

Foulkes & Sons Boatyard

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

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

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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 the installation of two small pontoon extensions and a pontoon installed on top of the existing concrete slipway to provide better access for slipping and launching vessels.

Drawing 10948/4 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).

For clarification, the following is the recommended procedure:

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). Assess any likely significant effects in more detail and identify ways to avoid or minimise any effects. At this stage it is also necessary to conduct an 'integrity test' which includes potential mitigation. It is at this stage that Natural England are consulted (by the Competent Authority) regarding the proposed mitigation measures.

Stage 3 – Derogations – This only applies if the proposal fails the 'integrity test', the 3 legal tests are: Alternative solutions; Imperative reasons of overriding public interest; Compensatory measures.

The HRA should be undertaken by the Competent Authority with relevant details being provided by the Applicant. This often results in a 'Shadow' HRA being provided by an Applicant.

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.

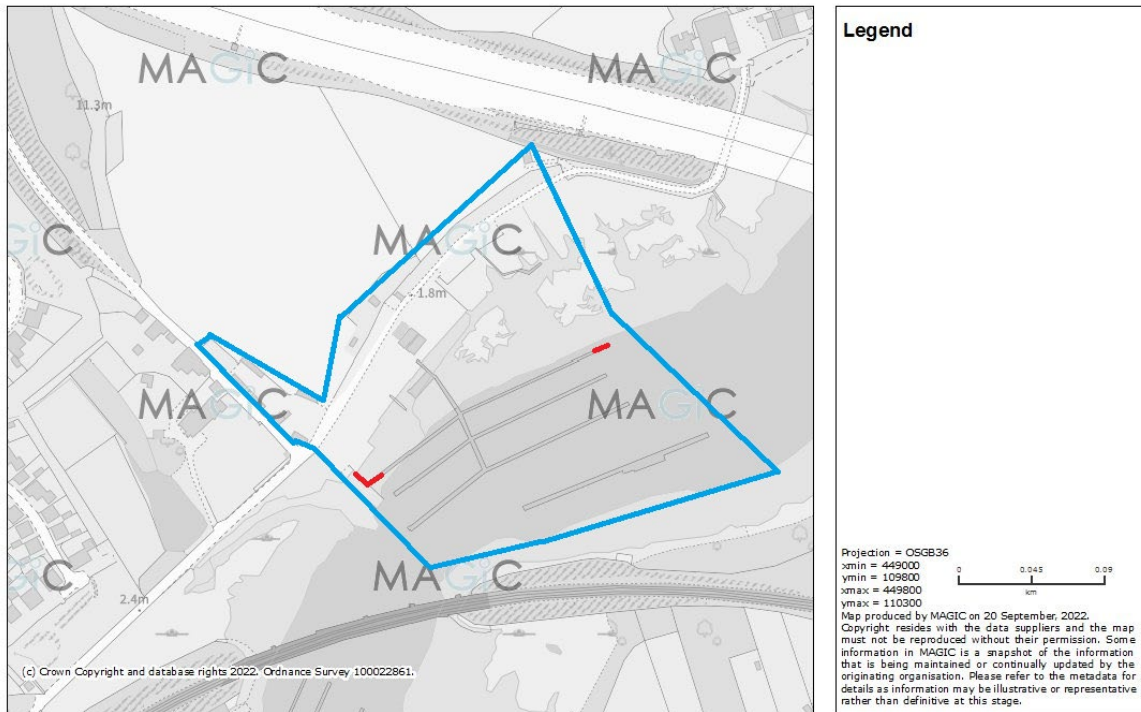
(2) Where the assessment provisions apply, the competent authority may, if it considers that any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the licence, consent, or other approval were subject to conditions or requirements,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

MAGiC

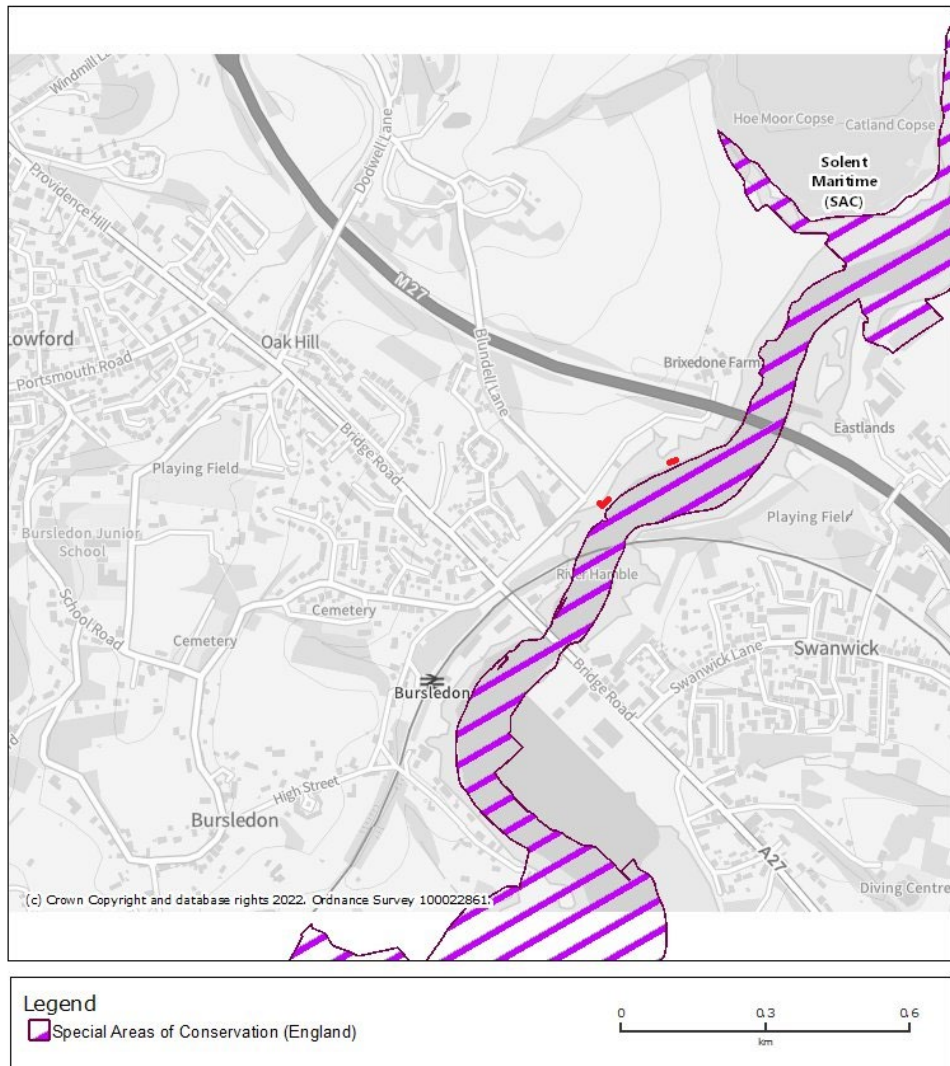
Site



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

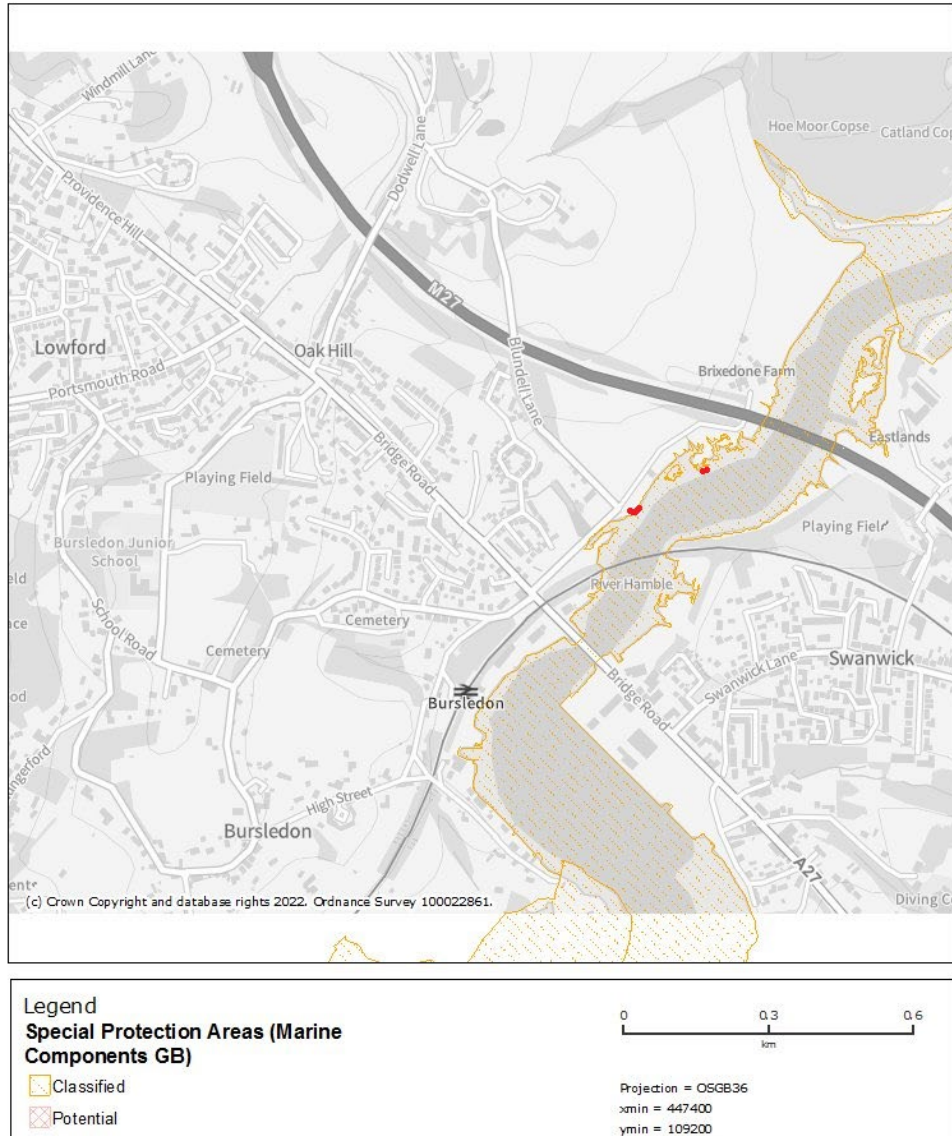
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SAC



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

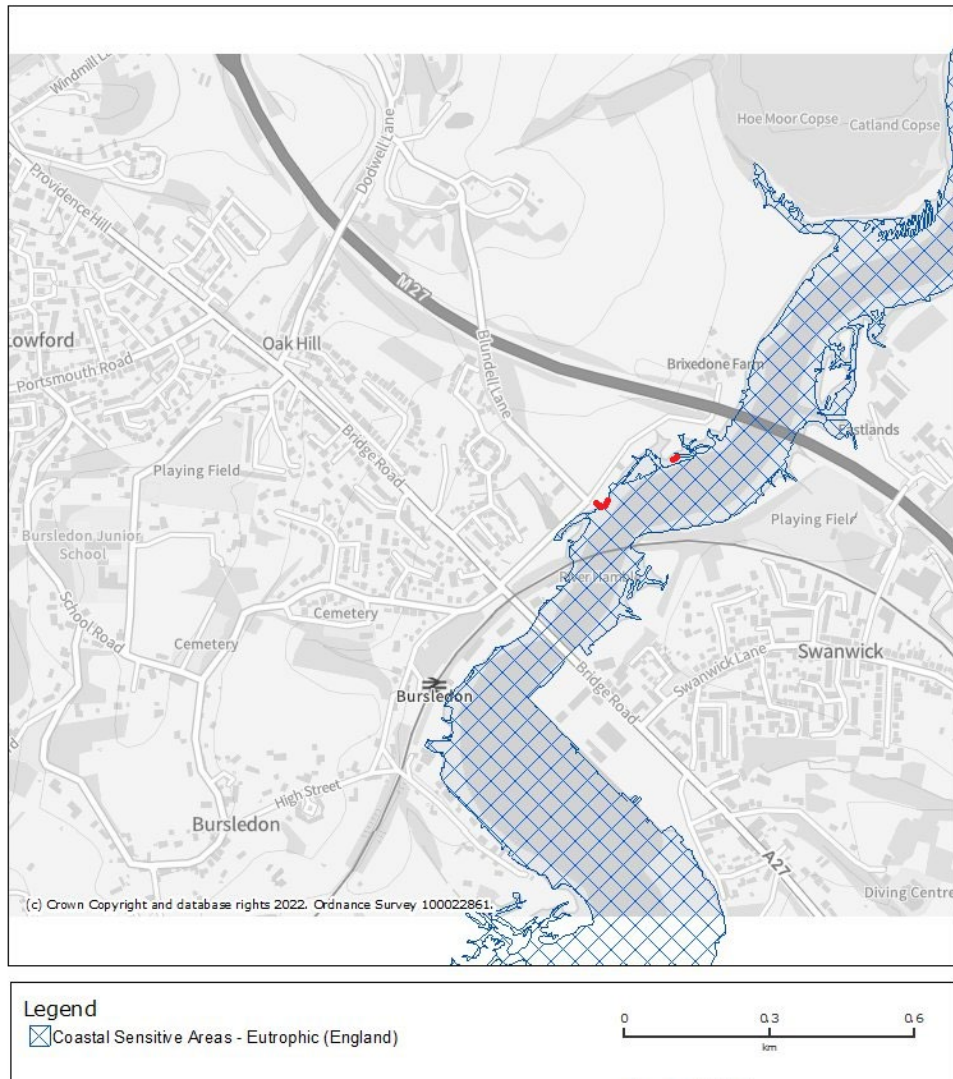
MAGiC SPA Marine Components



Coastal Sensitive Areas - Eutrophic. Hamble Estuary (UKENCA123). Red lines show works area.

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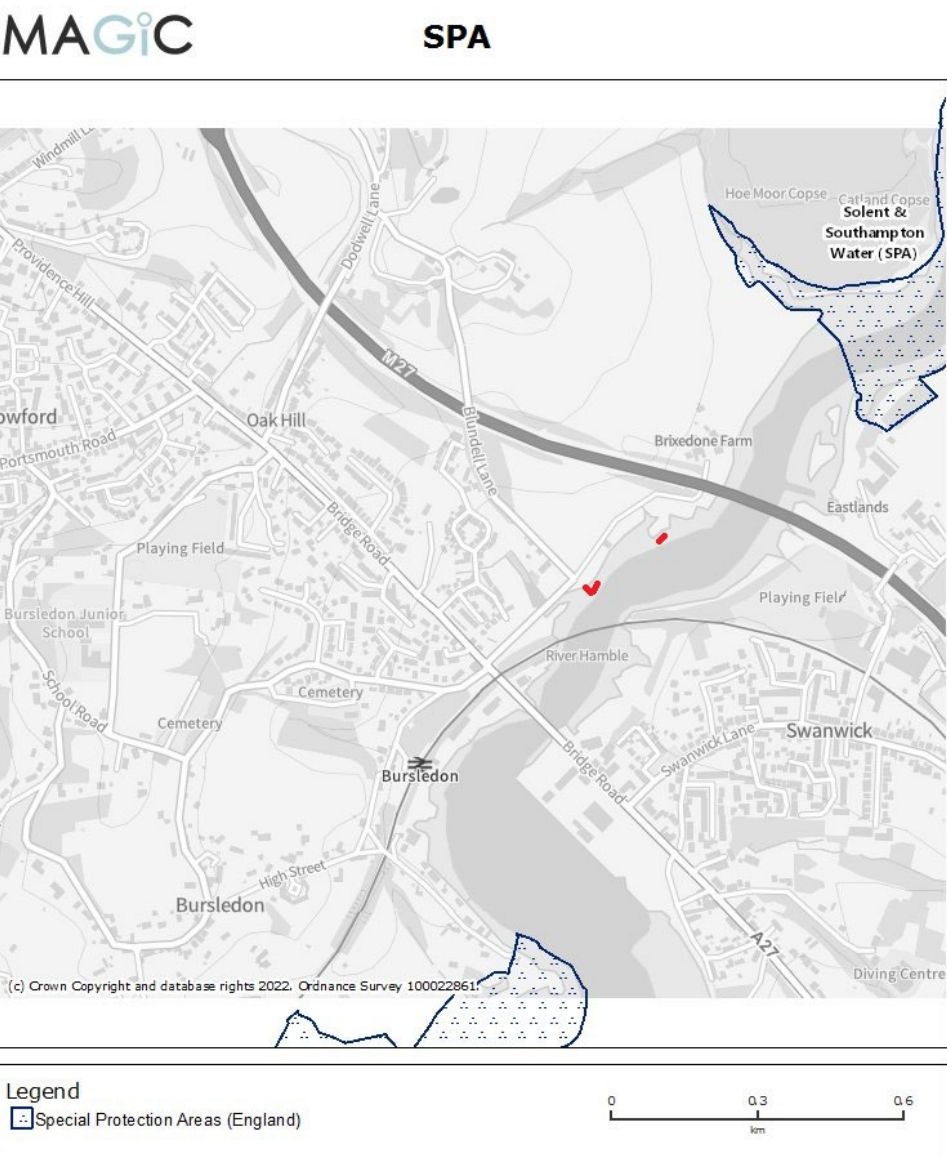
Eutrophic



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



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



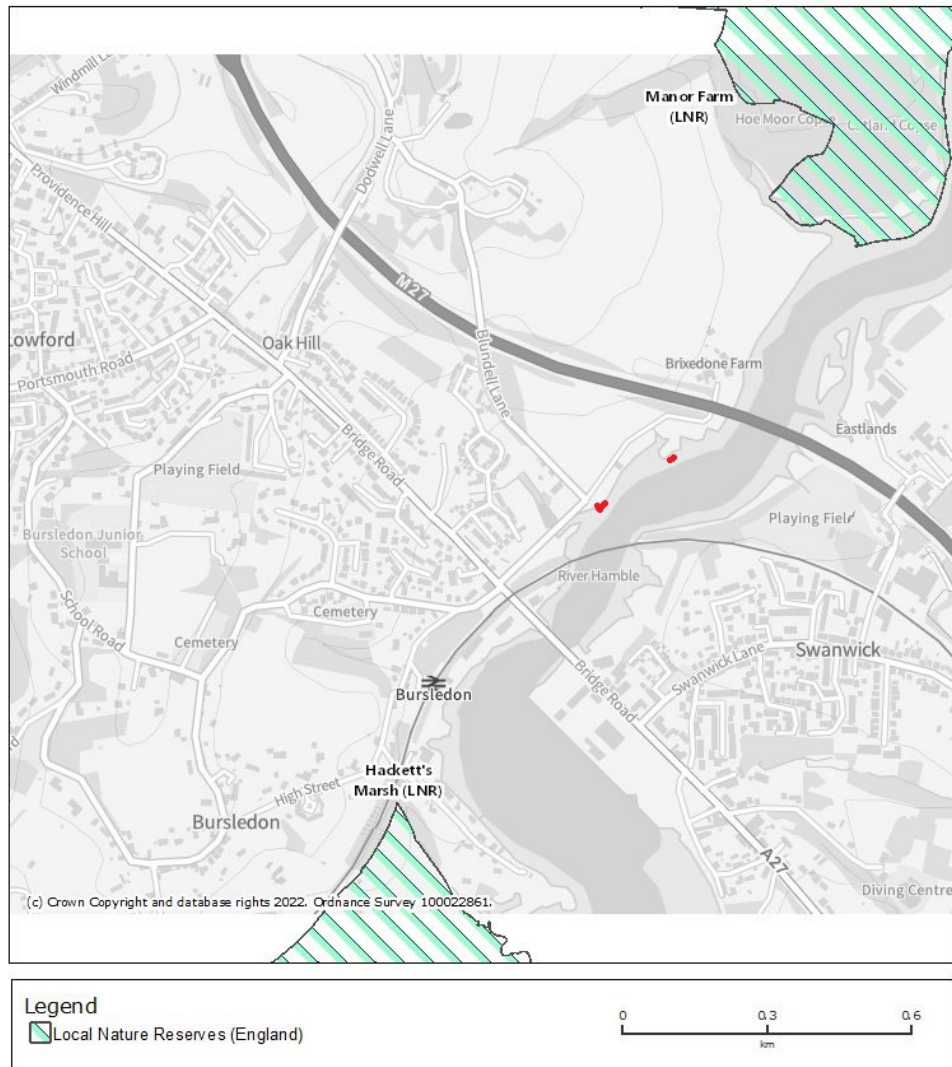
SSSI – Lincegrove and Hackett’s Marshes, and Upper Hamble Estuary and Woods, (Nationally protected sites). Red lines show works area.



Local Nature Reserves – Manor Farm and Hackett's Marsh (Locally protected sites). Red lines show works area.

MAGiC

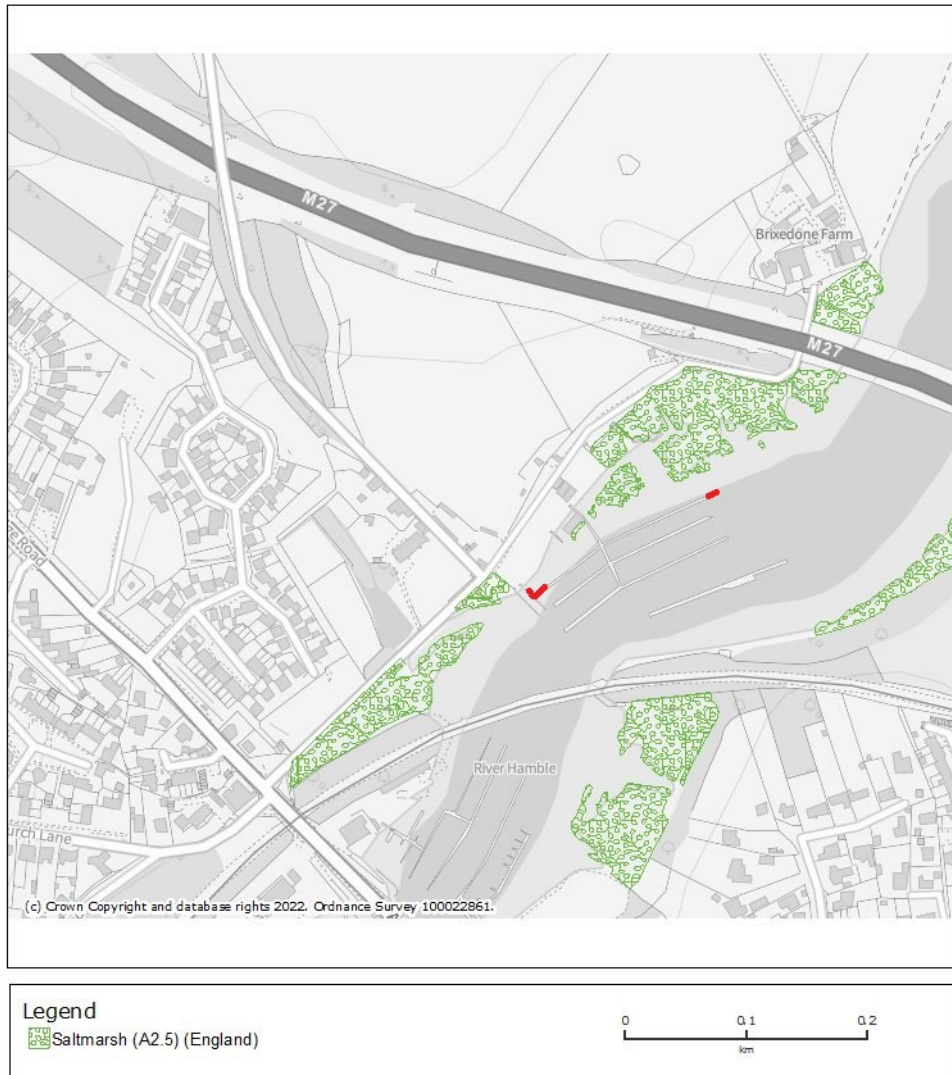
Magic Map

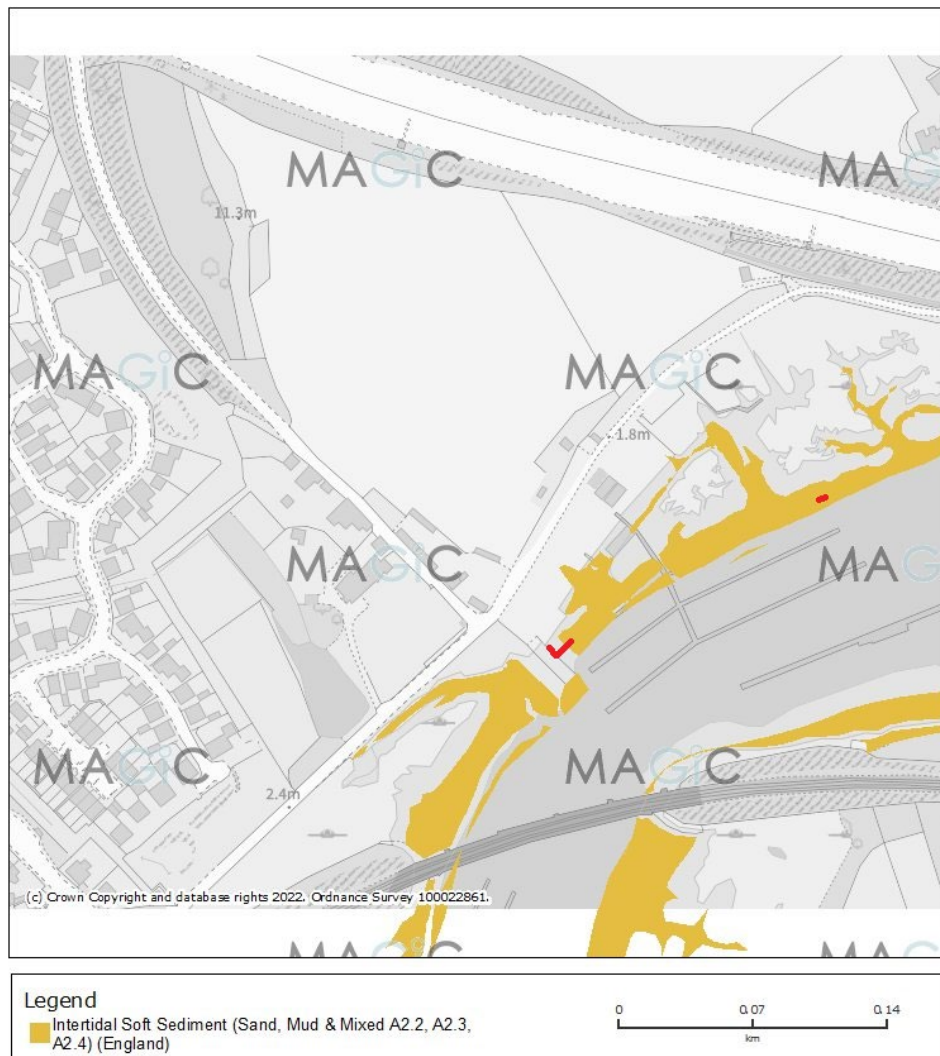


Supporting habitats:

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 – applies. 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 installation of two short lengths of pontoon. An additional length is on top of the existing slipway and can have no possible impact..

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

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. No impact.

Changes in suspended solids (water clarity)

Risk is medium-high. All the works are floated into position, and can have no impact on water clarity.

Emergence regime changes, including tidal level change consideration

Risk is medium-high. Installation of floating pontoons 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. No penetration or disturbance to substratum is possible. No 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 proposed pontoons will dry at low tide and therefore represent an intermittent loss of intertidal habitat. **Potential impact from pontoons.**

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. No use of marine plant. No possible 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. Physical loss

In terms of the pontoons near the slipway, the 15.4m length to extend the existing to the slipway represents an area of 30.8m². These pontoons, (which do not include the section that will lay on the existing slipway, as that is not considered habitat), will rest on the intertidal area at low waters and therefore represent an intermittent loss of habitat. As it is the pontoon floats that will ground, (rather than the full pontoon area), the true area is 13.5m².

For the upstream pontoons, the area grounding on the intertidal is 6m².

It is questionable whether these represent a permanent loss of habitat (and therefore a LSE), this is no different to a vessel resting on the seabed at low waters (which does not require such assessments). There are several examples on the Hamble where the drying out of pontoons has been accepted in preference to permanently removing the material (dredging). Universal and Deacons are good examples.

These pontoons also provide improved access for the berth holders, and this is a benefit.

It is considered that, whilst the pontoons represent some potential intermittent loss, they do not represent a Likely Significant Effect.

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
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The SPA qualifies for breeding and overwintering bird species. Breeding species include Common tern (*Sterna hirundo*), Little tern (*Sternula albifrons*), Mediterranean gull (*Ichthyaetus 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. No marine plant is required.

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).

It is also important to understand that this proposal has been fully examined by the Marine Management Organisation as part of their internal HRA. During this process both Natural England and the Environment Agency were consulted and raised no concerns.