

# HABITATS REGULATIONS ASSESSMENT

Lallows Boatyard, Medina Road  
Cowes, Isle of Wight

Claire Lallow Ltd

NN1626R02  
25 January 2024



## DOCUMENT CONTROL

DOCUMENT TITLE	SHADOW HRA	REVISION	R00
DOCUMENT NUMBER	R02	ISSUE DATE	JAN 2024
PROJECT NUMBER	NN1626	STATUS	FINAL

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REVIEW	T. Pullan	DATE	25/01/2024
AUTHORISATION	J. Owen	DATE	25/01/2024

## REVISION HISTORY

REVISION NUMBER	DETAILS	DATE

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**Figure 1** – Site Location Plan

**Appendix A** – In-Combination Assessment

# **1 INTRODUCTION**

## **1.1 Project Background**

- 1.1.1 E3S Consulting Ltd (E3S) was engaged by Claire Lallow Ltd (The Client) to undertake a shadow Habitats Regulations Assessment (HRA) to support the planning application for the proposed development of Lallows Boatyard.
- 1.1.2 The HRA assesses proposed plans or projects that may have a Likely Significant Effect (LSE) on a European Site. Such plans or projects can only proceed if the Competent Authority (CA) is satisfied that any proposals will not have an adverse effect on the integrity or conservation objectives of a European Site. A CA is defined as a public body that decides to give a licence, permit, consent, or other permission for work to happen such as a Local Planning Authority (LPA). Other examples of a CA include a statutory undertaker carrying out its work, a minister of department of government, or anyone holding public office e.g., ombudsman (GOV.UK 2021).

## **1.2 Location**

- 1.2.1 The site is located within the commercial and industrial area of Cowes harbour where extensive dredging and marine services maintenance already takes place with regular dredging works undertaken at numerous locations regularly. The area has a long history of marine associated works including boat storage maintenance and repair both within marina style complexes, dry storing, and berthing.
- 1.2.2 The site itself consists of boatyard buildings including boat stores and offices. Adjacent to the boatyard is a slipway that was once used for the Cowes chain ferry maintenance.
- 1.2.3 The OS Grid Reference at the approximate centre of the site is SZ498958 (**Figure 1**).

## **1.3 Proposed Works**

- 1.3.1 Lallows Boatyard is an active boat building yard. The proposed works are designed to improve the boat building facilities and reduce current access limitations by consolidating storage buildings and creating additional water frontage hardstanding, all tides access, and berthing provision.
- 1.3.2 Based on the proposed development plans, the existing boat shed closest to the water frontage will be demolished to create an additional hardstanding area, an existing single storey store set back from the frontage shall be converted into a 2-storey boat store (ground floor) and store (first floor).
- 1.3.3 The existing slipway will be partially filled and levelled incorporating a new sea wall and concrete hardstanding for boat storage. Beyond the new sea wall, the remainder of the old slipway shall be removed, and the ground level lowered (including small scale excavation works) to create an enlarged basin with new pontoon access positioned against the new sea wall.

## **1.4 Timing of Works**

- 1.4.1 Due to lengthy planning and approvals process faced by such projects, the timing of the actual building works is unknown at this stage. Once approvals have been given it will be possible to develop a construction timeline. Any proposed timeline will take into account any restrictions set by the planning and approvals process.

## **1.5 Decommissioning**

- 1.5.1 There will not be a decommissioning phase of the proposed development. It is envisaged that the proposed works will provide additional berth facilities for the foreseeable future.

# **2 HABITATS REGULATIONS ASSESSMENT LEGISLATION**

- 2.1.1 A HRA screening process has been undertaken to determine whether the proposed works will have an LSE on any identified habitats.

2.1.2 The legislative basis for Habitats Regulations Assessment is the EU Habitats Directive Article 6(3) and Regulations 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and the Natura 2000 network (hereafter referred to as European Sites) sites that are designated for the importance of habitats, species, and birds. Examples of European Sites include Special Areas of Conservation (SAC), Special Protection Areas (SPA), potential SPAs (pSPA), and Ramsar sites.

### 3 SCREENING METHODOLOGY

3.1.1 The European Commission (EC) has developed guidance in relation to Article 6(3) and (4) of the Habitats Directive (92/43/EEC, EC 2002). This recommends the adoption of a four-stage approach to addressing the requirements of Article 6(3) and (4) referred to in this report as an HRA as set out below.

#### 3.2 Screening

3.2.1 This stage identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans and considers whether these impact areas are likely to result in an LSE. An LSE is defined as any negative impact that might be predicted if a plan or project might pose an adverse risk to a designated site's status or health, otherwise known as integrity. This contrasts to a significant effect in an Environmental Impact Assessment (EIA) which assesses whether a proposed development would lead to a likely significant environmental effect, in accordance with the Town and Country Planning (EIA) Regulation (2017) as amended, based on factors such as the development's size, nature, or location.

3.2.2 The screening process is marked out in following stages:

- Identify all European Sites around the proposed area; and
- Acquire, examine, and understand the conservation objectives of each interest feature of each international site and the potential affects.

3.2.3 If it can be demonstrated that significant effects are unlikely to occur without mitigation measures, no further assessment is required. However, if this cannot be demonstrated, then an Appropriate Assessment (AA) is required; mitigation measures will be required if the Proposed Development is found to negatively impact European Sites.

#### 3.3 Zone of Influence

3.3.1 The Zone of Influence (ZoI) for a project is determined by the area over which ecological receptors may be at risk from significant effects resulting from the project and associated activities. This may extend beyond the site boundary e.g., where there the site is linked to European sites or supporting habitats via hydrological or ecological links. The ZoI can be extensive in marine environments as pollution and materials are easily transported via currents causing effects well beyond the project site.

3.3.2 A 2km ZoI was chosen for the proposed development due to the site's proximity to Solent Maritime SAC and Solent & Dorset Coast SPA. 2km was also considered a suitable distance to include mobile species which may form qualifying features of European Sites including the Solent & Southampton Water SPA/Ramsar. **Table 1** provides the area (Ha) and distance (m) of the identified European Sites within 2km of the Proposed Development.

**Table 1: European Sites within 2km of the Site, Area (Ha), and Approximate Distance(m)/Direction**

Site Name and Designation	Area (Ha)	Approximate distance (m) and direction from the Proposed Development
Solent Maritime SAC	11240.83	Adjacent
Solent & Southampton Water SPA/Ramsar	5304.63	1785 South
Solent & Dorset Coast SPA	88980.55	Partially within

## 4 IDENTIFIED EUROPEAN SITES

- 4.1.1 The following section provides details of the identified European Sites and **Table 2** addresses the European Site's conservation objectives and vulnerabilities (where applicable).
- 4.1.2 Projects can impact European Sites outside of the proposed development's footprint e.g., through site variables such as tidal currents and wind direction. In addition to this, the mobile nature of a European Site's qualifying species must be addressed; adverse impacts on a qualifying species can occur even if they are not present within the proposed development's site.

### 4.2 Special Areas of Conservation: Solent Maritime

- 4.2.1 The Solent Maritime SAC encompasses a unique major estuarine system on England's south coast with double tides and long periods of tidal stand at low and high tide. This unusual tidal regime makes the Solent Maritime SAC a unique suite of functionally linked estuaries with dynamic marine and estuarine habitats (Natural England n.d.a).
- 4.2.2 The Solent Maritime SAC is the only site to support all 4 UK species of cordgrass (*Spartina* spp.) including the rare native small cordgrass (*Spartina maritima*).
- 4.2.3 Solent Maritime SAC is legally underpinned by 17 SSSIs, of those 17, the 6 found on the Isle of Wight include: Bouldnor & Hamstead Cliffs SSSI, King's Quay Shore SSSI, Medina Estuary SSSI, Newtown Harbour SSSI, Thorness Bay SSSI, and Yar Estuary SSSI.

### 4.3 Special Protection Area (SPA) and Ramsar: Solent & Southampton Water

- 4.3.1 Solent & Southampton Water SPA and Ramsar comprise extensive intertidal mudflats and sandbanks, intertidal and subtidal rock, saltmarsh, coastal lagoons, coastal reed beds, shingle banks, and grazing marsh.
- 4.3.2 The estuarine sediments support rich populations of invertebrates which in turn provide an important food source for wintering birds for which the European Site is designated. Amongst other species, the Solent supports 10-13% of the world's population of dark-bellied brent geese and 30% of the UK population (Stillman et al. 2009).
- 4.3.3 The SPA and Ramsar are legally underpinned by the following SSSIs (note: only SSSIs found on the Isle of Wight have been included in the list): Brading Marshes to St. Helen's Ledges SSSI, King's Quay Shore SSSI, Medina Estuary SSSI, Newtown Harbour SSSI, Ryde Sands & Wootton Creek SSSI, Thorness Bay SSSI, Whitecliff Bay & Bembridge Ledges SSSI, and Yar Estuary SSSI.

### 4.4 Solent & Dorset Coast SPA

- 4.4.1 The Solent & Dorset Coast SPA stretches from Dorset to West Sussex and encompasses most of the Hampshire and Isle of Wight coastline, including adjacent offshore areas. The SPA overlaps and shares boundaries with other designated sites within the Solent, Southampton Water, Portsmouth Harbour, Christchurch Harbour, Poole Bay, and West Sussex. These designated sites support important breeding colonies of terns at existing SPAs, including Solent & Southampton Water SPA (Natural England n.d.b). The Solent & Solent SPA protects the surrounding waters of these designated sites as they are used by terns for foraging and maintenance activities.
- 4.4.2 The SPA supports over 12% of the UK's tern breeding population. The tern species are common tern (*Sterna hirundo*), sandwich tern (*S. sandvicensis*), and little tern (*Sternula albifrons*) (Natural England 2015).

### 4.5 Conservation Objectives and Vulnerabilities.

- 4.5.1 The designated sites' conservation objectives apply to the sites, individual species, and/or an assemblage of species for which the sites have been designated. The objectives are to ensure that, subject to natural change, the natural integrity of the designated sites is maintained or restored as appropriate, and that the sites contribute to achieving favourable conservation status of its qualifying features by maintaining or restoring the following objectives in **Table 2** below.

**Table 2: Identified European Sites within 2km, Details of Qualifying Features, Conservation Objectives, and Vulnerabilities**

European Site	Conservation Objectives	Vulnerabilities, threats, and pressures
Solent & Maritime SAC	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its qualifying features by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species;</li> <li>• The structure and function (including typical species) of qualifying natural habitats;</li> <li>• The structure and function of the habitats of the qualifying species;</li> <li>• The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</li> <li>• The populations of each of the qualifying species; and</li> <li>• The distribution of qualifying species within the site.</li> </ul> <p><u>Qualifying habitats:</u></p> <ul style="list-style-type: none"> <li>• Annual vegetation of drift lines;</li> <li>• Atlantic salt meadows (<i>Glauco-puccinellietalia maritimae</i>);</li> <li>• Coastal lagoons;</li> <li>• Estuaries;</li> <li>• Mudflats and sandflats not covered by seawater at low tide;</li> <li>• Perennial vegetation of stony banks;</li> <li>• Salicornia and other annuals colonising mud and sand;</li> <li>• Sandbanks which are slightly covered by seawater all the time;</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes"); and</li> <li>• Spartina swards (<i>Spartinion maritimae</i>).</li> </ul> <p><u>Qualifying species:</u></p> <ul style="list-style-type: none"> <li>• Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>).</li> </ul> <p>For more detailed information regarding qualifying features, please refer to Natural England's (n.d.c) general descriptions for Special Area of Conservation features and Special Protection Area supporting habitats.</p>	<ul style="list-style-type: none"> <li>• Public access/disturbance;</li> <li>• Coastal squeeze;</li> <li>• Fisheries: commercial marine and estuarine;</li> <li>• Water pollution;</li> <li>• Changes in species distribution;</li> <li>• Change to site conditions;</li> <li>• Invasive species;</li> <li>• Direct land take from development;</li> <li>• Change in land management;</li> <li>• Air pollution: impact of atmospheric nitrogen deposition;</li> <li>• Hydrological changes;</li> <li>• Direct impact from 3<sup>rd</sup> party;</li> <li>• Extraction: non-living resources; and</li> <li>• Other.</li> </ul>

European Site	Conservation Objectives	Vulnerabilities, threats, and pressures
Solent & Southampton Water SPA/Ramsar	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its qualifying features by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features;</li> <li>• The structure and function of the habitats of the qualifying features;</li> <li>• The supporting processes on which the habitats of the qualifying features rely;</li> <li>• The populations of each of the qualifying features; and</li> <li>• The distribution of qualifying features within the site.</li> </ul> <p><u>Qualifying features:</u></p> <ul style="list-style-type: none"> <li>• Dark-bellied brent goose (<i>Branta bernicla bernicla</i>), non-breeding;</li> <li>• Eurasian teal (<i>Anas crecca</i>), non-breeding;</li> <li>• Ringed plover (<i>Charadrius hiaticula</i>), non-breeding;</li> <li>• Black-tailed godwit (<i>Limosa limosa islandica</i>), non-breeding;</li> <li>• Mediterranean gull (<i>Larus melanocephalus</i>), breeding;</li> <li>• Sandwich tern (<i>Sterna sandvicensis</i>), breeding;</li> <li>• Roseate tern (<i>S. dougall</i>), breeding;</li> <li>• Common tern (<i>S. hirundo</i>), breeding;</li> <li>• Little tern (<i>Sternula albifrons</i>), breeding; and</li> <li>• Waterbird assemblage.</li> </ul> <p><u>Supporting habitats:</u></p> <ul style="list-style-type: none"> <li>• Coastal lagoons;</li> <li>• Freshwater and coastal grazing marsh;</li> <li>• Salicornia and other annuals colonising mud and sand;</li> <li>• Atlantic salt meadows;</li> <li>• Spartina swards;</li> <li>• Intertidal seagrass beds;</li> <li>• Intertidal rock;</li> <li>• Intertidal coarse sediments;</li> <li>• Intertidal mixed sediments;</li> <li>• Intertidal mud;</li> <li>• Intertidal sand and muddy sand;</li> <li>• Infralittoral rock;</li> <li>• Subtidal seagrass beds;</li> <li>• Circalittoral rock; and</li> <li>• Water column.</li> </ul>	<ul style="list-style-type: none"> <li>• Public access/disturbance;</li> <li>• Coastal squeeze;</li> <li>• Fisheries: commercial marine and estuarine;</li> <li>• Water pollution;</li> <li>• Changes in species distributions;</li> <li>• Climate change;</li> <li>• Changes to site conditions;</li> <li>• Invasive species;</li> <li>• Biological resource use;</li> <li>• Change in land management;</li> <li>• Inappropriate pest control;</li> <li>• Air pollution: impact of atmospheric nitrogen disposition;</li> <li>• Direct impact from 3<sup>rd</sup> party; and</li> <li>• Other.</li> </ul>



European Site	Conservation Objectives	Vulnerabilities, threats, and pressures
Solent & Dorset Coast SPA	<p>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:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features;</li> <li>• The structure and function of the habitats of the qualifying features;</li> <li>• The supporting processes on which the habitats of the qualifying features rely;</li> <li>• The populations of each of the qualifying features;</li> <li>• The distribution of qualifying features within the site.</li> </ul> <p><u>Qualifying features:</u></p> <ul style="list-style-type: none"> <li>• Common tern (<i>Sterna hirundo</i>), breeding;</li> <li>• Little tern (<i>Sternula albifrons</i>), breeding; and</li> <li>• Sandwich tern (<i>Thalasseus sandvicensis</i>), breeding.</li> </ul> <p><u>Supporting habitats:</u></p> <ul style="list-style-type: none"> <li>• Water column</li> </ul>	<ul style="list-style-type: none"> <li>• Public access/disturbance;</li> <li>• Fisheries: commercial marine and estuarine;</li> <li>• Water pollution;</li> <li>• Changes in species distribution;</li> <li>• Climate change;</li> <li>• Change to site conditions;</li> <li>• Biological resource use;</li> <li>• Change in land management;</li> <li>• Air pollution: impact of atmospheric nitrogen deposition; and</li> <li>• Hydrological changes.</li> </ul>

## 5 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

### 5.1 Determining Whether the Development Proposals are Directly Connected with or Necessary to the Management of the European Site(s)

- 5.1.1 The proposed development is not necessary for the management of the identified European Sites. However, the proposed development does have the potential to affect the identified European Sites in the **absence** of mitigation.
- 5.1.2 The proposed development is adjacent to Solent Maritime SAC and partially within the Solent & Dorset Coast SPA and therefore has direct hydrological connectivity through the marine environment. The Solent & Southampton Water SPA/Ramsar is approximately 1.8km south of the site and supporting habitat (subtidal seagrass beds) approximately 500m northeast of the site.
- 5.1.3 The proposed development site has direct hydrological connectivity to: Solent Maritime SAC and Solent & Dorset Coast SPA, and indirect hydrological connectivity to Solent & Southampton Water SPA/Ramsar.
- 5.1.4 The construction phase of the proposed development may impact the conservation objectives of the Solent Maritime SAC, Solent & Dorset Coast SPA, and Solent & Southampton Water SPA/Ramsar (**Table 2**).
- 5.1.5 There are no potential impacts arising from the operational phase of the proposed development as the site will continue to function as existing, indeed the increased separation of the land based works area through defined level hardstand construction and sea wall (rather than the existing wide slipway area directly leading to the water) has the potential to reduce risk of impact to the SPA by better controlling and delineating land based works activity from the marine habitat.

### 5.2 Listed Threats/Pathways of Effects Potentially Likely to Arise

- 5.2.1 The construction phase of the proposed development has potential to affect the qualifying features of the Solent Maritime SAC, Solent & Dorset Coast SPA, or Solent & Southampton Water SPA/Ramsar **without** mitigation via:
- Disturbance of qualifying species (e.g., noise, light);
  - Contamination of marine environment; and
  - Loss or degradation of qualifying and supporting habitats.
- 5.2.2 The operational phase of the proposed development has potential to affect the qualifying features of the Solent Maritime SAC or Solent & Southampton Water SPA/Ramsar **without** mitigation via:
- Introduction of invasive and non-native species (INNS).

### 5.3 Construction Phase Effects: Disturbance of Qualifying Species

- 5.3.1 The duration and timing/schedule of the construction phase are yet to be confirmed.
- 5.3.2 There are local records of dark-bellied brent goose, Mediterranean gull, and sandwich tern approximately 500m north east of the site where subtidal seagrass beds are also located. Thus, the birds may be foraging within the subtidal seagrass beds.
- 5.3.3 Also, as the site is partially within the Solent & Dorset Coast SPA (which is designated to protect foraging/breeding terns), potential impacts on seabirds may occur due to the proposed development.
- 5.3.4 The construction of a new building is unlikely to lead to a visual disturbance as the site is situated within an already busy urban environment.
- 5.3.5 The construction phase will involve machinery and piling which will cause above water noise which birds are sensitive to; piling can be particularly disruptive. Artificial lighting (which can also negatively impact seabirds) may also be necessary should site works be undertaken outside of

daylight hours.

- 5.3.6 However, the proposed development site is in a busy harbour with frequent boat traffic including the Red Funnel car ferry which operates throughout the day and night. Thus, the site is situated within an already noisy/lit area and so it is likely that birds are somewhat habituated to anthropogenic noise and light pollution.
- 5.3.7 The noisiest activity is likely to be piling which on average produces noise levels approximately 110db at 0.67m from the source. However, noise is attenuated by 6db with every doubling of distance from the source. Therefore, noise from piling is likely to be reduced to 67-68db by 100m and fallen to below disturbing levels between 100m-200m without mitigation (AECOM 2021).
- 5.3.8 However, due to the mobile nature of the qualifying bird species, mitigation measures are recommended to mitigate/reduce any potential impacts from noisy piling works. Also, it is currently not known the duration of works or if artificial lighting will be necessary. Thus, on a precautionary basis, an LSE in the **absence** of mitigation cannot be ruled out at this stage.
- 5.3.9 Preventative measures are recommended to avoid an LSE occurring and impacting the European Site's qualifying species. Such measures are outlined under the AA stage.

#### **5.4 Construction Phase Effects: Contamination of the Marine Environment**

- 5.4.1 Machinery and construction traffic will need to access the site during construction. Although unlikely, machinery and vehicles have potential for fuel leaks.
- 5.4.2 Therefore, as a precautionary measure, it must be concluded that a pollution event could occur at any stage of the construction phase of the proposed development in the absence of proposed preventative measures. Although the possibility of such an event is remote, a pollution event has potential to cause adverse effect on the conservation objectives of the Solent Maritime SAC, Solent & Dorset Coast SPA, or Solent & Southampton Water SPA/Ramsar.
- 5.4.3 For example, a fuel leak adjacent to the marine environment could negatively impact the qualifying and supporting habitats; this may lead to displacement from foraging areas if qualifying species avoid contaminated areas. A fuel leak could also have a direct negative impact on seabirds e.g., by contaminating their feathers which may affect their ability dive, fly, or forage.
- 5.4.4 Dust emissions due to demolition works and air pollution resulting from vehicle/machinery emissions may also have an impact.
- 5.4.5 It is currently not known what materials will be used during the construction for the new hard standing.
- 5.4.6 Therefore, LSEs cannot be ruled out from adverse changes to water quality during the construction phase in the **absence** of mitigation.
- 5.4.7 Preventative measures are required to avoid an LSE occurring and impacting the qualifying features of European Sites and/or the supporting habitats of the European Sites. Such measures are outlined under the AA stage.

#### **5.5 Construction Phase Effects: Loss or Degradation of Qualifying Habitats and Supporting Habitats**

- 5.5.1 The site is adjacent to subtidal mixed sediments which is a qualifying habitat for Solent Maritime SAC. Subtidal seagrass beds are located approximately 500m northeast of the site which is a qualifying habitat for Solent Maritime SAC and supporting habitat for Solent & Southampton Water SPA/Ramsar. The site is also partially within the water column which is a supporting habitat for the Solent & Dorset Coast SPA.
- 5.5.2 During construction works, the removal of the slipway may cause disturbance to the seabed. This could lead to increased sediment loading within the water column. Piling and dredging may cause

changes in suspended solids affecting water clarity. However, the proposed works are very small scale and the tidal regime within Cowes Harbour is high. Sediment plumes are likely to disperse quickly. Cowes Harbour is routinely dredged, and the constant flow of vessel traffic causes sediment loading within the water column. Thus, the small-scale dredging works will be of negligible impact.

5.5.3 Piling and dredging will be confined to the area of the old concrete slipway, therefore no loss of the subtidal mixed sediment habitat will occur.

5.5.4 Given the small-scale nature of the proposed development, any impacts are expected to be minor, localised, and therefore any associated risks are relatively low. Therefore, there are no expected LSEs on the qualifying features of Solent Maritime SAC and supporting habitat of Solent & Southampton Water SPA/Ramsar.

## 5.6 Operational Effects: Introduction of Invasive and Non-Native Species

5.6.1 No new sources of INNS will be introduced by the proposed development as the site will continue to operate the same as pre development (i.e., as a boatyard). Thus, no LSE are expected to occur.

5.6.2 Despite this, good preventative measures are still recommended such as the check, clean, dry method. This involves checking equipment for live organisms, cleaning and washing equipment, footwear, and clothing thoroughly, and then drying all equipment and clothing.

## 5.7 Summary

5.7.1 The below table summarises which activities will have an LSE to the identified European Sites requiring AA.

**Table 3: Summary of Potential Pathways Requiring an Appropriate Assessment**

Pathway	Solent Maritime SAC, Solent & Dorset Coast SPA, and Solent & Southampton SPA/Ramsar
	Appropriate Assessment Required (Yes/No)
Construction Phase	
Disturbance of Qualifying Species	Yes
Contamination of Marine Environment	Yes
Loss or Degradation of Qualifying Habitats and Supporting Habitats	No
Operational Phase	
Introduction of INNS	No

## 6 CONSIDERATION OF IN-COMBINATION EFFECTS

6.1.1 The following section assesses whether other project proposals could affect the conservation objectives of European Sites.

6.1.2 In-combination effects are additional changes caused by a development proposal in conjunction with other similar developments or as a combined set of developments.

6.1.3 The potential for LSEs in combination with other proposals is considered with reference to the potential pathways where there is a risk of an LSE. These include projects at various stages in the planning system:

- Incomplete or non-implemented proposals which have been commissioned;

- Proposals with consent which have not yet started;
- Proposals subject to application for consent;
- Proposals under appeal;
- Ongoing proposals subject to regular review; and
- Draft plans by Local Planning Authorities (LPAs).

## 6.2 Planning Applications

- 6.2.1 Other proposals were searched for using the online Simple Search ([iow.gov.uk](http://iow.gov.uk)) database which was carried out in January 2024. The search identified planning applications submitted within the previous 5 years and within 2km of the site. The data were then filtered to show developments including approved proposals; although approved proposals may have already been built and thus contribute to existing baseline, some proposals may have been started and not yet finished.
- 6.2.2 There are 5 proposals within 2km which could have an LSE in combination with the proposed development (**Appendix A**) in the **absence** of mitigation. However, 2 of the proposals are for the same site and have been lumped together for ease of discussion. The following paragraphs highlight potential pathways and assess whether an in-combination effect is likely.
- 6.2.3 The first proposal (Proposal 1) is for a proposed deck extension, link span, and pontoon and is situated adjacent to Solent Maritime SAC and Solent & Dorset Coast SPA. Potential impacts associated with Proposal 1 were pollution during the construction phase and/or the introduction of INNS during the operational phase. Although a pollution event for a small development would likely have a small, localised impact, combined with another potential pollution event caused by the proposed development could amplify the overall impact. Impacts and overall likelihood of a pollution event occurring can be mitigated for through a Construction and Environmental Management Plan (CEMP) which was recommended within the Water Framework Directive (WFD) (E3S 2023). Thus, should the proposal be granted, and construction adheres to measures set out within a CEMP, no LSE are expected to occur in combination with the proposed development. Further to this, the WFD report (E3S 2023) stated the need for the 'check, clean, dry' method to mitigate the risk of the proposal introducing INNS. This would suffice to prevent an LSE occurring in combination with the proposed development.
- 6.2.4 The second proposal (Proposal 2) is for the demolition of an existing building and replacement with 2 detached dwellings with parking. The proposal is situated 15m away from Solent Maritime SAC and Solent & Dorset Coast SPA. The ecological report (Arc Consulting 2022) stated that the construction phase could result in a pollution event (run-off and/or dust) and have a minor adverse impact on the Solent Maritime SAC in the absence of mitigation. A CEMP would be necessary to minimise the risk and impact of a potential pollution event arising from the construction phase of Proposal 2.
- 6.2.5 Although Proposal 2 is adjacent to the Solent & Dorset Coast SPA, it was considered unlikely that the proposal would have an adverse impact on its qualifying features due to the absence of suitable nesting habitat and general disturbance levels of the surrounding area. Overall, it is considered unlikely that Proposal 2 would have an LSE in combination with the proposed development (should it be granted permission) providing that a CEMP is secured and adhered to throughout the proposal's construction phase.
- 6.2.6 The third proposal (Proposal 3) relates to 2 applications of the same site at Kingston Wharf in East Cowes. The combined applications are for the change of use from the existing aggregate wharf to open storage and wash down facilities including upgraded hard standing, and outline for regeneration of former aggregate wharf to include upgrading the existing wharf to take a larger boat crane, proposed 11 units for boat building, boat storage, workshops, and new moorings. Proposal 3 is adjacent to Solent Maritime SAC and Solent & Dorset Coast SPA. The Solent & Southampton Water SPA/Ramsar is located 130 southeast of Proposal 3's site.
- 6.2.7 Pollution events due to Proposal 3's construction phase was considered to have a potential LSE on the Solent & Dorset Coast SPA, Solent & Southampton Water SPA/Ramsar, and Solent Maritime SAC in the absence of mitigation. Potential pollution events include run-off, chemical spills, increased sediment/materials in the water) as well as dust generation. The installation of piles may also

increase suspended and deposited sediment in the water column leading to pollution through surface run-off and increased sediment in the channel (ECOSA 2023). A CEMP has been recommended to reduce the risk of a pollution event having an LSE on the European Sites (ECOSA 2023).

- 6.2.8 Potential noise impacts on bird species were also considered to have an LSE on the Solent & Dorset Coast SPA and Solent & Southampton Water SPA/Ramsar; piling works may disturb wintering birds utilising the designated sites (ECOSA 2023). Thus, Proposal 3 may have an LSE on designated sites in the absence of mitigation. Piling works have been recommended to be undertaken outside of winter months (November-February) to avoid disturbance impacts to wintering birds (ECOSA 2023).
- 6.2.9 Hydrological changes and introduction of INNS during Proposal 3's operational phase were also considered to have an LSE on the European Sites in the absence of mitigation. A Sustainable Urban Drainage System (SuDS) has been recommended to mitigate for any negative hydrological impacts. Furthermore, mitigation measures have been recommended to avoid/mitigate the risk of introducing INNS (ECOSA 2023). Measures include, but not limited to, adhering to the International Maritime Organisation (IMO) Biofouling Guidelines.
- 6.2.10 Overall, with the comprehensive mitigation measures detailed within the shadow HRA report prepared by ECOSA (2023), it is unlikely that Proposal 3 would have an LSE on the European Sites in combination with the proposed development.
- 6.2.11 The fourth proposal (Proposal 4) is for the development of a resort and residential properties at Norris Castle Estate. Construction works have potential to negatively impact birds and their behaviour via artificial lighting and noise pollution (Ecology Solutions 2023). In the absence of mitigation, Proposal 4 has potential to adversely affect Solent Maritime SAC, Solent & Dorset Coast SPA, and Solent & Southampton Water SPA/Ramsar during the construction phase. Impacts associated with the construction phase include noise, surface run-off, and lighting causing disturbance to species of interest. Proposal 4 could also potentially cause disturbance to birds using the Solent & Dorset Coast SPA and Solent & Southampton Water SPA/Ramsar during construction. Furthermore, the operational phase of Proposal 4 could lead to surface run-off entering the Solent, artificial lighting, and increased noise leading to adverse impacts. The proposed works to the seawall may also impact nearby seagrass beds. A CEMP has been recommended to mitigate the above impacts (Peter Radmall Associates 2021). Impacts relating to the operational phase of Proposal 4 are not considered further as the proposed development will not contribute to surface run-off or increased artificial lighting and noise. Thus, Proposal 4 will not result in an LSE in combination with the proposed development during the construction phase of either development.
- 6.2.12 The proposed development will not result in an LSE in-combination with other proposals.

## **7 APPROPRIATE ASSESSMENT**

- 7.1.1 The following sections outline LSEs relating to specific activities associated with the Proposed Development which could not be screened out in the absence of mitigation.

### **7.2 Construction Effects: Disturbance of Qualifying Species**

- 7.2.1 Construction should be undertaken outside of the winter period (November-March) to avoid causing disturbance to wintering bird species. This would prevent noise and light pollution from disrupting foraging and/or migratory behaviour of wintering birds which form the qualifying features of Solent & Southampton Water SPA/Ramsar. Although foraging terns may use the area during breeding season, it is still preferable to time construction works outside of winter. This is because the total area available to foraging terns is large (88980.55 ha) compared to the area of the Solent & Southampton Water SPA/Ramsar (5304.63 ha). Furthermore, there are no suitable nesting sites for breeding terns in vicinity of the construction site, thus, construction activities are unlikely to cause disturbance to nesting terns.
- 7.2.2 Despite this, general methods to reduce noise pollution during sheet piling installation works should still be employed to avoid causing disturbance. Methods include the hydraulic press-in method, vibro-piling, and/or soft start methods.

- 7.2.3 Construction works should also be limited to daylight hours to avoid the need for artificial lighting. However, if artificial lighting is necessary during construction, then it should be designed to minimize glare and reduce light pollution. Designs can include restricting the amount of upward-directed light, avoid over-lighting, and minimising short-wavelength (blueish) light.
- 7.2.4 The proposed development is unlikely to have an LSE on the conservation objectives of the European Sites with these measures adhered to during the construction phase of the proposed development.

### **7.3 Construction Effects: Contamination of Marine Environment**

- 7.3.1 Precautions would be undertaken to protect the marine environment from siltation or pollution to avoid affecting water quality during construction. Employment of standard practices would prevent silt run-off reaching receptors, spill kits on hand would address incidents e.g., fuel leaks from vehicles, any fuel, oil, and/or solvents temporarily stored on-site would be contained and covered, and wheel wash facilities provided for vehicles leaving and entering the construction site to prevent mud and sediment transfer to the marine environment. Furthermore, machinery should only be in operation when necessary to mitigate potential air pollution from vehicle/machinery emissions. A CEMP will also outline measures to reduce dust emissions from contaminating the marine environment.
- 7.3.2 All site personnel (including sub-contractors) would be inducted and made aware of site responsibilities under a CEMP at the start of each construction phase, and each visitor as and when needed. Toolbox talks and method statement briefings would be given to all site personnel as the work proceeds which will cover environmental controls relating to specific activities e.g., spill response procedures etc. Attendance to toolbox talks and method statement briefings would be registered on-site.
- 7.3.3 Mitigation measures outlined within a CEMP would be effective in reducing the risk of a pollution event occurring. Furthermore, good practice would be followed by all site personnel throughout the construction phase of the proposed development. Thus, with preventative measures followed and commitment to good practice, there would be no LSE resulting from pollution on the qualifying features associated with the Solent Maritime SAC, Solent & Dorset Coast SPA, or Solent & Southampton SPA/Ramsar.
- 7.3.4 Any materials used for the hardstanding will need to be safe to use within the marine environment. No LSE would occur if materials used are marine compliant.

## **8 CONCLUSION**

- 8.1.1 There are hydrological links between the proposed development and the European Sites through the marine environment. The Proposed Development is adjacent to Solent Maritime SAC, partially within Solent & Dorset Coast SPA, and has hydrological links to Solent & Southampton Water SPA/Ramsar through the marine environment. Potential effects include disturbance to qualifying species, potential contamination of marine environment, and loss/degradation of qualifying and supporting habitats.
- 8.1.2 However, avoidance and mitigation measures as detailed in this document will be implemented in the design and construction of the proposed development to manage and avoid the potential impacts the development would have on the identified European Sites (including supporting habitats).

## 9 REFERENCES

AECOM (2021) Habitats Regulations Assessment of the Portsmouth Local Plan

Arc Consulting (2022) Preliminary Ecological Appraisal, Hamlet Court, 6 Queen's Road, Cowes

Ecology Solutions (2023) Briefing Note: Bird Survey Report, Norris Castle Estate with Springhill Estate, New Barn Road, East Cowes, Isle of Wight

ECOSA (2023) Shadow Habitats Regulations Assessment, Kingston Wharf, Kingstone Road, East Cowes, Isle of Wight

E3S (2023) Water Framework Directive Assessment, Westbourne House, Birmingham Road, Cowes, Isle of Wight

GOV.UK (2021) Habitats regulations assessments: protecting a European site. *Guidance*. Last accessed [29/03/2023]. Available from: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Natural England (n.d.a) Solent Maritime SAC. Last accessed [25/01/2024]. Available from: <https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK0030059&SiteName=solent%20maritime&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=>

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Natural England (n.d.c) General descriptions for Special Area of Conservation features and Special Protection Area supporting habitats. Last accessed [25/01/2024]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/520290/SAC-feature-descriptions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/520290/SAC-feature-descriptions.pdf)

Peter Radmall Associates (2021) Environmental Statement Volumes 1 and 2, Norris Estate Resort, East Cowes, Isle of Wight

Stillman, R. A., Cox, J., Liley, D., Ravenscroft, N., Sharp, J. & Wells, M. (2009) Solent disturbance and mitigation project: Phase 1 report. Last accessed [30/03/2023]. Available from: [http://www.solentems.org.uk/natural\\_environment\\_group/SRMP/SDMP/solent\\_disturbance\\_phase1.pdf](http://www.solentems.org.uk/natural_environment_group/SRMP/SDMP/solent_disturbance_phase1.pdf).



**NOTES:**

DO NOT SCALE OFF THIS DRAWING.

MAP OF THE PROPOSED SITE UP FOR DEVELOPMENT DISPLAYING ITS LOCATION.

TOTAL AREA OF THE SITE APPROXIMATELY 3768M<sup>2</sup>

**KEY:**

— - SITE BOUNDARY



CLIENT: CLAIRE LALLOW LTD

SITE: LALLOWS BOATYARD, MEDINA ROAD, COWES, ISLE OF WIGHT.

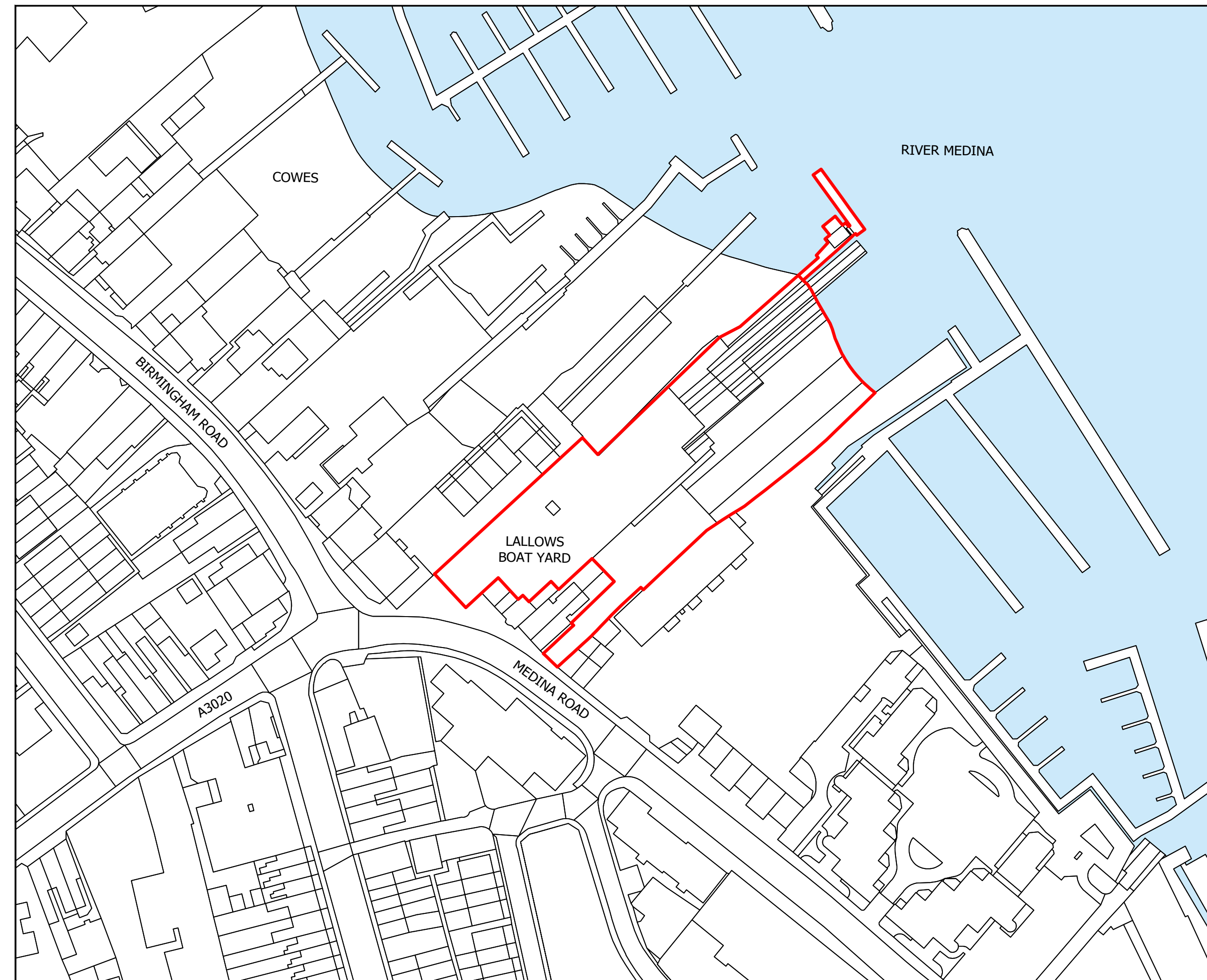
TITLE: FIGURE 1 - SITE LOCATION PLAN

AUTHOR: HO

PROJECT REF:  
NN1626

DATE: JANUARY 2024

NOT TO SCALE



# Appendix A – In-Combination Assessment

## APPENDIX C: In-Combination Assessment

**Table 4:** *In-combination effects within 2km of the Proposed Development*

Cumulative Development Address	Planning Reference	Location and Status	Development Summary	Potential Impact on European Site	Contribution to In-Combination Effects
Westbourne, 43 Birmingham Road, Cowes, Isle of Wight, PO31 7BH	23/02185/FUL	Adjacent to Lallows Boatyard, Solent Maritime SAC, and Solent & Dorset Coast SPA. Registered.	Proposed deck extension, link span, and pontoon.	None if proposal adheres to mitigation measures set out within the Water Framework Directive (WFD).	See section 6.2.3.
Hamlet Court, 6 Queens Road, Cowes, Isle of Wight, PO31 8BQ	22/00884/FUL	943m northwest of Lallows Boatyard. 15m away from Solent Maritime SAC and Solent & Dorset Coast SPA. Registered.	Demolition of existing building proposed two detached dwellings with parking.	Potential LSE in the absence of mitigation.	See sections 6.2.4-6.2.5.
Kingston Wharf, Kingston Road, East Cowes, Isle of Wight, PO32 6JS	21/02452/FUL	1.5km southeast of Lallows Boatyard. Adjacent to Solent & Dorset Coast SPA and Solent Maritime SAC. Solent & Southampton Water SPA/Ramsar is approx. 130m south. Granted.	Change of use from existing aggregate wharf to open storage & wash down facilities, to include upgraded hard standing.	Potential LSE in the absence of mitigation.	See sections 6.2.6-6.2.10.
Kingston Wharf, Kingston Road, East Cowes, Isle of Wight, PO32 6JS	21/02472/OUT	1.5km southeast of Lallows Boatyard. Adjacent to Solent & Dorset Coast SPA and Solent Maritime SAC. Solent & Southampton Water SPA/Ramsar is approx. 130m south. Granted.	Outline for regeneration of former aggregate wharf to include upgrading the existing wharf to take larger boat crane; proposed 11 units for boat building; boat storage; workshops; and new moorings.	Potential LSE in the absence of mitigation.	See sections 6.2.6-6.2.10.

Cumulative Development Address	Planning Reference	Location and Status	Development Summary	Potential Impact on European Site	Contribution to In-Combination Effects
East Cowes Sailing Club, Clarence Road, East Cowes, Isle of Wight, PO32 6ET	19/01621/FUL	400m southeast of Lallows Boatyard. Adjacent to Solent & Dorset Coast SPA and Solent Maritime SAC.	Proposed replacement of piled moorings with pontoon moorings.	None.	No.
Land at Corner of Albany Road and Esplanade, East Cowes, Isle of Wight	23/00257/FUL	326m northeast of Lallows Boatyard. Adjacent to Solent & Dorset Coast SPA and 30m east of Solent Maritime SAC. Granted.	Proposed alterations to ground floor area of prom building to form exhibition space; proposed alterations to Southern Water Pumping Station to include extensions to form WC and new store, roof alterations and cladding; landscaping works to include paths and ramps.	None with good construction working practices.	No.
Norris Castle Estate with Springhill Estate, New Barn Road, East Cowes, Isle of Wight, PO32 6AZ	21/02437/FUL	633m northeast of Lallows Boatyard. Adjacent to Solent & Dorset Coast SPA and Solent Maritime SAC. Registered.	Full description available on planning portal.	Potential LSE in the absence of mitigation.	See section 6.2.11.