Date: 05 November 2021
Our ref: 371818
Your ref: AWDM/0554/21

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**BY EMAIL ONLY**

Dear Sir/Madam,

**Planning consultation:** Further Amended plans. Creation of new floor bedroom floating home & associated access & ancillary solar array, bike storage, plant room, shower & wc enclosure.
**Location:** Houseboat Valeur, 22 Riverbank Shoreham-Sea, West Sussex

Thank you for your consultation on the above dated 18 October 2021 which was received by Natural England on the same date. Natural England has received additional information from the applicant since the last consultation letter, sent previously on the 24th September 2021. This letter contains further advice that should be used in conjunction with previous letters.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which the Adur Estuary Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A Construction Environmental Management Plan (CEMP)
- Net loss of intertidal mudflat/saltmarsh habitat to be avoided by additional removals of boats stored in the intertidal zone, located within the houseboat owners' plot.
- Saltmarsh habitat that would be lost should be translocated to new area and monitored to confirm the establishment.
- Saltmarsh monitoring to be conducted annually for 5 years. With annual monitoring reports to be sent to Natural England for review and to discuss any remedial works.
- Seasonal clearing of landside vegetation and features on the boat superstructure to take place out of the nesting season (March to August).
- Construction activities should be avoided during overwintering bird period (October to March inclusive).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

**Further advice on mitigation**

Natural England have previously responded to this consultation on the 13th May 2021 (case ref no 349424), on the 14th June 2021 (case ref no 354369) and on the 24th September 2021 (case ref no 366920). In our previous response, we were concerned that there was insufficient information about the translocation methodology of saltmarsh habitat and subsequent monitoring.
Natural England have reviewed the Additional Ecology Mitigation Information (15th October 2021) and now acknowledge that there is sufficient details on how the saltmarsh habitat will be transplanted and monitored.

As outlined within the Additional Ecology Mitigation Information document, the saltmarsh habitat is to be transplanted during mid spring to early summer during neap tides. No heavy machinery will be used to transplant the saltmarsh, instead the saltmarsh will be transplanted by hand. A total of 53m$^2$ of current saltmarsh habitat is to be translocated away from the construction zone, and will be used to establish an area of 106m$^2$ of saltmarsh habitat adjacent to the replacement house boat.
The newly established saltmarsh will be subject to a 5 year monitoring plan. Monitoring of the saltmarsh will be conducted annually by a qualified ecologist

Please find below, further information relating to conditions which should be secured if planning permission is to be granted:

**Saltmarsh and mudflat Habitat**

The proposed application involves temporary loss and disturbance of saltmarsh and mudflat habitats which are notified interest features of the Adur Estuary SSSI. The Adur Estuary contains one of only two significant areas of these habitats in Sussex.

1. Condition

Additional boats and materials that are permanently stored on the intertidal zone (located in the houseboats' plot) should be removed in perpetuity. No boats/equipment to be stored in this zone in perpetuity.

Reason

Removal of all boats and material will ensure that the proposal results in a net increase in area of saltmarsh and mudflat habitat. To ensure this net increase remains, no small boats should be stored on the intertidal zone after the development is complete. This will allow mudflat and saltmarsh to re-establish in those areas and ensure a net increase in habitat creation.

2. Condition

Saltmarsh habitat that is to be impacted is to be translocated to an unaffected area within the plot. 53m$^2$ of current saltmarsh is be translocated to establish 106m$^2$ which will be allowed to naturally regenerate. Transplantation methodology should be conducted as detailed within the Additional Ecology Mitigation Information document (15th October 2021).

Reason

An estimated area of ~53m$^2$ of saltmarsh habitat will be disturbed during the construction phase. As saltmarsh is an interest feature of the Adur Estuary SSSI and a Priority Habitat, it is a requirement that any disturbance is temporary and that full reinstatement of habitat can be demonstrated. Translocation of saltmarsh habitat allows for loss of saltmarsh habitat to be avoided. Establishing an area of saltmarsh habitat greater than the size of the affected is a required measure to address the risk that if re-establishment fails the proposal will lead to a a net loss of saltmarsh habitat from the proposal.

3. Condition
Monitoring of the re-established saltmarsh must be conducted by a qualified ecologist after the completion of the construction works for a period of 5 years. Annual monitoring reports should be submitted to Natural England to discuss any remedial works if deemed required.

Reason
Saltmarsh is an interest feature of the Adur Estuary SSSI and a Priority Habitat It is a requirement that any disturbance is temporary and that full reinstatement of habitat is achieved. Annual monitoring will indicate if remedial works are required to ensure there is no net loss of saltmarsh habitat.

**Disturbance to designated bird species**
The proposed application may disturb avian interest features of the SSSI, especially during winter months, therefore we advise that the following condition is attached to

4. Condition
Construction activities likely to generate noise greater than 55dB should be avoided between October to March inclusive.

Reason
To Prevent disturbance of interest features using the designated site for foraging and shelter.

5. Condition
Seasonal clearance of landside vegetation and features of the boat superstructure should take place outside of March to August inclusive. Unless birds are confirmed to be absent by an ecologist prior to works taking place.

Reason
To avoid disturbing birds during the nesting season.

**CEMP**

6. Condition
A detailed CEMP should be submitted, outlining how any demolition/removal and construction impacts will be suitably mitigated for. We advise that the measured detailed in the Ecological Impact Statement (below) should be included in the CEMP in particular;

- Use of best working practice to minimise risk
- Follow the recommended code of practice for avoiding/containing fuel and oil spills, ensuring that there is no pathway for contaminants to affect the designated site. Best practice pollution prevention guidelines to be used.
- Use best working practice to reduce noise and vibration impacts, including using the quietest machinery and tools to be used for any given task
- All temporary and permanent site lighting during construction and operational phase must avoid illumination of the intertidal habitat. This includes directing lights away from the designated sites, using light fittings with downwards directional and low wattage luminaries to reduce light spillage and outward light pollution. Where possible, construction works are to be restricted to daylight hours
- Temporary screening to be installed around the demolition/construction site during the construction phase. In order to reduce, pollution from construction phase activities including noise, dust, light and visual disturbance from construction operations.
- Construction phase activities to be avoided during the wintering bird period (October to March inclusive)

Reason
Due to the unique nature of this development. The demolition/removal and construction phase of this development could, if not managed appropriately, impact sensitive interest features and result in significant negative effects on the Adur Estuary SSSI.

Natural England require to be consulted upon submission of the CEMP to your authority. Construction works should not commence until Natural England have reviewed the CEMP.

**Further advice**

**Protected species-Common Lizards**
Natural England would refer you to our Standing advice regarding this protected species. They are present on the citation for the Adur Estuary SSSI and we would advise that the applicants demonstrably retain as many of the existing population either in situ or adjacent to the existing habitats to allow for natural re-colonisations post construction. Translocation off site should be a last resort. Please see our standing advice for further information on the suite of statutorily protected species.

**Proposed additional access walkway**
Natural England note that an additional concreate gangplank has been proposed for the replacement houseboat. It is Natural England's advice that jetties and platforms are designed and built with a more open structure to allow light through as shadowing reduces the growth of plants and algae (which support invertebrates, fish and birds in the area) and damages the special features of the SSSI. This should of course be balanced with ensuring the structure is safe for use.

**Foul Water Management**
Natural England welcomes that the proposal plans to connect the houseboat to the mains sewer, as this avoids the discharge of fowl water into the estuary. If connecting to the mains sewer is determined not to be feasible. Then Natural England request to be consulted on the alternative solution.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on thomas.scott-heagerty@naturalengland.org.uk.

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Should the proposal change, please consult us again.

Yours sincerely

Thomas Scott-Heagerty – Lead Advisor
Sussex and Kent Area Team

# Annex A – Additional advice

Natural England offers the following additional advice:

**Landscape**
Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

**Protected Species**
Natural England has produced standing advice[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

**Local sites and priority habitats and species**
You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here[2]. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

**Environmental enhancement**
Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.

[1] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals
[2] http://webarchive.nationalarchives.gov.uk/20140711133551/http:/www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx

- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

**Rights of Way, Access land, Coastal access and National Trails**
Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

**Biodiversity duty**
Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.