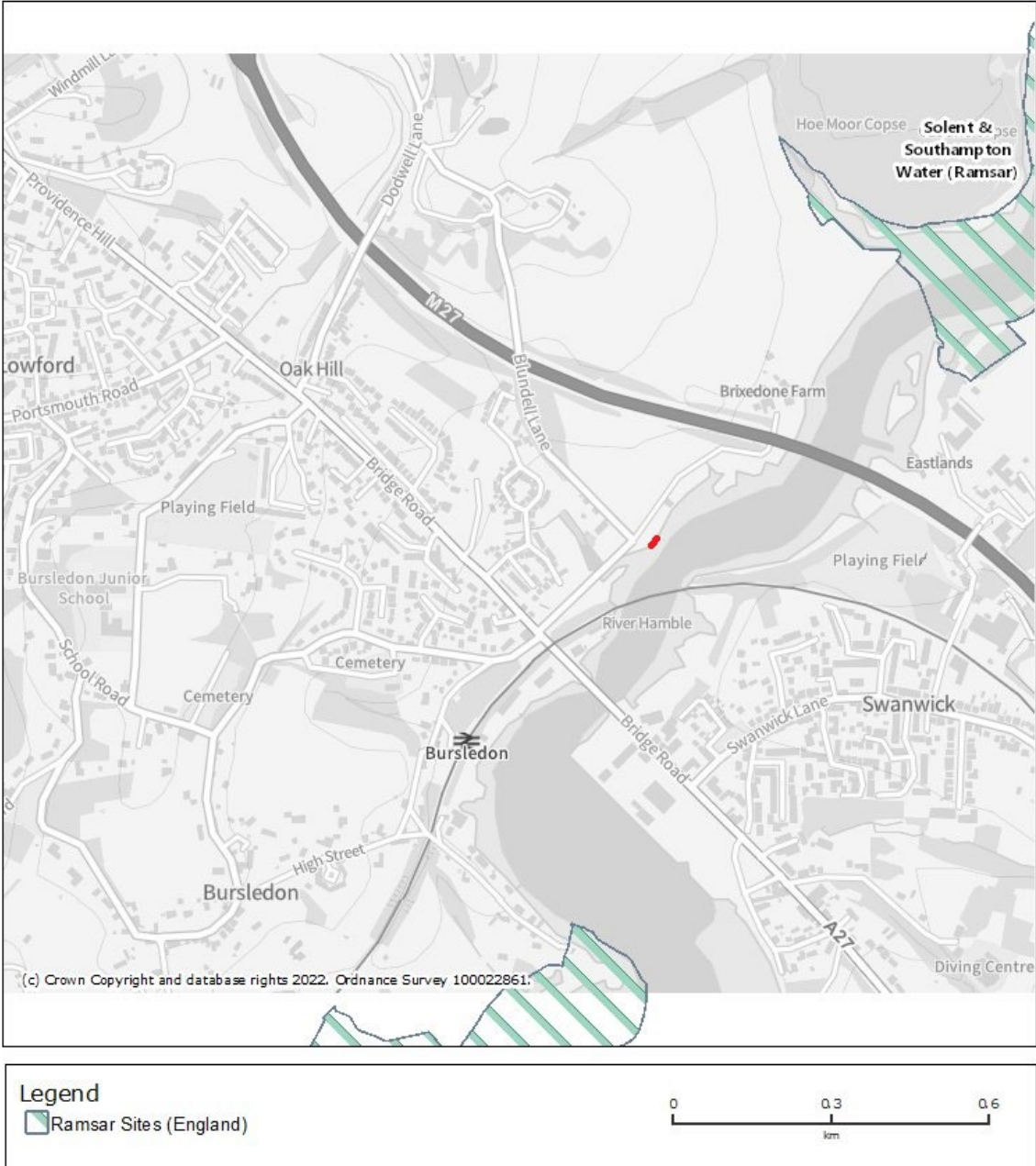
Eutrophic



Ramsar – Solent and Southampton Water (UK11063). (Internationally protected site). Red line shows works area

MAGiC

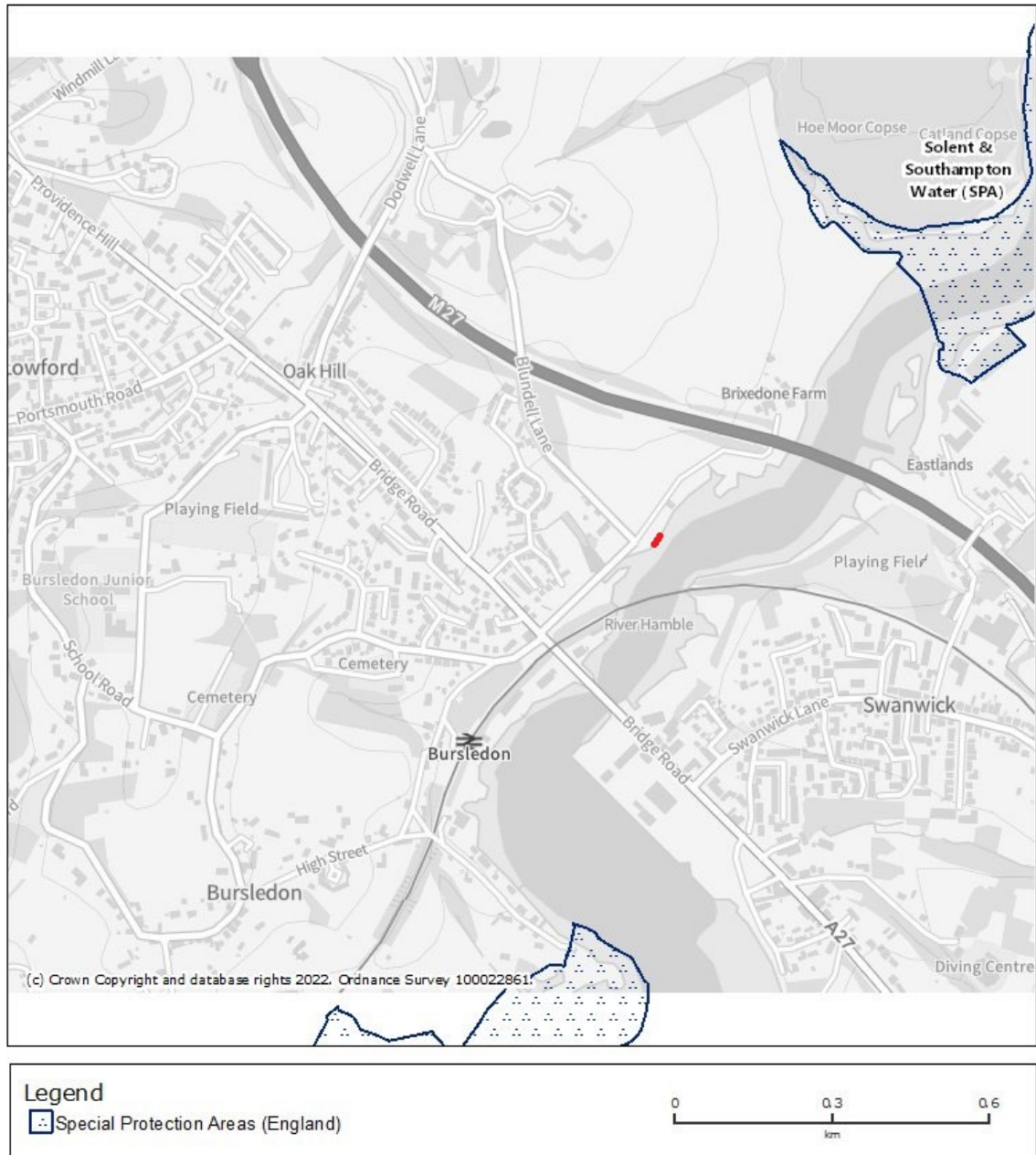
Ramsar



Solent & Southampton Water Special Protection Area (SPA), WFD protected site – UK9011061
(Internationally protected site). Red line shows works area

MAGiC

SPA

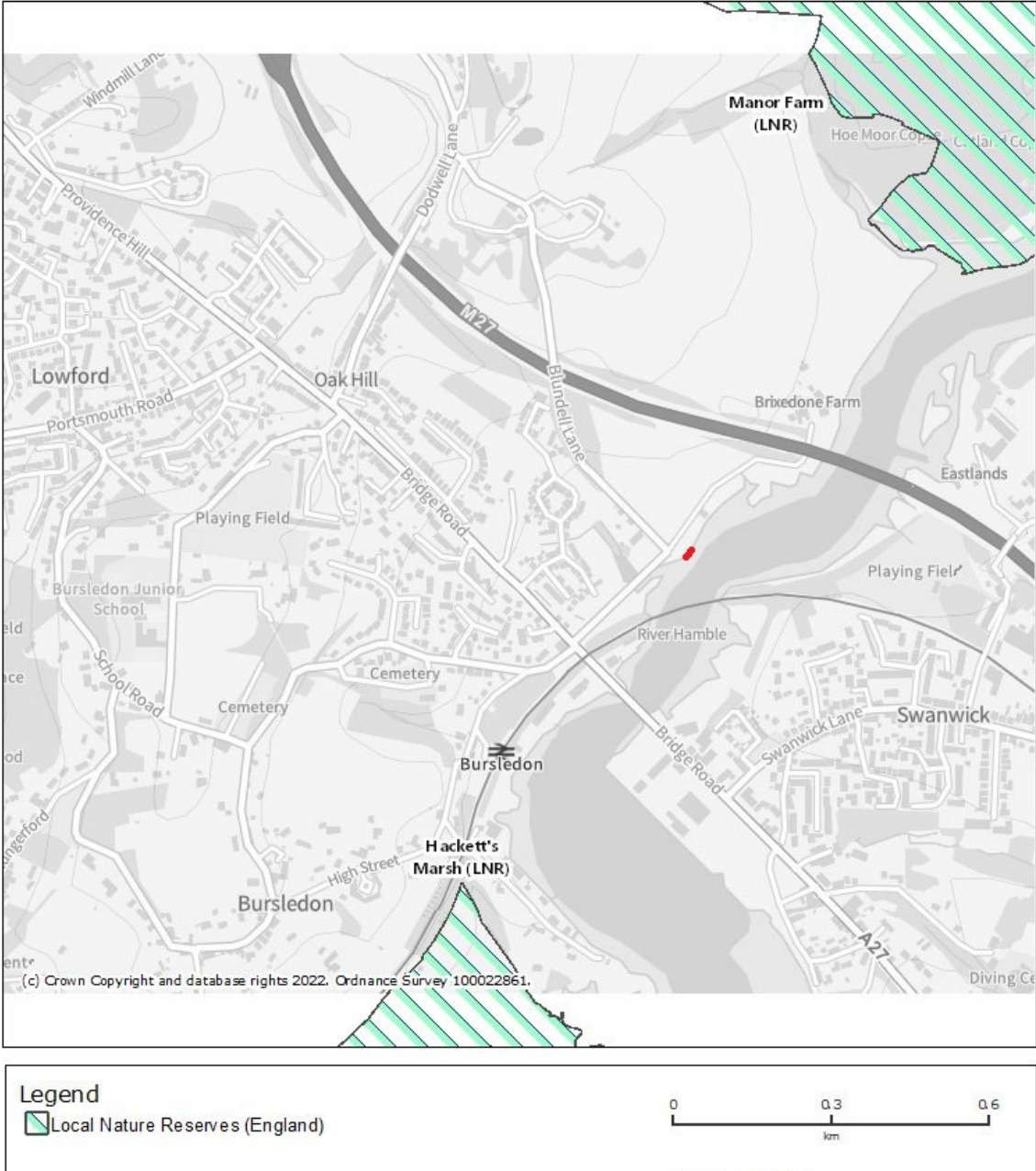


SSSI – Lincegrove and Hackett’s Marshes, and Upper Hamble Estuary and Woods, (Nationally protected sites). Red line shows works area



Local Nature Reserves – Manor Farm and Hackett’s Marsh (Locally protected sites). Red line shows works area

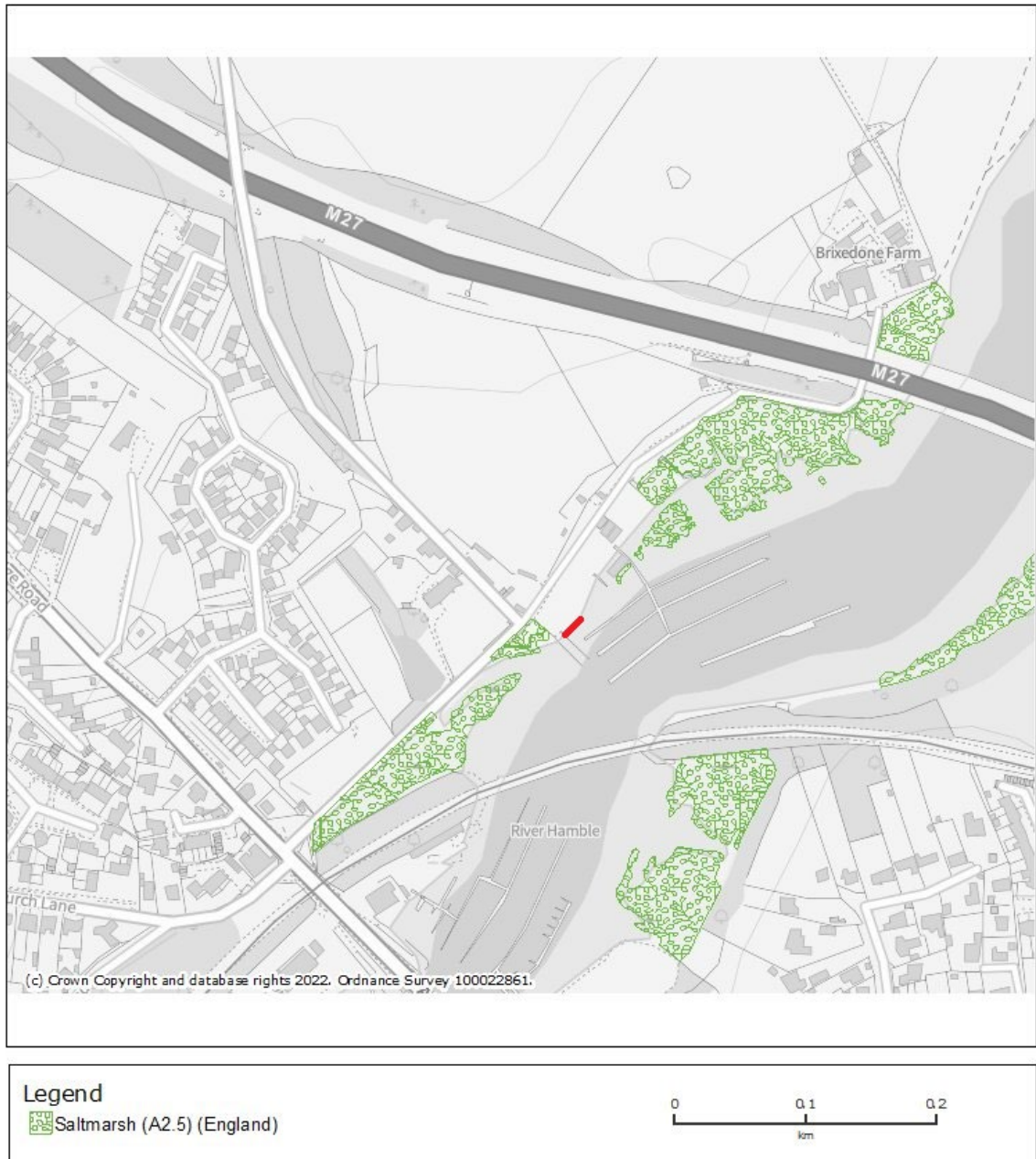
MAGiC Local Nature Reserves

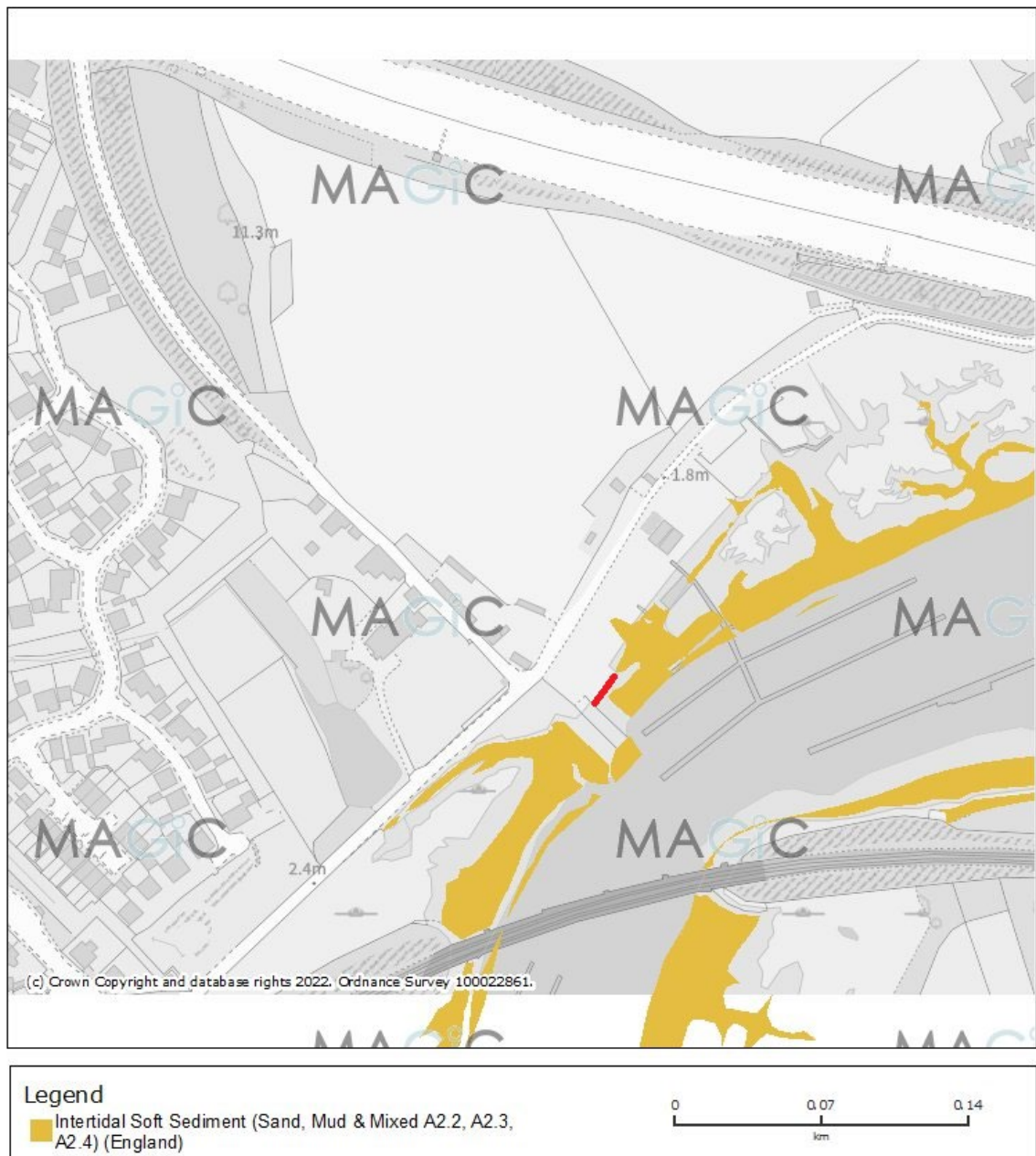


Supporting habitats:

MAGiC

Saltmarsh





3. Assessment of Potential Impacts on Designated Sites.

This section includes the SAC, SPA and Ramsar sites.

3.1 SAC

Solent Maritime Special Area of Conservation SAC – (UK0030059)	
Proximity of works	On margin of estuary, outside the SAC, note how adjacent marinas are excluded.
Conservation advice package used	NE Conservation Advice Package Solent Maritime SAC
Qualifying features and relevance	Annual vegetation of drift lines - occurs on shingle beaches and is not applicable here. Atlantic salt meadows (Glauco-Puccinellietalia maritime) – this is related to saltmarsh, which is not present in the area. Coastal lagoons – does not apply Desmoulin's whorl snail (Vertigo moulinsiana) – no suitable habitat Estuaries - applies Mudflats and sandflats not covered by seawater at low tide – area at base of existing quay wall. Perennial vegetation of stony banks – not present Salicornia and other annuals colonising mud and sand – not present Sandbanks which are slightly covered by sea water all the time – not present Shifting dunes along the shoreline with Ammophila arenaria (“White dunes”) – not present Spartina swards (Spartinion maritimae) – not present
Qualifying features to be assessed	Estuaries
Conservation objectives	The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring: - the extent and distribution of qualifying natural habitats and habitats of the qualifying species - the structure and function (including typical species) of qualifying natural habitats - the structure and function of the habitats of the qualifying species - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely - the populations of each of the qualifying species - the distribution of qualifying species within the site

SAC Assessment categories –

The works consist of the refurbishment of an existing quay wall..

Ports & Harbours (construction) – Construction of port and harbour structures

Ports & Harbours (construction) – Piling

Advice on operations from Natural England's Designated Sites View. Construction of port and harbour structures

Pressure Name	Risk Profile of pressure	Estuaries – subtidal mixed sediments
Abrasion/disturbance of the substrate on the surface of the seabed	Med/High	Sensitive
Barrier to species movement	Med/High	Not sensitive
Changes in suspended solids (water clarity)	Med/High	Sensitive
Emergence regime changes, including tidal level change consideration	Med/High	Sensitive
Habitat structure changes – removal of substratum (extraction)	Med/High	Sensitive
Introduction of light	Med/High	----
Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion	Med/High	Sensitive
Physical change to another seabed type	Med/High	----
Physical change to another sediment type	Med/High	Sensitive
Physical loss (to land or freshwater)	Med/High	Sensitive
Removal of non-target species	Med/High	Sensitive
Smothering and siltation rate changes (Heavy)	Med/High	Sensitive
Smothering and siltation rate changes (Light)	Med/High	Sensitive
Underwater light changes	Med/High	Not sensitive
Vibration	Med/High	----
Visual disturbance	Med/High	Not sensitive
Water flow (tidal current) changes, including sediment transport	Med/High	Not sensitive
Wave exposure changes	Med/High	Not sensitive
Deoxygenation	Low	Sensitive

Hydrocarbon and PAH contamination	Low	n/a
Introduction of other substances (solid, liquid or gas)	Low	n/a
Introduction or spread of invasive non-indigenous species (INIS)	Low	Sensitive
Nutrient enrichment		Not sensitive
Synthetic compound contamination	Low	n/a
Transition elements and organo-metal contamination	Low	n/a

Ports & Harbours (construction) – Construction of port and harbour structures. Assessment of pressures (from Natural England's Designated Sites View)

Abrasion/disturbance of the substrate on the surface of the seabed

Risk is medium-high and refers to structures, anchors, mooring chains, and piles. The works include installation of small-scale vertical steel sections. **Potential impact**

Changes in suspended solids (water clarity)

Risk is medium-high and can only occur during installation of the vertical steel sections. As these are installed at low waters there can be no impact on water clarity. No impact

Emergence regime changes, including tidal level change consideration

Risk is medium-high. The nature of the works (refacing of an existing quay wall) can have no possible impact.

Habitat structure changes – removal of substratum (extraction)

Risk is medium-high. No substratum extraction is proposed, no impact.

Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion

Risk is medium-high and primarily refers to anchor moorings. The vertical steels will penetrate the seabed. **Potential impact.**

Physical change to another sediment type

Risk is medium-high. No change in sediment type is possible, no impact.

Physical loss (to land or freshwater)

Risk is medium-high. The small gap between the existing wall and the works represents a small loss of intertidal habitat. **Potential impact.**

Removal of non-target species

Risk is medium-high. No removal is possible, no impact.

Smothering and siltation rate changes (Heavy)

Risk is medium-high. No smothering nor changes in sedimentation possible, no impact.

Smothering and siltation rate changes (Light)

Risk is medium-high. No smothering nor changes in sedimentation possible, no impact.

Deoxygenation

Risk is low. No possibility of deoxygenation from the proposed works. No impact

Invasive non-indigenous species

Risk is low. The works will be undertaken using land-based plant. No possible impact.

Advice on operations from Natural England's Designated Sites View. Construction of port and harbour structures - piling

Pressure Name	Risk Profile of pressure	Estuaries – subtidal mixed sediments
Abrasion/disturbance of the substrate on the surface of the seabed	Med/High	Sensitive
Barrier to species movement	Med/High	Not sensitive
Changes in suspended solids (water clarity)	Med/High	Sensitive
Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion	Med/High	Sensitive
Physical loss (to land or freshwater)	Med/High	Sensitive
Smothering and siltation rate changes (Light)	Med/High	Sensitive
Underwater noise changes	Med/High	Not sensitive
Vibration	Med/High	----
Visual disturbance	Med/High	Not sensitive
Hydrocarbon and PAH contamination	Low	n/a
Introduction of light	Low	Insufficient evidence
Introduction of other substances (solid, liquid or gas)	Low	n/a
Introduction or spread of invasive non-indigenous species (INIS)	Low	Sensitive
Physical change to another seabed type	Low	----

Physical change to another sediment type	Low	Sensitive
Synthetic compound contamination	Low	n/a
Transition elements and organo-metal contamination	Low	n/a
Water flow (tidal current) changes, including sediment transport	Low	Not sensitive
Wave exposure changes	Low	Not sensitive

Ports & Harbours (construction) – Piling. Assessment of pressures (from Natural England's Designated Sites View)

Abrasion/disturbance of the substrate on the surface of the seabed

Risk is medium-high and refers to structures, anchors, mooring chains, and piles. The works include installation of small-scale vertical steel sections. **Potential impact**

Changes in suspended solids (water clarity)

Risk is medium-high and can only occur during installation of the vertical steel sections. As these are installed at low waters there can be no impact on water clarity. No impact

Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion

Risk is medium-high and refers to anchor moorings. The vertical steels will penetrate the seabed. **Potential impact.**

Physical loss (to land or freshwater)

Risk is medium-high. The small gap between the existing wall and the works represents a small loss of intertidal habitat. **Potential impact.**

Smothering and siltation rate changes (Light)

Risk is medium-high. No smothering nor changes in sedimentation possible, no impact.

Invasive non-indigenous species

Risk is low. The works will be undertaken using land-based plant. No possible impact.

Physical change to another sediment type

Risk is medium-high. No change in sediment type is possible, no impact.

Summary for SAC Potential Impacts

Whilst the works are outside the SAC boundary (which excludes other similar marinas and yards), the following have been identified as having a potential impact:

- i. Abrasion/disturbance of the substrate on the surface of the seabed

The area immediately in front of the existing wall contains man-made debris. This will be manually removed. This is a positive impact but is cancelled by the new works. Therefore, no significant effect.

- ii. Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion.

The five vertical steels will penetrate the substratum. They have a total cross-sectional area of 0.0255m². This is a very small area (less than half a sheet of A4 paper) and cannot be a significant effect on the habitat.

- iii. Physical loss

The overall plan footprint of the proposed works is 6m². Much of this area is due to resulting gap between the uneven existing quay wall and the new wall. The wall is to be installed as close as practical to the existing wall to minimise any changes. There is much debris at the base of the existing wall which overlays the intertidal mud. This is to be removed and effectively replaced by the new wall. There is therefore no substantial change.

Whilst it is accepted that this is technically a physical loss to land, it does not represent a significant effect on the habitat.

3.2 SPA & Ramsar

Solent & Southampton Water Special Protection Area (UK9011061), Solent & Dorset Coast Special Protection Area (UK9020330), and Solent & Southampton Water Ramsar (UK11063).	
Proximity of works	On the boundary for the SPA Marine Components, >700m distance from opposite bank for S&SW SPA & Ramsar
Conservation advice package used	NE Conservation Advice Package Solent & Southampton Water SPA. Ramsar covered by same features.
Qualifying features and relevance screening	Black-tailed godwit (<i>Limosa limosa islandica</i>), Non-breeding Common tern (<i>Sterna hirundo</i>), Breeding Dark-bellied brent goose (<i>Branta bernicla bernicla</i>), Non-breeding Little tern (<i>Sternula albifrons</i>), Breeding Mediterranean gull (<i>Ichthyaeetus melanocephalus</i>), Breeding Ringed plover (<i>Charadrius hiaticula</i>), Non-breeding Roseate tern (<i>Sterna dougallii</i>), Breeding Sandwich tern (<i>Thalasseus sandvicensis</i>), Breeding Teal (<i>Anas crecca</i>), Non-breeding Waterbird assemblage, Non-breeding

Qualifying features to be assessed	All birds
Conservation objectives	The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and 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 populations of each of the qualifying features • the distribution of qualifying features within the site

Solent & Dorset Coast Special Protection Area SPA – UK9020330

This is primarily a designation for Terns (Sandwich, Common & Little) and extends the Solent Maritime SPA up to the high-water mark. As such, it includes many areas of existing marine development.

Proximity of works	Within the site boundary
Conservation advice package used	NE Conservation Advice Package Solent & Dorset Coast SPA.
Qualifying features and relevance screening	Common tern (<i>Sterna hirundo</i>), Breeding Little tern (<i>Sternula albifrons</i>), Breeding Sandwich tern (<i>Thalasseus sandvicensis</i>), Breeding
Qualifying features to be assessed	All Terns
Conservation objectives	The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and 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 populations of each of the qualifying features • the distribution of qualifying features within the site

The SPA qualifies for breeding and overwintering bird species. Breeding species include Common tern (*Sterna hirundo*), Little tern (*Sternula albifrons*), Mediterranean gull (*Ichthyaeetus melanocephalus*), Roseate tern (*Sterna dougallii*), and Sandwich tern (*Thalasseus sandvicensis*). Overwintering birds include Black-tailed godwit (*Limosa limosa islandica*), Dark-bellied brent goose (*Branta bernicla bernicla*), Ringed plover (*Charadrius hiaticula*), Teal (*Anas crecca*).

Under the Ramsar designation the criteria are:

Supporting 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 waterbird assemblage (dark-bellied Brent goose).

Conservation Objectives

Reduce the frequency, duration and / or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.

Birds and human activity –

Human activities can result in bird disturbance. Disturbance is defined as any human-induced activity sufficient to disrupt normal behaviours at a level that may substantially affect their behaviour. This can have an important affect if suitable habitat is impacted. Disturbance is significant if a population of species is impacted by a change in local distribution or abundance.

The works are small scale within a busy working boatyard. The plant involved is smaller than the regular operating boatyard plant. As the construction plant will not operate when the boatyard plant is in use there can be no increased impact.

4. Summary

Examination of the existing data and site activities along with Natural England's online guidance has not identified any Likely **Significant** Effects (LSEs).