



Ms. C Timlet,
Havant, Portsmouth & Gosport Coastal Partnership
Havant Borough Council
Southmoor Depot
2 Penner Road
Havant
PO9 1QH

Our Ref: GEN/11/01568
Direct Line: (023) 92446461
Ask For: Mr. S Cantwell
Email: planning.development@havant.gov.uk

24 January 2012

Dear Ms Timlet,

**The Town and Country Planning (Environmental Impact Assessment) Regulations 2011:
Scoping Opinion of the Local Planning Authority.**

**Foreshore at South Hayling, Sea Front, Hayling Island
Eastoke Point Coastal Defence Scheme - Request for Scoping Opinion**

I refer to your request for a Scoping Opinion from the Local Planning Authority for the above development, pursuant to Part 4 of the above Regulations. This follows the screening opinion issued by this Authority on 24th November 2011 regarding this project.

This letter forms the Scoping Opinion of the Local Planning Authority as to the extent and amount of information that will be required within the Environmental Statement (ES).

In forming this Opinion, I have had regard to the range of potential effects of the project, and whether any of these are likely to be significant. I have drawn upon your document '*A Study to Inform the Scoping Phase for an Environmental Impact Assessment*' dated October 2011, which refers to your earlier consultations with other agencies and consultees. I have also taken into consideration the comments of consultation bodies (under Regulation 13 of the 2011 Regulations), received in response to your current scoping request. I have appended those comments to this letter as Appendix 2.

The scope of the ES is listed below. In identifying likely significant effects on each Environmental Aspect ('Aspect') I have of necessity excluded the beneficial impact of proposed mitigation measures, for example the control of the timing and hours of works; this had led to the scoping-in of Traffic and Noise. Some other Aspects: Landscape and Visual Amenity and Navigation are scoped-in at the recommendation of consultees. In two cases Water Quality and Nature Conservation, scoping-in is due in part to the uncertainty about effects.

I have also included standard content (project description, alternatives), in accordance with the requirements of Sch. 4 of the above Regulations.

I am mindful that whilst the project is EIA development, it is in essence a fairly localised project, and has been informed by other robust work, such as the North Solent Shoreline Management Plan 2010 and your own Study document. With this in mind I have endeavoured to keep matters as simple as possible by recommending the further information which would be needed to augment your Study document for each Aspect in order to form the content of the ES. This list, together with an explanation of the reason for the scoping in of each aspect, is attached as Appendix 1.

Scope of the ES

In summary, the ES should contain (*italics below cross-refer to sections within your Scoping Study of October 2011*):

- **Project Description (Pgs 3-4)**
- **Alternatives Considered (sections 5 & 6)**
- **Aspects of the Environment likely to be Significant Affected**
 - **Nature Conservation (section 4.1)**
 - **Traffic - including navigation (section 4.6)**
 - **Noise and Vibration (section 4.7)**
 - **Water Quality (section 4.9)**
 - **Landscape and Visual Amenity (section 4.10)**
- **Mitigation (Table 1)**
- **Non Technical Summary (Pgs 1-2)**
- **Any important limitations or gaps in the data, information or forecasts relied on in the ES** (the above Study document appears to be quite comprehensive in its coverage and cross-referral to other sources, hence this part of the ES may be brief).

General points

Please note that this Opinion has scoped-out tourism. However, please check whether any significant effects would result if the proposed works would coincide with the coastal sports and training events for the Olympic Games in summer 2012. Furthermore, if through the scoping exercise with the MMO, other issues emerge please contact my officers again so that we can review whether this should be added into the Planning ES.

In terms of mitigation, you have included this in Tables 1 & 6. Several of these mitigations refer to the management of site works, (such as days and hours of operation, measures to avoid noise and fuel spillage, vehicle routing or parking to avoid congestion and the provision of any storage compound). These could be included in a Construction Environmental Management Plan or 'CEMP'. This is a short written statement of these controls and who (job titles) would be responsible for their implementation in the day-to-day management of the works.

Finally, please include a plan within the ES to locate the extent of the proposed works (e.g 1:2500 or 1:1250 scale). Ideally the extent of works could also be identified on figures 2 & 3, and in appendix B.

I trust that this information is clear. Although the Appended list of further information below may appear lengthy, I have endeavoured to make matters as simple as possible. Please do not hesitate to contact the Development Control Team Leader Stephen Cantwell (above) if there is anything you wish to discuss.

Yours sincerely



Mr Chris Murray

Service Manager (Planning Development)

APPENDIX 1

Reasons for Scoping-in of Environmental Aspects and Further Information for inclusion in ES

Nature Conservation (*section 4.1*)

Reason for inclusion: According to Natural England response (Appended), the effect on SAC and Ramsar sites is likely to be significant. Furthermore Table 1 of the Scoping Study the effects on designated and other important areas for nature conservation is to be detailed through the Appropriate Assessment. Table 1 (Pg 10) also appears to rely on mitigation (e.g. restricting period of access in order to avoid disturbance of nesting or roosting birds, working methods to limit the effect of suspended solids on mullusca), or the getting of further information in the case of vegetated shingle.

Further information to include:

- The population level at the site (see Natural England response – Appended)
- The habitats and species present (see Natural England response – Appended)
- A statement of whether any effects are direct, indirect or cumulative (see Natural England response – Appended)
- Means by which water quality is to be controlled to avoid deterioration below standards for shellfish waters, set out in the Environment Agency response (appended)
- Impact of sediment supply process in bird habitat, in particular at Black Point (see Chichester Harbour Conservancy response – appended)
- Consideration if long-term impacts on Chichester harbour ecology, even with the 0.4ha compensation at Medmerry (see Chichester Harbour Conservancy response – appended)
- In Tables 1 & 6, mention whether any mitigation is licensable (see Natural England response – Appended)
- Guidance for Appropriate Assessment. This should take the form of a separate, section, chapter or appended document, cross-referred to the Nature Conservation content of the ES. This will be used by the LPA to undertake the Appropriate Assessment under the EU ‘habitats’ Directive.

Traffic - including navigation (*section 4.6*)

Reason for inclusion: The unlikely significant of effects of traffic in 4.6 and table 6 are in the context of mitigation whereby works are not undertaken at certain times and on certain days. It is unclear whether the effects would be significant if such mitigation was not used.

Further information to include:

- The number, size and frequency of vehicles associated with the project to augment the information in section 4.6
- Parking arrangements for vehicles associated with the project.
- How the mitigation measures (e.g. time limitation of operations) would be ensured.

- How disruption to local businesses is to be minimised (an expansion of section 4.5.3).

Noise and Vibration (section 4.7)

Reason for inclusion: The unlikely significant of effects of noise and vibration in 4.7.2 of the scoping report and Table 6, are in the context of limited periods (e.g. 60 minute periods). It is unclear whether the effects would be significant if such mitigation was not used.

Further information to include:

- A baseline noise context, identifying noise sensitive receptors, to augment section 4.7.1. Whether a subjective qualitative assessment would be sufficient for this purpose can be advised by the Environmental Health officer.
- How the mitigation measures (e.g. time limitation of operations) would be ensured.

Navigation (section 4.6.1)

Reason for inclusion: The MMO response (Appended) states that the inclusion of navigation and recreational boating, is essential. This may form part of the section dealing with transport, using the content of 4.6.1.

Further information to include:

- Identification of any navigation channels.
- Identification of risks to navigation.
- Means by which risks are to be managed.

Water Quality (section 4.9)

Reason for inclusion: The Environment Agency response (Appended) refers to risks to shellfish waters and bathing water quality. Whether this is significant is currently unclear, hence it is recommended is currently that this be included in the ES.

Further information to include:

- A description of baseline water quality.
- Identification of risks to water quality arising from the project.
- Whether such changes in water quality would be significant.
- Means by which water quality (dissolved oxygen, suspended solids, metals and other contaminants) is to be controlled to avoid deterioration below standards for shellfish waters, and bathing water quality, as set out in the Environment Agency response (appended).

Landscape and Visual Amenity (section 4.10)

Reason for inclusion: According to Natural England response (Appended), “*the EIA should include assessments of vital impacts*”, this should include changes in topography. Section 4.10 of the Scoping Study does not explain how the conclusion in Table 6. that significant impacts are *unlikely*, has been arrived at.

Further information to include:

- Consideration of The Chichester Harbour Conservancy AONB Management Plan (see response appended).
 - A Landscape Character Map (LCM) at an appropriate scale with key or annotations.
 - A Landscape Character Assessment (LCA) (see natural England response – appended). This could cross refer to LCM and incorporate the list of landscape characteristics bulleted in section 4.10.1 of the scoping study. Their contribution to landscape *distinctiveness* to be stated.
 - Baseline conditions could be shown as a series of photographs of existing views, ideally including some from the water.
 - Effects could be shown as a series of montage photographs, with annotations to describe the sensitive use of designs and materials.
-

Consultee Responses**Environment Agency - Solent & South Downs Area (Contact Helen Teir: 01903 703862)**

The proposed works location is within the 'Solent' and 'Isle of Wight East' waterbodies of the Water Framework Directive (WFD). The WFD requires that all inland and coastal waters within defined river basin districts must reach at least *Good Status or Good Potential*, *The WFD requires no deterioration in the current status of the water body. It also includes an objective to 'aim to improve' any water body that is not presently at Good Status.* and defines how this should be achieved through the establishment of environmental objectives and ecological targets for surface waters.

This application will need to be assessed against the 'no deterioration' requirements of the WFD. This should include an assessment of the works' potential for impacts on the status of the WFD quality elements, specific pollutants, priority substances and protected areas (e.g. Shellfish Waters and Special Protected Areas).

In terms of WFD Protected Areas, the applicant should note that some the location of the proposed works is within the boundary of a Shellfish Waters Directive designated area, namely 'Chichester Harbour (Emsworth Channel)'. The majority of the proposed is just outside of the boundary of the designated area. Care will need to be taken to ensure any contamination released by the construction works is kept to a minimum, as any sediment plume could potentially impact the Shellfish Waters. Surface sediments in this area are likely to be contaminated. The Shellfish Waters Directive (2006/113/EC) requires mandatory compliance with mandatory standards for parameters including dissolved oxygen, suspended solids, metals and other contaminants. Dissolved oxygen, measured as % saturation, should exceed 70% (as a mean), and individual measurements may not be less than 60% unless there are no harmful consequences on the development of shellfish colonies. The directive also requires that a discharge affecting shellfish waters must not cause the suspended solid content of the water to exceed by more than 30% the content of waters not so affected. The

Environment Agency would expect that all construction and operational activities do not jeopardise compliance.

Chichester Harbour is also designated harvesting area for oysters and cockles. EC Regulation 853/2004 (which replaces the EU Shellfish Harvesting Directive 91/492/EC) aims to protect consumers of foods including shellfish, and is implemented in England by the Food Hygiene (England) Regulations 2006. The requirements of these regulations, which are implemented by CEFAS and the Food Standard Agency, should also be considered by the applicant.

There is also an EU designated bathing water at Eastoke approximately 2.0 km west of the proposed works. One concern is a potential for increased suspended solids from sediment disturbance during the proposed works, which could increase contamination and bacteriological levels. The Bathing Water season occurs in the months May until the end of September and we note that the proposed works are due to occur during these months. We would therefore advise the applicant that if we find any deterioration in bathing water quality at the designated bathing, we would ask the applicant to cease their works. We would need to assess the risks before the works could continue.

The applicant has identified that the proposed development has the potential to cause localised pollution of the water body through increasing turbidity and hydrocarbon pollution (spillages/ leakages) during the construction phase. The applicant will need to provide a method statement when they submit the application stating how they will minimise and reduce pollution through the construction phase.

We would advise the applicant to adhere to the Environment Agency's Pollution Prevention Guidance (PPG) 5 (Works in, near or liable to affect watercourses). In the event of a pollution incident, all works should cease immediately and the Environment Agency contacted on their incident hotline 0800 807060.

The eastern extent of the works fall within an area of the tidal Emsworth Channel that is classed as 'main river' and therefore under the terms of the Water Resources Act 1991, the proposed works will require the prior written permission of the Environment Agency in the form of a Flood Defence Consent (FDC).

The applicant should contact Rob Waite at the Environment Agency, on telephone number 01962 764897, to discuss the requirement for FDC and the consenting process.

Natural England - Land Use Operations Team (Contact Simon Thompson: 0300 060 4625)

Natural England advises that the Environmental Impact Assessment (EIA) should give full consideration to:

1. Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites).

The development site is partly within and partly adjacent to the following designated nature conservation sites:

- Chichester Harbour Site of Special Scientific Interest (SSSI)
- Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar
- Solent Maritime Special Area of Conservation (SAC)

Further information on the above designated sites can be found at www.natureonthemap.org.uk or by request from their office. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (e.g. designated SPAs) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Government policy, stated in PPS9 and Ramsar Sites in England: A Policy Statement (DETR 2000)³, stipulates that Ramsar Sites be treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site and in our view it is likely that it will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. Natural England recommends that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'.

The pertinent issues in relation to the above have been identified in the guidance note already submitted by the Havant, Portsmouth and Gosport Coastal Partnership.

2. Landscape Character and Designated Areas

To ensure that the proposed scheme does not adversely affect the character of the surrounding countryside, Natural England recommend that consideration should be given to the following aspects in the environmental impact assessment:

- The potential impact of the scheme on the landscape character and visual amenity of the surrounding area.
- The detailed design of the proposed improvements should seek to respect and enhance local character and distinctiveness, and use appropriate materials and designs in all new built features.
- The development site is within/adjacent to the following designated area:

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Any development taking place within a nationally designated landscape is expected to be of the highest quality, which should respect, maintain, or enhance, local landscape character or distinctiveness.

Natural England is concerned over the potential effect of this development on the natural beauty, local character and distinctiveness of the AONB and the Environmental Statement should include a full assessment of these effects. Full regard should be paid to the Chichester Harbour Conservancy AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved and how this development can be improved so that it is 'good enough to approve'. They suggest that you also consult Chichester Harbour Conservancy, if you have not done so already, in order to ensure that planning issues regarding this proposal take into account the various issues that arise as a result of the AONB designation.

Landscape and visual impacts

Natural England would wish to see details regarding local landscape character areas mapped at a scale appropriate to the development site and any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects on the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We strongly advocate the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. Guidance on LCA, published by the Countryside Agency and Scottish Natural Heritage, is available at:
<http://www.snh.org.uk/www/sharinggoodpractice/cci/cci/guidance/Downloads/LCAfull.pdf>

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out in this book (which was sponsored by the Countryside Agency, amongst others) is almost universally used in the procedures of landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England would encourage all new development to consider the character and distinctiveness of the area, with the design and outlay of all elements of a proposed development reflecting local design characteristics and wherever possible using local materials. The Environment Impact Assessment process should

detail the measures to be taken to ensure the building design will be of a high standard, as

well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

3. Local Wildlife Sites

Records indicate that the development site is adjacent to the following Local Wildlife Site: Sandy Point Local Nature Reserve (LNR). Local Wildlife Sites are identified by the County Ecologist and are of county importance for wildlife. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife interests of the site identified above. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the County ecologist for further information.

4. Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

We strongly recommend that surveys for protected species should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:
The species concerned;

- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out by suitably qualified and where necessary, licensed, consultants.

The great crested newt, dormouse and all species of bats are European protected species such that it is illegal to intentionally kill, injure or otherwise disturb them. If any of these species are found to be present you should also consult Natural England's Wildlife Management and Licensing Unit in Bristol (Tel. 0845 6014523) about licensing implications before any work can proceed.

5. Other features of nature conservation interest, e.g. habitats and species identified within the UK and County Biodiversity Action Plans.

Natural England advises that a habitat survey (analogous to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting the most important wildlife areas within the site, and should if possible provide opportunities for overall wildlife gain.

6. Cumulative and in-combination effects.

The EIA should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. To carry out the assessment of cumulative and in-combination effects, the following types of projects should be included. (Subject to the availability of information):

- a. Existing completed projects
- b. Approved but uncompleted projects
- c. Ongoing activities
- d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- e. Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Chichester Harbour Conservancy (Contact Alison Fowler: 01243 510988)

Wish to make the following points:

Generally in principle CHC are content with the proposals as submitted. However, they are concerned about the possible effect of the scheme on the sediment supply to Black Point. There is the potential for the scheme to starve adjacent and nearby dune systems, spits and other areas of sediment used by roosting birds within Chichester Harbour. The main wader roost at Black Point is a significant and key site at certain states of tide, but is covered above a 4.7m tide. Any reduction in elevation caused by reduced sediment supply from the south, could significantly reduce the value of the site. It should also be recognised that bird species such as Sanderling, Bar-tailed Godwit and Ringed Plover are intertidal, shingle and muddy sand specialists and a reduction in the area of sandy substrates and a change to mud flats, would be detrimental. Therefore, the EIA needs to fully address the impact of the scheme on Black Point wader roost, other local roost sites, the dune systems at Pilsey Island and East Head.

During the construction of the scheme, the proposed haul road will pass close by some wader roost sites (Sanderling and Ringed Plover, both of which are declining species). The EIA needs to fully address the potential impacts upon roosts should works extend either side of April or September.

Ringed Plover are known to nest on shingle beaches and they already attempt nesting on the East Stoke frontage, but are generally unsuccessful given the extent of public access. The EIA needs to address this point during the construction phase, but also any longer-term impacts as a result of sediment type and distribution changes following completion.

The proposals identify 0.4ha of compensation being required, which is likely to be delivered at Medmerry. However, it is unlikely that the habitat lost through the scheme (i.e. annual vegetation of standlines and vegetation shingle) will be replaced on a like for like basis. As such, the EIA needs to fully consider if there will be any long-term impacts on Chichester Harbour.

Lastly, the proposals represent large-scale works which will be visible locally and also on the approach to the Chichester Harbour. It is noted that stone will be used to construct the rock armour, but no details are given as to the stone type. The EIA should include a visual impact assessment of the structures and seek to reduce their impact by selecting the most appropriate stone type. It should be noted that Chichester Harbour Conservancy's preferred

stone for rock armour / rip-rap is the darker Purbeck Stone and they request that this is given due consideration.

Marine Management Organisation

Over and above the information set out above, it is noted further to your email of 11th January 2012 that the Marine Management Organisation are conducting a similar Scoping Opinion. The responses set out within the Scoping Exercise conducted by that organisation must also be incorporated within the Environmental Statement. For continuity, these organisations and their response have been replicated below.

RYA

The RYA considers that it is essential that the Environmental Statement includes sections covering navigation and recreational boating. This is particularly in relation to the proposed beach recharge, the effects this may have on silt levels within the surrounding area and the socio-economic effects this will have on local sea users. We understand that this pre-application has already been the subject of active local dialogue between the affected parties, the Harbour Master and the Local Authority.

English Heritage

The scoping for the Environmental Impact Assessment (EIA) has involved consultation with the Senior Archaeologist for Hampshire County Council. We have also reviewed section 4.2 (Cultural and Archaeological Heritage) of Eastoke Point Coastal Defence Works, Southern Hayling Frontage A study to inform the scoping phase for an Environmental Impact Assessment (prepared by Havant, Portsmouth and Gosport Coastal Partnership, dated October 2011). We noted the comments made by the Senior Archaeologist (Hampshire County Council) in this study and we have no further advice to offer at this stage.

To ensure that the proposed scheme does not adversely affect the character of the surrounding countryside, we recommend that consideration should be given to the following aspects in the environmental impact assessment:

- The potential impact of the scheme on the landscape character and visual amenity of the surrounding area.
 - The detailed design of the proposed improvements should seek to respect and enhance local character and distinctiveness, and use appropriate materials and designs in all new built features.
-