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18 November 2022

Dear Mr Coulet

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS') SCREENING OPINION
REQUEST IN RESPECT OF THE DEVELOPMENT**

Site Address: Land west of Hayling Billy Trail and, Long Island, Langstone Harbour, Havant
Proposed Development: Screening Opinion in relation to Proposal for restoration via shingle recharge at 2 No nesting sites off Hayling Island (Oyster Bed Lagoon within West Hayling LNR and Long Island) involving raising level of sites up to 3.6m ODN (average recharge height of 0.7m) to create 1,820 m² and 2,200 m² restored tide resilient shingle nesting habitat at the two sites respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.

This screening opinion has been carried out following the receipt of Planning Application reference APP/22/00850 for the above development.

Having considered the proposal as detailed in the planning application, Havant Borough Council is of the opinion that the application does not fall within Schedule 1 Development of the Environmental Impact Assessment Regulations 2017.

If the project is listed in Schedule 2 of the Environmental Impact Assessment Regulations 2017, the Local Planning Authority should consider whether it is likely to have significant effects on the environment.

The proposal is considered to fall within Schedule 2, 10 Infrastructure projects (m) Coastal work to combat erosion. Consideration has also been given to the characteristics of the development, its location and potential impact as set out in Schedule 3 of the Environmental Impact Assessment Regulations 2017.

In terms of Schedule 2, 10 (m) the relevant threshold in column 2 states '*All development*'. The site(s) are also located in a sensitive area Chichester and Langstone Harbour Special Protection Area (SPA), Ramsar, Solent Maritime Special Area of Conservation (SAC), Solent & Isle of Wight Lagoons SAC, Langstone Harbour Site of Special Scientific Interest (SSSI) where the threshold does not apply. It is therefore considered appropriate to carry out a screening of this proposal.

The application is accompanied by supporting information setting out the aims of the project and ecological considerations. In particular the submitted *Tern and Shorebird Habitat Restoration at Langstone Harbour Shadow HRA* dated 9th June 2022 has been considered in this screening.

In terms of Schedule 3, this provides selection criteria for screening schedule 2 development under three headings as set out below:

Characteristics of development

1. *The characteristics of development must be considered with particular regard to:*

(a) the size and design of the whole development

In this regard the proposal is for shingle recharge to two areas of shingle banks raising the banks levels by 0.7m to 3.6 OND. The total area of the works is 0.40ha and the total shingle required for the project is calculated at 5,065 tonnes. The works are considered relatively modest in area and are aimed at reinstating and providing shore nesting and roosting sites for birds.

(b) cumulation with other existing development and/or approved development

Whilst similar works have been carried out within Langstone Harbour (Baker's Island and South Binness Island) it is not considered that these works have produced negative in combination impacts.

(c) the use of natural resources, in particular land, soil, water and biodiversity

The proposal is to re-charge existing shingle areas using natural materials providing small areas less vulnerable to storm surge inundation to provide bird nesting sites in the interests of biodiversity.

(d) the production of waste

There would be no waste production. During the re-charge of shingle, transport would be required and mitigation would be employed to minimise risk of pollution for example from fuel/oil.

(e) pollution and nuisances

Whilst the works would include construction impacts, these are short term and mitigation measures would be employed. The proposal would not produce any ongoing pollution and nuisances.

(f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge

It is not anticipated that the nature of the proposals are likely to present any unacceptable risks / disasters.

(g) the risks to human health (for example, due to water contamination or air pollution)

There are not considered to be risks to human health.

Location of Development

(2) The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard to -

(a) the existing and approved land use

The sites use would not change use as a result of the proposals.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground

The proposal seeks to recharge shingle ridges and retain/enhance important nesting habitat.

(c) the absorption capacity of the natural environment, paying particular attention to the following areas

Most relevant listed below:

(ii) coastal zones and the marine environment

The proposal is proposed within the coastal zone/marine environment and within a sensitive ecological area. The submitted details are considered to demonstrate how the development would have a very limited impact on the environment whilst seeking to enhance ecological resources for the benefit of shore nesting birds.

(iii) nature reserves and parks

One of the sites is within West Hayling Nature Reserve. The application states that:

The islands within West Hayling Local Nature Reserve's coastal lagoon have not been performing well for wildlife, due to ongoing erosion of loose shingle and flooding issues. Against a background of past and predicted losses of extent and quality of habitats, and consequential impacts on key coastal species, the project will deliver focused restoration of nesting habitats on this island.

The capacity of the sites are considered to be improved by the proposed works.

(v) European sites and other areas classified or protected under national legislation

Langstone Harbour is a site of international, European and national significance for nature conservation environmental significance, with multiple conservation and wildlife protection designations. Both locations are within the international Ramsar site, European (Nature Directives) SAC and SPA designations, and the national SSSI designation.

The works seek to mitigate the impacts of the works stage of the shingle recharge and improve the ecological diversity of the islands.

(viii) landscapes and sites of historical, cultural or archaeological significance

The application has been accompanied by an Archaeological Desk-Based Assessment. This identifies archaeological interest within both sites. The County archaeologist consultation response states:

With regard to the West Hayling element the raising of the shingle level on the existing bund does not suggest to me any archaeological mitigation is necessary.

With regard to the Long Island replenishment, the archaeological implications are greater as the shoreline is likely to have exposed archaeology on it and the shingle will be moved in place by machinery across that surface. I note that in 5.3.2 some temporary matting is to be laid although the nature and extent of that is not clear. The Long Island foreshore is subject to ongoing erosion and I recommend that the foreshore is inspected and any archaeological features currently exposed are recorded (and artefacts retrieved) prior to the works so that the importation of material and use of machinery is mitigated. This would ensure that any further exposure of archaeological features since the Langstone Harbour survey 20 years ago are recognised and recorded prior to impact.

Accordingly I recommend that an archaeological condition is attached to any planning permission which might be issued to secure such a survey.

Subject to a suitable planning condition being imposed on any planning permission requiring further investigation/recording it is considered that any impact on historical significance/archaeology can be addressed. The works to the Hayling Island site will also help to ensure the retention of former oyster beds features which are currently being eroded.

Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

As set out above the area is limited (0.402ha) and the works are to re-charge existing shingle banks by raising their height by 0.7m.

(b) the nature of the impact

The nature of the impact is to improve the nesting and roosting of shoreline birds whilst mitigating the impacts of the works on the protected environments including at implementation stage.

(c) the transboundary nature of the impact;

The shingle would be retained in the correct places by use of brushwood fencing and laying techniques. The works seek to improve the environment for important protected bird species in Langstone Harbour.

(d) the intensity and complexity of the impact;

The works are considered low intensity and would enhance the nature conservation capacity of the sites. The works would also be time limited in terms of the shingle re-charge process.

(e) the probability of the impact;

Whilst the operation to raise island levels would have some very localised impacts these would be time limited and mitigated by timing of the works and their nature. Once completed the works would enhance biodiversity.

(f) the expected onset, duration, frequency and reversibility of the impact;

The duration of the shingle re-charge would be limited to a short period and the impact would be to improve the biodiversity of the sites.

(g) the cumulation of the impact with the impact of other existing and/or approved development;

As previously stated, whilst similar works have been carried out within Langstone Harbour (Baker's Island and South Binness Island) it is not considered that these works have produced negative in combination impacts.

(h) the possibility of effectively reducing the impact.

The submitted application details measures to reduce impacts on the protected environments and the application is submitted by the RSPB. Natural England have also recommended conditions to ensure that impacts are limited and acceptable.

Overall it is considered that impacts can be minimised from the shingle re-charging process, with short term impacts that will be time limited. The works would improve the sites for ecology and diversity.

In considering this application consultation responses received in relation to the related planning application have been taken into account, in particular; Natural England; The Environment Agency and the Hampshire County Council Ecologist.

Natural England state (summary):

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites: Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), Solent & Isle of Wight Lagoons SAC, Langstone Harbour Site of Special Scientific Interest (SSSI), and Chichester Harbour SSSI, and has no objection.

Further comments received in relation to draft screening opinion:

I can confirm Natural England agree with your conclusions within the attached screening opinion.

The Environment Agency state (summary):

We have no objection to the proposal as submitted.

Hampshire County Council Archaeologist (summary):

I recommend that an archaeological condition is attached to any planning permission which might be issued to secure such a survey.

Marine Management Organisation

Comments received in relation to draft Screening Opinion:

The MMO does not have any comments about the EIA Screening that has been carried out by Havant Borough Council. The MMO does not consider that an EIA is required.

Full copies of the formal consultation responses can be viewed on the Councils Website.

Conclusion

It is considered, having regard to the selection criteria in schedule 3 to the Regulations and the associated guidance including screening indicative criteria, that the development would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or the proposed works.

As a result, it can be confirmed that the development described in your planning application, associated plans and documents is not EIA development.

Yours sincerely

Neeru Kareer

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Executive Head of Place (Interim)