



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

**Assessment of England Coast Path proposals between
Gosport and Portsmouth**

**On Portsmouth Harbour Special Protection Area and Ramsar
site, Solent and Dorset Coast potential Special Protection Area
and Solent & Isle of Wight Lagoons Special Area of
Conservation**

Thursday 20th June 2019



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Contents:

| | |
|---|----|
| Summary | 3 |
| PART A: Introduction and information about the England Coast Path | 8 |
| PART B: Information about the European Site(s) which could be affected | 11 |
| PART C: Screening of the plan or project for appropriate assessment..... | 15 |
| PART D: Appropriate Assessment and Conclusions on Site Integrity | 24 |
| PART E: Permission decision with respect to European Sites..... | 39 |
| References to evidence | 40 |
| Appendix 1: Key areas for important species - Geokingsbury Winter Bird Report Map | 41 |
| Appendix 2: Solent Waders and Brent Goose Strategy Classification List and Definitions | 42 |



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Summary

I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England (in its role of competent authority) in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations').

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The Solent is protected by a complex of European designations. In determining the scope of the assessment of our proposals for Gosport to Portsmouth we applied a buffer of 2km around the area affected by the access proposals. Portsmouth Harbour Special Protection Area (SPA) & Ramsar, Solent and Dorset Coasts potential Special Protection Area (pSPA), Solent and Southampton Water SPA & Ramsar and Solent and Isle of Wight Lagoons Special Area of Conservation (SAC) are therefore included in the scope. Sites to the east are not included but will be fully considered in the assessment of the Portsmouth to South Hayling coastal access stretch proposals.

This assessment should be read alongside Natural England's related Coastal Access Reports which between them fully describe and explain its access proposals for the stretch as a whole. The Overview explains common principles and background and the reports explain how we propose to implement coastal access along each of the constituent lengths within the stretch.

<https://www.gov.uk/government/publications/england-coast-path-from-gosport-to-portsmouth-comment-on-proposals>

II) Background

The main wildlife interests for this stretch of coast are summarised in Table 1 (see section B1 for a full list of qualifying features).

Table 1. Summary of the main wildlife interest

| Interest | Description |
|---------------------|--|
| Non-breeding waders | A key feature for the Solent as a whole is that during the winter months, it supports an internationally recognised population of non-breeding waders. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost and several |



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

| | |
|---|--|
| | species use inland areas that provide supporting habitat for feeding and resting. |
| Foraging Terns | Common, Sandwich and little tern are important species within the Solent. Although not breeding within Portsmouth Harbour they are known to forage in the shallow waters within the harbour and deeper waters outside the harbour mouth. These species will be notified within the Solent and Dorset Coast pSPA. |
| Dark-bellied brent geese | A key species throughout the Solent during the winter months, they are internationally recognised for their importance. They use the intertidal areas, designated within the SPA, as well as coastal playing fields and arable fields inland to provide them with supporting habitats for feeding and resting which are located outside of the SPA boundary. |
| Red-breasted merganser | A designated feature of the Portsmouth Harbour SPA. A diving duck that uses the deeper channels within the harbour to feed and roost. |
| Coastal Lagoons | The Gilkicker Lagoons, located within Length 1 of the stretch are designated for their subtidal, nationally scarce features such as the lagoon sand shrimp and starlet sea anemone. The site is also important for dark-bellied brent geese who use the lagoons for feeding and resting. |
| Assemblage of species associated with intertidal habitats | Found within the Portsmouth Harbour Ramsar site and consisting of intertidal species which help to support the wading bird interest of the site. Species such as common cord-grass (<i>Spartina anglica</i>) and sea purslane (<i>halimione portulacoides</i>) typically dominate saltmarsh close to the higher shore levels. The site also includes a number of saline lagoons. |

III) Our approach

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 Coastal Access: Natural England’s Approved Scheme 2013 [Ref 1].

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposal is thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our assessment are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

IV) Aim and objectives for the design of our proposals

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation and our aim in designing our detailed proposals has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for affected European sites.

A key consideration in developing coastal access proposals for Portsmouth Harbour has been the possible impact of disturbance on non-breeding waterbirds as a result of recreational activities, and particularly visitors with dogs.

Objectives for design of our detailed local proposals have been to:

- avoid exacerbating issues at sensitive locations by making use of established coastal paths
- where there is no suitable established and regularly used coastal route, develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes
- work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- where practical, incorporate opportunities to raise awareness of the importance of this stretch of coast for wildlife and how people can help efforts to protect it.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

V) Conclusion

We have considered whether our detailed proposals for coastal access between Gosport and Portsmouth might have an impact on Portsmouth Harbour SPA and Ramsar site, Dorset and Solent Coast pSPA and Solent and Isle of Wight Lagoons SAC. In Part C of this assessment we identify some possible risks to the relevant qualifying features and conclude that proposals for coastal access, without incorporated mitigation, may have a significant effect on these sites. In Part D we consider these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and conclude that there will not be an adverse effect on the integrity of either site. These measures are summarised in Table 2 below.

Table 2. Summary of risks and consequent mitigation built in to our proposals

| Risk to conservation objectives | Relevant design features of the access proposal |
|---|---|
| Disturbance to resting and foraging non-breeding waterbirds, following increased visits to the coast as a result of coastal access proposals, leads to reduced fitness and reduction in the population/contraction in the distribution of Qualifying Features within the site | <ul style="list-style-type: none">• Coastal access rights will be excluded from areas of mudflat or saltmarsh that are unsuitable for access• Access to Pewit Island will be excluded on nature conservation grounds• Optional high tide routes to encourage people away from the shoreline when birds are gathering at high tide• Planting of scrub to reinforce physical and visual separation between the path and foreshore• Installation of interpretation panels for raising awareness and indicating where access is restricted• Waymark posts to encourage walkers to stay on the path• Adopting existing, appropriately sited, walked routes with e.g. Pilgrims Trail at Tipner is behind a sea wall |



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with Hampshire County Council and Portsmouth City Council to ensure any works on the ground are carried out with due regard to the conclusions of this appraisal and relevant statutory requirements.

VII) Thanks

The development of our proposals has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are particularly grateful to Portsmouth City Council, Fareham Borough Council, Gosport Borough Council, Hampshire and Isle of Wight Wildlife Trust, the RSPB, Bird Aware, the Environment Agency and to other organisations and local experts whose contributions and advice have helped to inform development of our proposals.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

PART A: Introduction and information about the England Coast Path

A1. Introduction

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Where implementation of a Coastal Access Report would be likely to have a significant effect on a site designated for its international importance for wildlife, called a 'European site'¹, the report must be subject to special procedures designed to assess its likely significant effects.

The conclusions of this screening are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 of the Coastal Access Scheme [Ref 1].

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access along the stretch of coast between Gosport and Portsmouth. Our proposals to the Secretary of State for this stretch of coast are presented in a series of reports that explain how we propose to implement coastal access along each of the constituent lengths within the stretch. Within this assessment we consider each of the relevant reports, both separately and as an overall access proposal for the stretch in question

¹ Ramsar sites are treated in the same way by UK government policy



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Our proposals for coastal access have two main components:

- alignment of the England Coast Path; and,
- designation of coastal margin.

England Coast Path

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards. The coastal path will be able to 'roll back' as the occasional cliffs on this stretch erode or slip, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

Coastal Margin

An area of land associated with the proposed trail will become coastal margin, including all land seawards of the trail down to mean low water.

Coastal margin is typically subject to new coastal access rights, though there are some obvious exceptions to this. The nature and limitations of the new rights, and the key types of land excepted from them, are explained in more detail in Chapter 2 of our Coastal Access Scheme [Ref 1]. Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel to the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CROW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the owner of the land, should they wish, to continue tolerating other types of established public use not provided for by coastal access rights.

Of particular relevance to this assessment is that most areas of saltmarsh and mudflat along the Gosport to Portsmouth stretch are considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations.

Map 1 Natura 2000 designations within the Gosport to Portsmouth ECP stretch





Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

PART B: Information about the European Site(s) which could be affected

B1. Brief description of the European Sites(s) and their Qualifying Features

The Solent is protected by a complex of European designations. Map 1 shows the designated Natura 2000 sites within Gosport to Portsmouth proposed route alignment. The harbour presents itself with a number of important habitats which supports a large population of internationally important overwintering species. In determining the scope of the assessment of our proposals for Gosport to Portsmouth we applied a buffer of 2km around the area affected by the access proposals. Portsmouth Harbour SPA & Ramsar, Solent and Dorset Coasts pSPA, Solent and Southampton Water SPA & Ramsar and Solent and Isle of Wight lagoons SAC are therefore included in the scope. Sites to the east are not included but will be fully considered in the assessment of the Portsmouth to South Hayling coastal access stretch proposals.

Portsmouth Harbour SPA and Ramsar site

Composed of extensive intertidal mudflats and sandflats with seagrass beds, areas of saltmarsh, shallow coastal waters, coastal lagoons and coastal grazing marsh. The estuarine sediments support rich populations of invertebrates which provide an important food source for overwintering birds. There is an extensive area of seagrass beds within the harbour, mainly in the north-west, which are an important food source for dark-bellied brent geese. The saltmarsh areas are mainly comprised of cord-grass swards which provide feeding and roosting areas for overwintering birds.

Solent and Isle of Wight Lagoons SAC

Encompasses fourteen coastal lagoons (eight along the Solent coast and four on the Isle of Wight), each with its own unique conditions and recognised for both nationally scarce species and high species diversity. The only lagoon situated within this stretch is Gilkicker Lagoon near Gosport. A sluiced lagoon formed of two basins separated by a small culvert it shows marked seasonal salinity fluctuations. It supports a diverse lagoon community (particularly in the north basin) including species such as the lagoon cockle *Cerastoderma glaucum* and the nationally rare opisthobranch mollusc *Haminoea navicular*.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Solent and Dorset Coast pSPA

The recommendations developed so far propose a new marine designation which will include the subtidal areas not currently encompassed in the existing SPAs designated for breeding terns (Chichester & Langstone Harbours SPA, the Solent and Southampton Water SPA, Pagham Harbour SPA and Poole Harbour SPA). The new SPA will cover the area that the breeding terns use for foraging during April-September. For Portsmouth Harbour the pSPA boundary extends to MHW which is within the coastal margin, this overlaps with the Portsmouth Harbour SPA. The reasoning for this is that breeding terns do not nest within the harbour and are not a notified feature of the Portsmouth Harbour designated sites, therefore must be assessed accordingly.

Solent and Southampton Water SPA & Ramsar Site

Located in one of the only major sheltered channels in Europe, lying between the Isle of Wight and the mainline on the south coast of England. It stretches from Hurst Spit to Hill Head and on North Coast of the Isle of Wight from Yarmouth to Whitecliff Bay. It is composed of extensive intertidal mudflats and sandbanks, saltmarsh, coastal lagoons shingle banks and grazing marsh. The estuarine sediments support rich populations of invertebrates which provide an important food source for overwintering birds. The shingle banks also provide important breeding ground for terns. This area also supports approximately 10% of the world's dark-bellied brent geese. This species will use the mudflats and grazing marsh to feed but also make use of farmland and grassland outside of the SPA boundaries.

Bird Aware Solent

The Solent Recreation Mitigation Strategy, or more commonly known by its public facing name *Bird Aware Solent*, aims to reduce disturbance to non-breeding waterbirds from recreational activities by encouraging people to enjoy their visits to the coast in a responsible manner. The strategy has been put in place to mitigate possible impacts of planned new homes in the Solent area. Implementation of the strategy is delivered by the Solent Recreation Mitigation Partnership and funded by contributions from developers. The strategy comprises a series of management measures including employment of wardens to ensure responsible use of the site and to inform and educate the public.

Solent Waders and Brent Goose Strategy

The strategy is a non-statutory document presenting evidence, analysis and recommendations to inform decisions relating to strategic planning as well as individual development proposals. The strategy relates to international important brent goose and wading bird populations within and around the Special Protection Areas and Ramsar wetlands of the Solent Coast. The underlying

principle of the Strategy is to wherever possible conserve extant sites, and to create new sites, enhancing the quality and extent of the feeding and roosting resource.

Table 3. Qualifying features

| Qualifying feature | Portsmouth Harbour SPA | Portsmouth Harbour Ramsar Site | Solent and Southampton Water SPA | Solent and Southampton Water Ramsar | Dorset and Solent Coast pSPA | Solent and Isle of Wight Lagoons SAC |
|---|------------------------|--------------------------------|----------------------------------|-------------------------------------|------------------------------|--------------------------------------|
| A193 Common tern <i>Sterna hirundo</i> | | | ✓ B | ✓ B | ✓ F | |
| A195 Little tern <i>Sterna albifrons</i> | | | ✓ B | ✓ B | ✓ F | |
| A191 Sandwich tern <i>Sterna sandvicensis</i> | | | ✓ B | ✓ B | ✓ F | |
| A192 Roseate Tern <i>sterna dougalli</i> | | | ✓ B | ✓ B | | |
| A176 Mediterranean gull <i>Ichthyaetus melanocephalus</i> (breeding) | | | ✓ | | | |
| A052 Teal <i>Anas crecca</i> (non-breeding) | | | ✓ | ✓ | | |
| A137 Ringed plover <i>Charadrius hiaticula</i> (non-breeding) | | | ✓ | ✓ | | |
| A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding) | ✓ | ✓ | ✓ | ✓ | | |
| A149 Dunlin <i>Calidris alpina alpina</i> (Non-breeding) | ✓ | | | | | |
| A156 Black-tailed godwit <i>Limosa limosa islandica</i> (Non-breeding) | ✓ | | ✓ | ✓ | | |
| A069 Red-breasted merganser <i>Mergus serrator</i> (Non-breeding) | ✓ | | | | | |
| Waterbird Assemblage (non-breeding) | | | ✓ | ✓ | | |
| H1150 Coastal Lagoons | | | | | | ✓ |
| Assemblages of species associated with intertidal habitats | | ✓ | | | | |
| Wetland invertebrate assemblage | | | | ✓ | | |
| Wetland plant assemblage | | | | ✓ | | |
| Sheltered channel between island/mainland | | | | ✓ | | |
| Estuaries | | | | ✓ | | |

*please note B is for breeding and F is for foraging



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice which may be available) are the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats Regulations, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features' structure, function and supporting processes mentioned above, the implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

Supplementary advice on the conservation objectives for Portsmouth Harbour SPA and Solent and Isle of Wight Lagoons SAC can be viewed using the links below and the relevant issues have been assessed as part of this report:

[Portsmouth Harbour SPA](#)

[Solent and Isle of Wight Lagoons SAC](#)

For Ramsar sites, a decision has been made by Defra and Natural England not to produce Conservation Advice packages, instead focussing on the production of High Level Conservation Objectives. As the provisions on the Habitats Regulations relating to Habitat Regulations Assessments extend to Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

PART C: Screening of the plan or project for appropriate assessment

C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site's qualifying features)?

The Coastal Access Plan is not directly connected with or necessary to the management of the European or Ramsar sites for nature conservation listed in B1 above.

Conclusion:

As the plan or project is not either directly connected or necessary to the management of all of the European site(s)'s qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required.

C2. Is there a likelihood [or risk] of significant [adverse] effects ('LSE')?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Site(s) features and (b) could conceivably adversely affect a European site, would have a **likely significant effect**, either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of the site's conservation objectives referred to in section B2.

In accordance with case law, this HRA has considered an effect to be 'likely' if it '*cannot be excluded on the basis of objective information*' and is 'significant' if it '*undermines the conservation objectives*'. In accordance with Defra guidance on the approach to be taken to this decision, in plain English, the test asks whether the plan or project '*may*' have a significant effect (i.e. there is a risk or a possibility of such an effect).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes**, at this stage, any measures proposed in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on the European site(s).



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Each of the project elements has been tested in view of the European Site Conservation Objectives and against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site 'alone' (that is when considered in the context of the prevailing environmental conditions at the site but in isolation of the combined effects of any other 'plans and projects'). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

In this section, we assess risks to qualifying features, taking account of their sensitivity to coastal walking and other recreational activities associated with coastal access proposals, and in view of each site's Conservation Objectives.

For the purposes of this assessment, the qualifying features of the European Sites listed in B1 have been grouped as follows:

Table 4. Feature groups

| Feature group | Qualifying feature(s) |
|---|--|
| Terns and Gulls | Common, little, roseate, Sandwich tern and Mediterranean gull |
| Red-breasted merganser (Non-breeding) | Red-breasted merganser |
| Teal (Non-breeding) | Teal |
| Non-breeding waders | Dunlin; Black-tailed godwit; ringed plover; waterbird assemblage |
| Dark-bellied brent geese (Non-breeding) | Dark-bellied brent geese |
| Coastal lagoons | Coastal lagoons |
| Species associated with intertidal habitats | Assemblages of species associated with intertidal habitats; wetland invertebrate assemblage and wetland plant assemblage |
| Solent channel and estuaries | Sheltered Channel between island/mainland; estuaries |

**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

Table 5. Assessment of likely significant effects alone

| Feature | Relevant pressure | Sensitivity to coastal access proposals | Assessment of risk to site conservation objectives | LSE alone? |
|------------------------|-------------------------------|--|---|------------|
| Terns and gulls | Disturbance to foraging birds | <p>Terns forage over marine, coastal and inland waters. In general, the spatial separation between foraging and recreation activity will be sufficient to conclude that there will be no interaction. However, little common and roseate terns may make use of foraging habitat (e.g. coastal areas, coastal lagoons and inland waterways and wetlands) that may lead to interaction with shore-based recreation activities.</p> <p>Mediterranean gulls forage in shallow coastal waters, particularly close to their breeding sites, where they can catch invertebrates and small fish. They also feed in arable fields, and intertidal areas along the coastline</p> | <p>No appreciable risk</p> <p>The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present but is unlikely to compromise foraging activity.</p> <p>It has been noted in coastal areas that roseate, common and little tern may use lagoons for foraging. The Gilkicker lagoons are located within a golf course which is excepted land. This means coastal access rights will not be created on or in the lagoons. The proposed route along this section is following a well accessed promoted route, the Solent Way. It is expected to have a negligible increase in visitors once the National Trail status is in place.</p> | No |
| Terns and gulls | Disturbance of nesting birds. | The qualifying features in this groups are colonial species and nest on shingle beaches and rocky islands, on rivers with shingle bars, | <p>No appreciable risk.</p> <p>These species nest and breed within Titchfield Haven and Hamble Estuary. Both of these</p> | No |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | | and at inland gravel pits and reservoirs. | sites are not within the proposed stretch alignment. The potential for interaction with this feature group will be further assessed in the Calshot to Gosport stretch proposals. | |
| Red-breasted merganser | Disturbance to roosting and feeding birds | This species tends to roost and feed in the mid-channel of the harbour in deeper waters. Depending on the proximity of roost sites to the route proposal there is potential for people using the coast path either walking or dog walking to cause disturbance to birds. | No appreciable risk. This species does not use mudflats for foraging, generally making use of deeper channels in the estuary for feeding (Ref 4). Evidence as to the roosting behaviour of this species is limited but suggests that outside the breeding season it mainly roosts out at sea (Ref 5) This stretch follows existing routes and no new access rights will be created within the coastal margin across the intertidal mudflats and sandflats as these are considered unsuitable for walkers for safety reasons. Therefore we consider that there is no appreciable risk to this feature. | No |
| Teal | Disturbance of feeding and resting birds. | Non-breeding birds using the intertidal or functionally linked land (e.g. amenity grassland and agricultural fields) may be disturbed by recreational activity. The birds can show a range of | No appreciable risk. The designated site in which these features are notified overlaps with this proposal by 7m. The nature of this | No |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | | responses from being alert to making major flights. Disturbance during wintering season can lead to extra energy expenditure, interrupted feeding and reduced survival rates. | section of the coast is shingle beach which follows an existing walked route along a promenade. The surrounding area is of urban nature and as such, teal are not known to be using this area. The potential for interaction with this feature group will be further assessed in the Calshot to Gosport stretch proposals. | |
| Non-breeding waders | Disturbance to feeding and resting birds | Birds feeding on the foreshore or resting in the vicinity of the proposed coastal path may be disturbed by recreational activities such as walking or dog walking. | <p>The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas.</p> <p>Ringed plover and waterbird assemblage are qualifying features of sites that are not directly affected by the access proposals considered in this assessment (Solent and Southampton SPA & Ramsar sites). Birds are highly mobile and may use areas beyond the site boundary however; in this case, the part of the stretch of coast adjacent to these sites is urban in character and does not</p> | Yes |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | | | provide valuable feeding or resting opportunities. Possible impacts of coastal access on these sites will be fully considered in our assessment of Calshot to Gosport proposals. | |
| Dark-bellied brent geese | Disturbance to feeding and roosting birds | During the winter, this species will use a variety of coastal habitats, including playing fields which are outside the SPA, for feeding and resting. Groups of birds may be disturbed by recreational activities including walking or walking with dogs. | The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas. | Yes |
| Coastal Lagoons | Disturbance from walker or dogs entering the lagoons | The lagoons at Gilkicker are located on one side of the proposed route. An increase in recreational activity could cause disturbance to the lagoons if walkers and dogs enter them, disturbing the subtidal features within them. | No appreciable risk. The SAC conservation advice package states recreational activities such as dog walking will not have an impact on this feature. The proposed route follows the promoted, popular Solent Way, on a defined path with intermittent scrub along the edge, acting as a natural barrier to the lagoons. The lagoons are located on a golf course which is excepted land and will therefore not be subject to new access rights within the coastal margin. There is an information panel to the North of the | No |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | | | lagoons on Fort Road providing educational information on wildlife features found in and around the lagoons. | |
| Species associated with intertidal habitats | Trampling of sensitive species | Pioneer species may be prevented from establishing on soft mud if trampled from people regularly walking off the established paths. Seagrass beds could be degraded if trampled continuously by walkers and dogs off the lead. | <p>No appreciable risk.</p> <p>The intertidal is unsuitable for access and is restricted under Section 25A.</p> <p>As the habitat is unsuitable for access it does not currently get accessed and therefore it is unlikely that walkers will start to use the intertidal in light of the coastal access proposals.</p> <p>The intertidal species found on mudflats at low tide and are submerged under water at high tide and therefore not able to be accessed.</p> <p>The trail proposals are designed to keep walkers to the desired route using way markers.</p> | No |
| Solent channel and estuaries | None identified | Not considered sensitive due to the lack of interaction between path users and the features. | <p>No risk.</p> <p>This feature group within Solent and Southampton SPA is not located within the proposed alignment of this particular stretch.</p> <p>The stretch we are proposing overlaps the designated site approximately 7 m.</p> <p>The coast at this point</p> | No |



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

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| | | | <p>is of urban nature and with a shingle beach. We are aligning along existing access on a busy promenade. The potential for interaction with this feature group will be further assessed in the Calshot to Gosport stretch proposals.</p> | |
|--|--|--|--|--|

Conclusion:

The plan or project alone is likely to have a significant effect on the following qualifying features groups:

- **Dark-bellied brent geese (Non-breeding)**
- **Non-breeding waders (that are qualifying features of Portsmouth Harbour SPA & Ramsar site i.e. black-tailed godwit and dunlin)**

The plan or project is unlikely to have a significant effect on the following qualifying feature groups:

- Terns and gulls
- Non breeding waders (that are qualifying features of Solent and Southampton Water SPA & Ramsar site only i.e. ringed plover and waterbird assemblage)
- Red-breasted merganser
- Teal (non-breeding)
- Coastal lagoons
- Species associated with intertidal habitats
- Solent channel and estuaries



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable risks of effects (from a proposed plan or project) that are not themselves considered to be significant alone which must be further assessed to determine whether they could have a combined effect significant enough to require an appropriate assessment.

Step 1 – Are there any appreciable risks from the access proposals that have been identified in C2.1 as not significant alone?

Further to the risks identified as being significant alone (in C2.1), it is considered that there are no other residual and appreciable risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. It has therefore been excluded, on the basis of objective information, that the project is likely to have a significant effect in-combination with other proposed plans or projects.

Conclusion:

The plan or project, in combination with other plans and projects, is unlikely to have a significant effect on the following qualifying features of the European Site(s): Terns and gulls; Non breeding waders (that are qualifying features of Solent and Southampton Water SPA & Ramsar site only i.e. ringed plover and waterbird assemblage); Red-breasted merganser; Teal (non-breeding); Coastal lagoons; Species associated with intertidal habitats and Solent channel and estuaries.

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

As the plan or project is likely to have significant effects (or may have significant effects) on some or all of the Qualifying Features of the European Site(s), 'alone', further appropriate assessment is required.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the Appropriate Assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The Sites and the Qualifying Feature for which significant effects (whether 'alone' or 'in combination') are likely or cannot be ruled out and which are initially relevant to this appropriate assessment are:

Table 6. Scope of Appropriate Assessment

| Environmental pressure | Qualifying Feature(s) affected | Risk to Conservation Objectives |
|--|---|--|
| Disturbance of feeding or resting non-breeding birds | <ul style="list-style-type: none">Non-breeding waders (dunlin; black-tailed godwit)Dark-bellied brent goose (non-breeding) | Repeated disturbance to feeding or resting non-breeding waterbirds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site. |

D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project

The Solent, which includes Portsmouth Harbour SPA and Ramsar site, is recognised as being internationally important for non-breeding waterbirds. Portsmouth Harbour is composed of extensive intertidal mudflats which support large beds of eelgrass which are an important food source for dark-bellied brent geese. The intertidal is also an important area for waders to feed and roost, including dunlin and black-tailed godwit.

Dark-bellied brent geese



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Numbers of dark-bellied brent geese within Portsmouth Harbour have remained stable over recent years having previously increased before the SPA was classified in 1995. The most recent five-year peak mean is 3062 individuals from 2012/13 to 2016/17. Important feeding grounds include Portchester, Cams Hall, Port Solent, Tipner Ranges and Priddy's Hard. This species also relies on playing fields and grassland for roosting which are often outside of the SPA boundary.

Black-tailed godwit

This species will feed on the intertidal mudflats, particularly at Cams Bay and Wicor Lake and roosts on areas of saltmarsh within the harbour. Numbers of this species have steadily increased over time from 7 when the site was designated in 1995 to 230 in the most recent count, 2016-2017 (WeBs Count for Portsmouth Harbour, Ref 6)

Dunlin

Dunlin will roost on pontoons or saltmarsh within the harbour and feed on the mudflats. The number of dunlin has decreased by 41% since the SPA was classified from 3133 in 1995 to 620 in 2016/2017 (WeBs Count for Portsmouth Harbour, Ref 6)

Along the Portsmouth to Gosport stretch disturbance could potentially be problematic for overwintering birds if it occurs repeatedly. Disturbance as a result of recreational activities during the wintering period can affect the bird's energy expenditure, impacting on feeding and roosting. As part of the Supplementary Advice on Conservation Objectives for the SPA, Natural England has recently set targets for all of the qualifying features, in order to meet the conservation objectives for the site. Dunlin have a target to 'restore' the population, whereas dark-bellied brent geese and black-tailed godwit have a target to 'maintain' the population size. All the features also have a target to 'reduce disturbance caused by human activities'. These attributes within the Supplementary Advice are considered to be those which best describe the sites ecological integrity which if preserved will achieve the Conservation Objectives.

Bird Aware Solent

Extensive research has been undertaken to assess the impact of recreational activity on wintering birds in The Solent in light of planned new housing. Further residential growth and the implications this has for management of recreational activities alongside the Solent SPAs has been addressed by local authorities as part of the planning process. The resulting mitigation strategy aims to reduce bird disturbance through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities that take place there [Ref 2].



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

The measures delivered through Bird Aware Solent provide for an enhanced range of quality recreational opportunities alongside safeguarding birds populations of non-breeding waterbirds. Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific visitor management measures.

Solent Waders and Brent Goose Strategy

The Solent Waders and Brent Goose Strategy (SWBGS) is a non-statutory document presenting evidence, analysis and recommendations to inform decisions relating to strategic planning as well as individual development proposals. The strategy relates to internationally important brent goose and wading bird populations within and around the SPAs and Ramsar wetlands of the Solent Coast. The underlying principle of the Strategy is to wherever possible conserve extant sites, and to create new sites, enhancing the quality and extent of the feeding and roosting resource.

A framework for guidance on mitigation and off-setting requirements has been prepared by the Strategy Steering Group to achieve the long-term protection of the wider dark-bellied brent goose and wader network of sites. This network is under pressure from the growth planned for the Solent and formal guidance was considered necessary to define an approach for the non-designated sites.

Within the Gosport to Portsmouth stretch of the England Coast Path, key sites have been identified. Maps of these key sites can be viewed from the Strategy's website [here](#). Data on the individual species found at the key sites and counts can be requested via the Hampshire Biodiversity Information Centre (HBIC). When referring to key sites these include Primary Core, Primary Support and SPA sites, definitions of these can be found in Appendix 2.

We have used the evidence base underpinning the Strategy to assess whether the England Coast Path proposals will lead to a likely significant effect, through increased recreational disturbance, on the qualifying features outside of the boundaries of the European and Ramsar sites.

D3. Assessment of potential adverse effects considering the plan or project 'alone'

This section considers the risks identified at the screening stage in section C and assesses whether adverse effects arising from these risks can be ruled out, having regard to the detailed design of proposals for coastal access.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

D3.1 Design of the access proposal to address possible risks – at a stretch level

Portsmouth Harbour is surrounded by a number of towns including Lee-on-the-Solent, Gosport, Fareham, Portchester and Cosham. Portsmouth itself is the most densely populated city outside of London, with a population of over 200,000. The built up and densely populated nature of the area is reflected in the high number of visits predicted by modelling work to underpin the Solent Recreation Mitigation Strategy. The results for Portsmouth Harbour show some of the highest levels of visits predicted anywhere around the Solent and Isle of Wight (up to 3 million per year for some sections). An exception to this is that no recreational visits were predicted to the industrial and military docks on the west side of the Harbour [Ref 9].

These findings reflect our experience on the ground, designing proposals for coastal access around the Portsmouth Harbour. The harbour side is already popular place for local people to walk with and without a dog and there is an established, well maintained and regularly used network of paths. Use by local residents is particularly important along more built up lengths of coast, like Portsmouth Harbour, where the value of coastal paths as a local amenity is greatest.

A key finding from the research underpinning the Solent Recreation Mitigation Strategy is that how people behave, and how access is managed at each location determines the extent of disturbance. Our objective in designing proposals for coastal access has been to ensure they do not increase the disturbance pressure affecting the site and that where possible they contribute to efforts to manage existing and future demand for places for coastal recreation in ways that help to reduce disturbance to wintering birds. To achieve this around Portsmouth Harbour, our proposals for coastal access:

- Make use of popular established paths where increase in the level of use is unlikely to increase the disturbance pressure affecting the SPA. The proposed alignment for England Coast Path around Portsmouth Harbour entirely follows existing paths, the majority of which are multi use and with a sealed tarmac surface. Most are already promoted routes, including the Solent Way (60 miles), Allan King Way (42 miles) and Pilgrims Trail (29 miles) and Fareham Creek Trail.
- Avoid the possibility of increased disturbance close to more sensitive areas by using appropriately sited existing paths (for example at Tipner where a seawall separates the path from a sensitive area).



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

- Take opportunities to improve separation between people using existing paths and places where birds might be feeding or resting near to the route by improvements to on-site signposting and visual screening (specific measures included in the access proposals are referred to in the next section).
- Do not create new coastal access rights over intertidal mudflats and saltmarsh that are used by feeding water birds. Research has demonstrated that recreational activities that take place in these areas are more likely to cause disturbance than activities on the shore [Ref 8]. In practice, use of such intertidal areas for recreation is limited since they are unattractive, dangerous and inherently unsuitable for public access. A year round exclusion will apply over the majority of mudflats and saltmarsh in the harbour such that no new coastal access rights will be created over these areas. In addition, access to Pewit Island (see below) will be excluded on nature conservation grounds. Maps showing the extent of excluded areas can be found in within the overview (see Map E and F and part 9 of the Overview for further details).
- Contribute to raising awareness and encouraging appropriate visitor behaviour close to areas used by wintering birds by installing new information panels at key access points around the harbour identified in conjunction with Bird Aware wardens. These will reinforce Bird Aware messages and display information about where people can and can't go.

D3.2 Design of the access proposal to address possible risks – at a local level

In this part of the assessment we consider key locations along the coast between Gosport and Portsmouth where establishing the England Coast Path and associated coastal access rights may impact on Qualifying Features of a European site. These are locations where the route comes particularly close to the foreshore and/or which evidence suggests regularly support high numbers of birds. We explain how the detailed design of our proposals at these locations takes account of possible risks.

The features occurring at each of these key locations are shown in the table below. To make it easier to cross-reference between this assessment and the corresponding Coastal Access Report in which access proposals are made, the relationship between the geographic units in this assessment and the way the stretch is sub divided in the Coastal Access Report is shown.

To inform our assessment of risk, we have reviewed how relevant sections of coast are currently used for recreation, how this might change as a result of known factors (such as planned housing), and how the established patterns and levels of access might be affected by our proposed improvement to access. The predictions we have made from this work are informed by available information, including research underpinning the Solent Recreation Mitigation Strategy, on-line



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

mapping and aerial photography, travel and visitor information, site visits and input from local access managers. The findings of this work are incorporated into the assessments below.

Table 7. Summary of Key Locations

| Location | Cross reference Coastal Access Report | Non-breeding waders | Dark-bellied brent geese |
|-------------------------|--|---------------------|--------------------------|
| Hardway Slipway | Report 2 GPM-2-S030 to GPM-2-S044 | ✓ | ✓ |
| Monks Walk | Report 2 GPM-2-S054 to GPM-2-S058 | ✓ | ✓ |
| Fareham Creek | Report 2/3 GPM-2-S083 to GPM-2-S102 / GPM-3-S001 to GPM-3-S020 | ✓ | ✓ |
| Wicor Recreation Ground | Report 3 GPM-3-S021 to GPM-3-S037 | ✓ | ✓ |
| Pewit Island | Report 3 | ✓ | ✓ |

Table 8. Detailed assessment of key locations

| Location | Current situation | Risk analysis |
|------------------------|--|---|
| Hardway Slipway | <p>Access baseline Hardway Slipway is in a residential/commercial area and is a well-known and popular place for access to the shore. There is a car park (with approx 20 spaces) and nearby on-street parking. Visitors are also attracted to the area by the nearby Explosion Museum. There is a PRow along a narrow shingle beach that can be accessed from the slipway which becomes impassable at high tide, requiring users to take an alternative inland route. Beyond the beach, the</p> | <p>Disturbance to birds feeding on the mud at low tide The mud flats at this point are not normally used by the public as they are unsuitable for walking over. No new coastal access rights will be created, clarifying that the mud flats should not be used for recreation.</p> <p>Disturbance to birds using the upper foreshore and beach at high tide People using, or attempting to use the path along the shingle beach are likely to displace roosting birds. At present, people</p> |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | <p>foreshore is predominantly soft mud and being unsuitable for access is not used for recreation.</p> <p>Environmental baseline A recent low tide survey for wintering birds found 200 dunlin, 8 black-tailed godwit and 45 dark-bellied brent geese in close proximity to the slipway (Ref 4) feeding on the extensive exposed soft mud. These numbers represent 7% (dunlin), 1.6% (black-tailed godwit) and 1.5% (brent geese) of the SPA populations respectively (Ref 6). Appendix 1 is taken from the Carrington Report (Ref 4) and shows what areas the birds are using when the high tide and low tide surveys were taken.</p> <p>At high tide, the birds are pushed closer to the shore and often roost on parts of the shingle beach that remain exposed. Dunlin roost in large numbers on two floating rafts 350-420m from the shore. This is an important site for dunlin to roost and noted under P70 in the SWBGs. Brent geese have been observed using the shingle at high tide (Ref 4) WeBs counts for Gosport Shore (Ref 6) provide average counts between 204 and 866 for brent geese.</p> | <p>may be unaware that the path may be impassable or the impact they might have on resting birds. The access proposals provide for an alternative high tide route and installation of a new information board and signage. Guiding walkers away from the shingle beach at high tide will help to reduce the risk of disturbance to roosting birds.</p> |
| <p>Monks Walk field</p> | <p>Access baseline This field is owned by Gosport Borough Council. It is accessible either from Heritage Way by taking the first exit from the roundabout or following the proposed alignment along Ham Lane along a worn path and then routes through the woodland and into the field itself. There is a permissive path through the middle of the field which has relatively low levels of use, largely by dog walkers. People generally stick to the path but dogs may run across the whole field.</p> <p>Environmental baseline</p> | <p>Disturbance to birds using field at Monks Walk ECP route follows permissive path through middle of field. The entirety of the field, either side of route will be subject to new coastal access rights (covering both the landward and coastal margin). It is not anticipated that the existing patterns of use will change once the National trail status is established. Our proposals with clear way marking will help achieve the management of this field by encouraging walkers to stay on the routes path.</p> <p>A new information board at Ham Lane (approximately 100m south of the field)</p> |

**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | <p>The proposed alignment is to be routed through the small field in the Monks Walk area. The field is regularly used by small numbers of black-tailed godwit, brent geese and dunlin. High tide surveys carried out within the area stated black-tailed godwit were only observed using the mudflats and shoreline east of Monks Walk and brent geese used any exposed shingle (REF 4). This shows that the birds favour the areas surrounding the field as opposed to the field itself. As the field is screened by vegetation from the areas the birds use this will reduce visual disturbance from walkers and dogs, This is an area with potential to be used for feeding and resting at high tide and has been notified within the SWBGs as a primary support area, definition of this can be found in Appendix 2.</p> | <p>will help to encourage responsible access by educating users of the path on the sensitivities to the features from disturbance and encouraging dog owners to keep their dogs under control.</p> |
| <p>Fareham Creek and Cams Hall Golf Course</p> | <p>Access baseline A residential area close to Fareham town centre. There are several car parks (Shearwater Avenue – 35 spaces – Cams Mill – 70 and Cams Hall Estate – 200, although strictly for business use) and on-street parking close by. There are several well-known and popular surfaced paths which are well defined and clearly signposted. Moving away from Fareham town centre there is a single path running between the bank of Fareham Creek and Cams Hall Golf Course. Part of this route, along the north-west edge of the golf course, is screened from the foreshore by a belt of trees known as Bathhouse Grove.</p> <p>The foreshore is mudflat with some wet grassland, is difficult and dangerous to walk over and is not used for recreation.</p> <p>Environmental baseline The exposed mudflats along the edge of Fareham Creek are an important</p> | <p>Disturbance to birds feeding on the mud at low tide The risk to feeding birds is low because the mudflats at this point are not normally used by the public as they are unsuitable for walking over. No new coastal access rights will be created, clarifying that the mudflats should not be used for recreation.</p> <p>Further measures will be implemented as part of the access proposals to help reduce the risk of disturbance, specifically:</p> <ul style="list-style-type: none"> • A gap in the vegetation was identified in the treeline which separates the path from the foreshore. Visitors and their dogs could potentially access the foreshore through this gap increasing the risk of disturbance. By planting additional vegetation, the gap will be closed to stop people accessing the foreshore and enhance this natural barrier between the path and birds feeding on the adjacent mudflats. |

**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | <p>feeding area for water birds, including black-tailed godwit, dunlin and dark-bellied brent geese. Flocks of up to 600 dunlin may be present (WeBs core count Fareham Creek 2017-18, Ref 6). During high tide birds will get pushed up on to the grassy bank at the top of the creek which is next to the shingle path which is a PRoW and where the proposed route is to be aligned. The intertidal could be accessed here however as this consists of soft mud it would be unsafe to do so and is not currently used by the public for recreation.</p> | <ul style="list-style-type: none"> • A new interpretation panel will be installed at north western corner to raise awareness of birds, this will be seen by all users of the path and has been strategically placed at the more open part of the path to give context of the disturbance issues and sensitivities on the foreshore. |
| <p>Wicor Recreation Ground</p> | <p>Access baseline There are a number of grassy fields including football pitches and a children’s playground. Portchester Football Club is located just north of the proposed route. The whole area is heavily used for both sport and general recreation by both locals and visitors.</p> <p>East of Wicor is Wicor Marina which has a number of moorings, parking and some shops. On the beach front is the popular Salt Café.</p> <p>There are free car parks at both Wicor Recreation Ground (adjacent to the football club) and Shearwater Avenue, totalling around 135 spaces.</p> <p>The foreshore consists of a shingle strip approximately 20 m wide which is accessible to walkers via desire lines which have formed on the bank, between the recreation field and foreshore. The mudflats on the intertidal are not suitable for access.</p> <p>Environmental baseline The grassy fields are primary core areas for brent geese to feed at high tide, regularly attracting flocks of up to 600 individuals. At low tide the geese</p> | <p>Disturbance to non-breeding birds on mudflats</p> <p>Waders and dark-bellied brent geese feed on the intertidal mudflats. The proposed route aligns around the perimeter of the recreation ground behind a treeline, this will reduce visual disturbance of birds using the foreshore. The shingle strip is within the coastal margin and is subject to coastal access rights. With clear way marking walkers will be encouraged to use the designated route within the vegetated hedgeline to minimise disturbance on the foreshore. Access to the mudflats will be restricted by S25A as part of the inherent design of the proposals as they are unsafe. We will be putting a new interpretation panel at Wicor Recreation Ground car park which will include information about restricted access to the intertidal and the sensitivities of species using the area and encourage dog walkers to keep their dogs under control when walking this particular stretch.</p> <p>Disturbance to dark-bellied brent geese using inland fields</p> <p>There are a number of inland fields at Wicor that have been classified in the SWBGs. Field ID F21 is a primary core</p> |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | <p>are generally feeding on seagrass beds just offshore. Non –breeding waders and brent geese will use the mudflats at low tide for feeding and get pushed up the shore and into the fields behind the shore as the tide comes in, to roost.</p> | <p>area for brent geese with approximately 600 individuals using the site for feeding. This field is considered to have the strongest functional linkage with Portsmouth Harbour SPA.</p> <p>Where the proposed route is aligned along the edge of the recreational field we are following a hedgeline, landward of the trail, which provides a physical and visual barrier between walkers and dark-bellied brent geese using the fields.</p> <p>Additional way markers at key points will help to encourage walkers to follow the proposed route. The new interpretation panel at Wicor Recreation Ground car park will help to encourage responsible access for those walking with dogs.</p> |
| <p>Pewit Island</p> | <p>Access baseline Situated off the north coast of the harbour. There is currently no public access permitted on the island and it is managed by HIWWT to prevent this. The sea around the island is used for a variety of water-based, recreational activities including boating, kayaking and paddle boarding. HIWWT have reported that people occasionally land on the island either by sailing or kayaking. There is a sign on the island that states “no landing” to try and discourage people accessing the island (Ref 7).</p> <p>Environmental baseline The island consists of scrub, saltmarsh and shingle habitats and provides a largely undisturbed high tide roosts for waterbirds. The mudflats surrounding the island are important feeding areas for brent geese, dunlin and black-tailed godwit. Flocks of 5000 dunlin, 200 black-tailed godwit and 500 dark-bellied brent geese were recorded in the 2018/2019 WeBs core count for this site (Ref 6)</p> | <p>Disturbance to non-breeding birds on the island and surrounding mudflats The proposed alignment is approximately 700m away from the island. Due to the separation distance between Pewit Island and the trail we do not anticipate any interactions at this site from walkers and dog walkers as the mudflats are unsuitable for access and will be covered by a S25A restriction.</p> <p>In addition to the access restriction on the surrounding mudflats the island itself will be covered by an all year round Section 26 restriction to preclude access on nature conservation grounds and reinforce management of the island as an important site for over-wintering birds. The exclusion is also for nesting birds. Whilst there aren’t any known to be nesting on the island currently the HIWWT are actively improving this site as a potential breeding spot in the future.</p> |

D3.3 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

Table 9. Assessment of adverse effect of site integrity alone

| Risk to conservation objectives | Relevant design features of the access proposal | Can ‘no adverse effect’ on integrity be ascertained (Yes/No) Give Reasons | Residual effects? |
|---|--|---|-------------------|
| <p>Repeated disturbance to feeding or resting non-breeding waterbirds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.</p> | <ul style="list-style-type: none"> • Coastal access rights will be excluded from areas of mudflat or saltmarsh that are unsuitable for access • Access to Pewit Island will be excluded on nature conservation grounds • Optional high tide routes to encourage people away from the shoreline when birds are gathering at high tide • Planting of scrub to reinforce physical and visual separation between the path and foreshore • Installation of interpretation panels for raising awareness and indicating where access is restricted • Waymark posts to encourage walkers to stay on the path • Adopting existing, appropriately sited, walked routes with e.g Pilgrims Trail at Tipner is behind a sea wall | <p>Yes.</p> <p>Portsmouth Harbour’s environmental conditions are influenced by human activities. A largely residential and urban city with a well accessed coastline opens itself up to a large proportion of people using these areas for recreational activities. With a number of existing promoted walked routes it is important to consider the potential interactions with non-breeding waterbirds. This mostly results in minor behavioural responses such as increased alertness and short flights. The species move around the intertidal mudflats for feeding opportunities. Due to the nature of the mudflats this area is not appealing to walk on and unsuitable for access. The birds also use the foreshore and coastal fields for feeding and roosting. These are the areas more accessible for recreational activity. There is a target to reduce frequency of disturbance to dunlin, brent geese and black-tailed godwit as a result of recreational activities. This can be achieved by managing access and discouraging behaviour that might be disturbing in sensitive areas. We have taken this into account in designing our proposals for this stretch, including some specific improvements to the existing routes mentioned that will help to reduce disturbance. In order to ensure that</p> | <p>Yes</p> |



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

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| | | implementation of coastal access around Portsmouth Harbour is complementary to other plans and projects, an in-combination assessment has been carried out below. | |
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D4 Assessment of potentially adverse effects considering the project 'in-combination' with other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Step 1 – Are there any appreciable risks from the access proposals that have been identified in D3.3 as not themselves considered to be adverse alone?

Natural England considers that in this case the potential for adverse effects from the plan or project has not been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects. These are:

- Disturbance to foraging or resting non-breeding waterbirds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of Qualifying Features within the site.

Step 2 – Have any combinable risks been identified for other live plans or projects?

Table 10. Review of other live plans and projects

| Competent Authority | Plan or project | Have any insignificant and combinable effects been identified? |
|-------------------------|------------------|---|
| Gosport Borough Council | New Science Park | No. An outline application has been submitted in 2017 for four 3-story buildings, 222 additional parking spaces and 74 cycle spaces as part of the new Science Park development. The site which is to be developed is part of an industrial estate. It is seaward of our proposed route which is |



**Assessment of Coastal Access proposals under
regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

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| | | <p>following along the main road, A32. A preliminary Ecological appraisal has been submitted. The boundary of the SPA at this site is currently fenced with no access to the SPA and is will be maintained during completion of development. Natural England have consulted with developers stating a Construction Environmental Management Plan will need to be submitted and approved by the Local Authority. As the site is fenced from the SPA and not directly on the proposed route we anticipate no combinable effects.</p> |
| Gosport Borough Council | Local Plan, emerging | <p>No. The local plan 2011 – 2029 was adopted in 2015. The local authority have now begun to revise the current plan to take into account any government changes and will extend until 2036, this is in very early stages of development and when for consultation which closed January 2019. The current local plan has allocated a number of areas for regeneration and increase in residential housing. A Strategic Access Management and Monitoring (SAMM) Strategy has been developed that will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an adverse effect on integrity, and no further residual impacts were identified.</p> |
| Fareham Borough Council | Adopted local plan, emerging local plan | <p>No. The local plan was adopted in 2015 and sets out planning and development up until 2026. The council have recently started reviewing the current local plan to reflect emerging housing and employment needs until 2036. The current and emerging local plan has a Strategic Access Management and Monitoring (SAMM) Strategy which has been developed and will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an adverse effect on integrity, and no further residual impacts were identified.</p> |
| Portsmouth County Council | Adopted local plan, emerging local plan | <p>No. The local plan was adopted in 2012 and sets out housing and development needs of the city to 2027. A new emerging plan is currently being developed, which will set out future development needs of the city up to 2036. The current and emerging local plan has a Strategic Access Management and Monitoring (SAMM) Strategy which has been developed and will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an</p> |



**Assessment of Coastal Access proposals under
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| | | adverse effect on integrity, and no further residual impacts were identified. |
| East Solent Coastal Partnership (Portsmouth City Council) | Tipner Sea Defence and landscaping works | No. A sea defence wall is being reinforced with the height increasing from 2.7m to 4.1m. The construction work of the wall is in its final stages and will be completed before the proposals of Gosport to Portsmouth will be established. Given the times scales of this project are not going to interfere with the route establishment no residual impacts were identified. |
| Environment Agency | North Solent Shoreline Management Plan (NSSMP) | No. The NSSMP’s aim is to balance the management of coastal flooding and erosions risks, with natural processes, and the consequences of climate change. As a result of the plan, adverse effects could not be avoided at the Portsmouth Harbour SPA and Portsmouth Harbour Ramsar and compensatory habitat creation was necessary to comply with the Habitats Regulations. In light of this, no insignificant or combinable effects from the plan have been identified. |
| Natural England | Implementation of coastal access from Calshot to Gosport | No. The proposals for the Calshot to Gosport coastal access stretch are currently in development. In combination effects with Gosport to Portsmouth proposals will be considered further in that Habitat Regulations Assessment in the near future. |
| Natural England | Implementation of coastal access from Portsmouth to South Hayling | No. The proposals for the Portsmouth to South Hayling, published 19 th July 2017, have been subject to an Access Sensitive Features Assessment. An in-combination was carried out and concluded no residual impacts and there was no adverse effect of integrity was determined on the European sites. |

In light of this review, we have identified no insignificant and combinable effects likely to arise from the projects that have the potential to act in-combination with the access proposals.

Step 3 – Would the combined effect of risks identified at Steps 1 and 2 be likely to have an adverse effect on site integrity?

In light of the conclusions of Steps 1 & 2, no further in-combination assessment is required.



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

D5. Conclusions on Site Integrity

Because the plan/project is not wholly directly connected with or necessary to the management of the European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 63 of the Habitats Regulations to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Portsmouth Harbour SPA, Dorset and Solent Coast pSPA, Portsmouth Harbour Ramsar site or Solent and Isle of Wight Lagoons SAC either alone or in combination with other plans and projects.

PART E: Permission decision with respect to European Sites

Natural England has a statutory duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English coast. To fulfil this duty, Natural England is required to make proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949. In making proposals, Natural England, as the relevant competent authority, is required to carry out a HRA under Regulation 63 of the Habitats Regulations.

We, Natural England, are satisfied that our proposals to improve access to the English coast between Gosport and Portsmouth are fully compatible with the relevant European site conservation objectives.

It is open to the Secretary of State to consider these proposals and make a decision about whether to approve them, with or without modifications. If the Secretary of State is minded to modify our proposals, further assessment under the Habitats Regulations may be needed before approval is given.

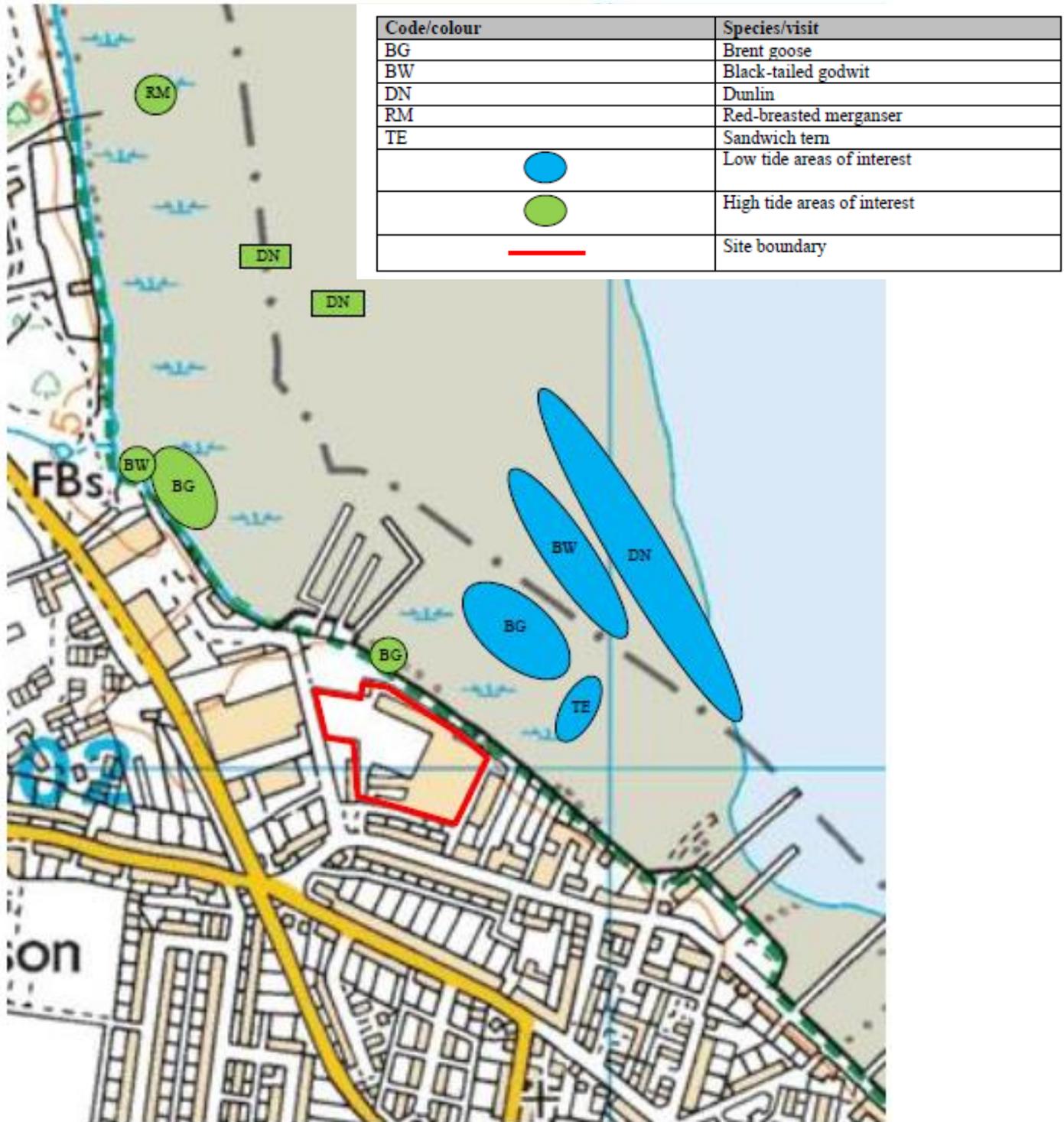
Certification

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| Assessment prepared and completed by: | Lindsey Hollingsworth  | <i>Lead Adviser, Coastal Path Assessment Unit</i> |
| Date | 10/6/2019 | |
| | | |
| HRA approved: | Graham Horton  | <i>Senior officer with responsibility for protected sites</i> |
| Date | 10/6/2019 | |

References to evidence

1. NATURAL ENGLAND. 2013. Coastal Access Natural England's Approved Scheme 2013. Published by Natural England Catalogue Code: NE446
<http://publications.naturalengland.org.uk/publication/5327964912746496?category=50007>
2. LILEY ET AL. 2010. The Solent Disturbance & Mitigation Project Phase II: Results of the bird disturbance fieldwork 2009/10 <https://www.footprint-ecology.co.uk/reports/Liley%20et%20al.%20-%202010%20-%20The%20Solent%20Disturbance%20and%20Mitigation%20Project%20Phas.pdf>
3. King,D. (2010) Solent Waders and Brent Goose Strategy 2010. HIWWT
4. CARRINGTON LINDSEY, 2017. Winter Bird Report at Geo Kingsbury, Quay Lane, Gosport, Hampshire. Ecological Services.
5. Cramp *et.al* 1977 (Birds of the Western Palearctic)
6. BTO. 2018. The Wetland Bird Survey. BTO
7. <https://solentreserves.wordpress.com/tag/pewit-island/>
8. Solent Recreation Mitigation Strategy 2017
<http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>
9. FEARNLEY, H., CLARKE, R.T., LILEY, D. 2011. The Solent Disturbance & Mitigation Project. Phase II: Results of the Solent Household Survey. Solent Forum/ Footprint Ecology

Appendix 1: Key areas for important species - Geokingsbury Winter Bird Report Map



Appendix 2: Solent Waders and Brent Goose Strategy Classification List and Definitions

The following list defines the terms used to classify fields across the Solent under the in-preparation 2018 SWBGS (HIOWWT, 2018). As the strategy is still being prepared the below terms and definitions are subject to change.

Core Sites: These are considered essential to the continued function of the Solent wader and brent goose ecological network and have the strongest functionally-linkage to the designated Solent SPAs in terms of their frequency and continuity of use by SPA features.

Primary Support Sites: Contain land that, when in suitable management, make an important contribution to the function of the Solent wader and brent goose ecological network.

Secondary Support Sites: Offer a supporting function to the Core and Primary Support ecological network, but are generally used less frequently by significant numbers of SPA geese and waders. These sites become important when wader or brent goose populations are higher or when the habitat is in suitable management.

Low Use Sites: sites have the potential to be used by waders or brent geese. These sites have the potential to support the existing network and provide alternative options and resilience for the future network.

Candidate Sites: Sites that have records of high numbers of birds (max count equal to or greater than 100) and/or a total score equal to or greater than 3 but have less than 3 records in total

SPA Sites: sites within the SPA area that have bird records and form part of the ecological network