

Dr. C Fleming

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5<sup>th</sup> April 2023

Dear Dr. C. G. Fleming

**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:** Northney Farm, St Peters Road, Hayling Island, PO11 0RX

**Proposed Development:** Screening Request – Habitat Coastal Protection including Inner Flood Defence and Outer (existing) Flood Defence.

This screening opinion has been carried out following the receipt of a request for screening received 14<sup>th</sup> December 2022. An Extension of Time for the consideration of the Screening has been agreed until 6<sup>th</sup> April 2023.

Having considered the proposal as detailed in the screening request, 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 is also located in a sensitive area Chichester and Langstone Harbour Special Protection Area (SPA) RAMSAR, Solent Maritime Special Area of Conservation (in or adjacent), Chichester Harbour Site of Special Scientific Interest (SSSI) where the threshold does not in any case 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 letter from Envirocentre dated 14<sup>th</sup> December 2022 (Ref 476861j/CGF/001 and Screening Report December 2022 Envirocentre 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 in two parts as follows:

### ***Inner Bund***

- *Existing topsoil in bund footprint removed;*
- *Bund core constructed from imported clay (8,000m<sup>3</sup>) and compacted; and*
- *Topsoil cover replaced on top of clay core bund.*

*These works are expected to be complete within around 12 weeks from commencement.*

### ***Outer Defence Reinstatement***

*The existing bund itself where eroded or degraded will be repaired in a similar manner to the method to construct the inner bund where topsoil will be removed, the clay core replaced and reprofiled then topsoil replaced on top.*

*For the concrete parts of the existing sea wall 85m requires replacing and patch repairs are required over around a further 100m of existing sea wall. The method for these areas can be summarised as follows:*

#### *Sea Wall Reconstruction*

- 1. Excavate retained embankment and store material on site then remove existing concrete sea wall; 2. Install new modular pre-cast concrete sea wall units;*
- 3. Construct new buttresses along foreshore; and*
- 4. Reinstate retained embankment with original and imported material as required.*

#### *Sea Wall Repairs*

- 1. Clear concrete joints of vegetation and degraded sealant then replace sealant at expansion joints; 2. Break back concrete to a suitable depth with cuts formed at an incline at defects located beyond the expansion joints.*
- 3. Clear the surface of debris and prime it with an epoxy resin concrete bonding agent then reform the wall profile with a cement-based repair mortar. Where the size of the repair is significant, reinforcement may be required to provide additional restraint against the repair detail loosening;*
- 4. Clear existing buttresses of vegetation and degraded mortar then replace mortar between blocks and between the buttresses and the sea wall.*

In this regard whilst the works are over a fairly extensive area they represent long, narrow features and in terms of the outer defence works represent mainly repair / replacement works. The inner works are a new linear feature with a width of approximately 13m and a length of approximately 1km. The height would be raised by between 0m to 2.25m from existing ground level. The proposal is to import 8000 m cubed of clay to the site to form the bund with topsoil re-used. The works are considered relatively modest in area and are aimed at protecting the habitat identified at Northney Farm for wintering bird populations, principally Curlew and Brent Geese, both qualifying species of the adjacent Solent Maritime SPA.

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

Whilst other works in relation to sea defences have been carried out within Chichester Harbour, 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 repair outer defences and create an inner bund constructed of natural materials. The development is not expected to change the overall nature of the site or surrounding areas.

*(d) the production of waste*

There would be no waste production. During the works, transport would be required and mitigation would be employed to minimise risk of pollution for example from fuel/oil. Site waste management procedures would need to be incorporated in a Construction Environmental Management Plan (CEMP).

*(e) pollution and nuisances*

Whilst the works would include construction impacts, these are short term and mitigation measures would be employed (for example with a CEMP). The proposal would not produce any ongoing pollution and nuisances.

The agent has advised that the development is likely to create approximately 888 loads over a potential five week period with approximately 40 loads / day. A Construction Traffic Management Plan would be needed to address this matter, however, given the time constraints of the construction period and appropriate dust control measures any impacts can be appropriately addressed.

The Highways Authority have confirmed that:

*The development is of a scale that the applicant will need to provide a Transport Statement. This will fully assess the transport and highway impact of the proposed development and identify suitable mitigation measures. A Construction Traffic Management Plan (CTMP) should also be submitted which should lay out the following:*

- (a) A programme of and phasing of demolition (if any) and construction work;*
- (b) The provision of long term facilities for contractor parking;*
- (c) The arrangements for deliveries associated with all construction works;*
- (d) Methods and phasing of construction works;*
- (e) Access and egress for plant and machinery;*
- (f) Protection of pedestrian routes during construction;*
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;*

*(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)*

Any risks to human health are likely to relate to the construction period. It has been confirmed that *Health and Safety at Work legislation and procedures to be followed by the Contractor, including security of the Works during excavations. This should be documented within the CEMP.*

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 agent has confirmed: *The current land uses are grazing for dairy cattle. The proposed project will not change this land use.*

*(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 site is shown to be in an area which includes the following Priority Habitats:

- Coastal and Floodplain Grazing Marsh – these are present in the eastern area of the site between the inner flood bund and outer existing coastal defence;
- Good quality semi-improved grassland (Non Priority) – to the north of the site; and
- Mudflats - to the east of the site boundary.

It is considered that the repair works to the outer defences and the inner bund would subject to appropriate details and planning conditions be unlikely to change the natural resources of the area.

*(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 limited impact on the environment whilst seeking to enhance ecological resources for the benefit of wintering birds.

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

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

The works seek to enhance ecological resources for the benefit of wintering birds.

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

*The screening request has been accompanied by a Screening Report which identifies the need for an Archaeological watching brief during construction. The County Archaeologist consultation response states:*

*There are no archaeological sites currently recorded at that location, although archaeological remains have been found on the adjacent foreshore. Studies of the Hayling Island foreshore (largely on the Langston Harbour side) have indicated that archaeological remains from the Mesolithic onwards are eroding from the landmass, and it seems likely that archaeological remains of harbour side activity do exist in the inland at Northney. It is likely that any development will encounter archaeological remains. This is acknowledged in the Screening Report, although I note that the impact is regarded as minimal as the excavations will not be of great depth. However the excavations will involve the removal of the topsoil and archaeological levels will exist immediately below this and so 'great depth' is not a determining factor. Topsoil removal is sufficient to encounter archaeological remains.*

*I note that the screening Report suggests that this might be mitigated by an archaeological watching brief.*

*I am happy to confirm that the impact of the proposal on archaeological remains is not likely to be 'significant' in the sense of triggering the need for an EIA. However it will be a material consideration and, as indicated in the screening report submitted, it is very likely to need some level of mitigation during ground works associated with implementation.*

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 sea defence features which are currently being eroded.

The site is within Chichester Harbour AONB, however, given the nature of the works including appropriate grading of bunds and re-vegetation / native planting it is considered that the works are unlikely to result in unacceptable impacts on the wider landscape.

#### 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, whilst the works are over a fairly extensive area they represent long, narrow features and in terms of the outer defence works represent mainly repair / replacement works. The inner works are a new linear feature with a width of approximately 13m and a length of approximately 1km. The height would be raised by between 0m to 2.25m from existing ground level. The proposal is to import 8000 m cubed of clay to the site to form the bund with topsoil re-used. The works are considered relatively modest in area and are aimed at protecting the habitat identified at Northney Farm for wintering bird populations, principally Curlew and Brent Geese, both qualifying species of the adjacent Solent Maritime SPA.

There would be some impact on the local population as a result of the importation of clay material but this would be for the construction phase only and time limited. There would also be noise associated with the works and operating machinery, again this would be time limited during the construction phase.

*(b) the nature of the impact*

The nature of the impact is to improve the environment for the overwintering of birds.

*(c) the transboundary nature of the impact;*

It would be important for any application to demonstrate how works would be carried out to mitigate impacts beyond the working areas particularly in terms of impacts on the foreshore and from noise, dust or other pollution to waterways and the harbour. These would need to form part of a Construction Environmental Management Plan secured through the planning application process.

*(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 construction phase process.

*(e) the probability of the impact;*

Whilst the operation to raise repair/reinstate sea defences and provide bunds 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 be likely to enhance biodiversity.

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

The duration of the works 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 other sea defence works have been carried out around Chichester Harbour, it is not considered that these works have produced negative in combination impacts. Any impacts in relation to coastal squeeze would can be assessed at the application stage and the application supporting information will need to address this matter.

*(h) the possibility of effectively reducing the impact.*

The submitted screening submission details measures to reduce impacts on the protected environments.

Overall, it is considered that impacts can be minimised from proposed works, with short term impacts that will be time limited. The works would be likely to be subject to appropriate planning conditions attached to any planning permission, to improve the sites for ecology and diversity.

In considering this application consultation responses received in relation to the screening have been taken into account, in particular; Natural England; The Councils Ecologist; Coastal Partners; County Countryside Services; County Archaeologist and the Marine Management Organisation and these are summarised below. Copies of their comments will be forwarded to you by separate email.

### **Natural England**

*You may wish to recommend our Discretionary Advice Service to the developers/consultants and explain that they are able to contact Natural England directly using this service.*

Given the sensitivity of the site you are strongly advised to engage with this service prior to the submission of any planning application.

### **Councils Ecologist**

*The EIA Screening concludes that with the implementation of various avoidance and mitigating measures (to be included within a CEMP) the significance of impacts would not meet the threshold for full EIA. I am minded to agree with this conclusion, albeit that there is potential for longer-term changes to vegetation communities arising from the proposed scheme. It is inevitable that coastal processes such as inundation and seawater seepage will be altered at the local scale and that these may result in shifting patterns of habitat distribution. These would not on their own be likely to be of such magnitude as to require full EIA.*

### **Coastal Partners**

*We note that this is a request for an EIA Screening Opinion. As an internal consultee for tidal flood risk and coastal erosion only, we can only comment in that context. Notwithstanding this, the assessment submitted by the applicant, and in particular **Table 2 (Potential Environmental Effects, Significance and Mitigation)**, seems reasonable and we would not raise any concerns from a coastal flood risk and erosion perspective if the LPA screened out the proposal from requiring EIA.*

### **County Countryside Services**

*Whilst there is presently no public right of access to the land, the Applicant should be mindful that the England Coast Path (ECP), a future National Trail, is in the process of being established. Its route around Hayling Island has not yet been formalised so there remains the possibility the land the subject of this application could be considered by the Secretary of State to be subject to public access rights in due course.*

### **County Archaeologist**

*I am happy to confirm that the impact of the proposal on archaeological remains is not likely to be 'significant' in the sense of triggering the need for an EIA. However it will be a material consideration and, as indicated in the screening report submitted, it is very likely to need some level of mitigation during ground works associated with implementation.*

## Marine Management Organisation

### *Environmental Impact Assessment*

*With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\), as amended](#). Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.*

*In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.*

*If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link*

<https://www.gov.uk/guidance/make-a-marine-licence-application>

### **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 screening request, associated plans and documents is not EIA development.**

Yours sincerely

*Alex Robinson*

Alex Robinson  
Executive Head of Place