



Marine  
Management  
Organisation

## Record of Likely Significant Effect

### Regulation 61 of the Conservation of Habitats and Species Regulations 2010, Statutory Instrument 2010/490

**Title:** Trafalgar Dock, Southampton

**Applicant:** RPW (SOUTHAMPTON) LIMITED

**Reference No:** MLA/2015/00116

**Date:** 25 November 2015

#### **Location**

Royal Pier, Southampton.

#### **Project Description**

The project is phase 1 of 2 of the Royal Pier Waterfront development which is a redevelopment scheme of Southampton Waterfront. Phase 1 will consolidate the existing Red Funnel vehicle ferry service, the Red Jet pedestrian service and the company's head office onto one site, including provision for the Hythe ferry service. The relocation includes the provision of marine structures, such as pontoons as well as vehicular and pedestrian link spans. Dredging is required in the area of proposed ferry berths.

Approximately 7,600m<sup>3</sup> of material will be dredged and the applicant had proposed that this material would be disposed of at the Nab Tower Disposal Site, subject to sediment analysis results. Analysis results showed areas of the dredged material to contain contaminant concentrations above Cefas Action Level 2. Following consultee responses and advice from MMO, the applicant will now dispose half (3,800m<sup>3</sup>) of this material to land. Two existing dolphins will be demolished prior to dredging. Repair works will be carried out to the two remaining dolphins and the quay wall, if

necessary, and assessments undertaken to determine the need for strengthening works. Additional outfalls will be created as required.

### **European marine sites (EMS) and Ramsar in vicinity of proposed works**

The following EMS are located in the vicinity of the proposed works (approximate distance in brackets):

Solent and Southampton Water Special Protection Area (SPA)  
Solent and Southampton Water Ramsar site  
Solent Maritime Special Area of Conservation (SAC)  
River Itchen SAC

Further information regarding these sites and their protected features can be found at:

<http://publications.naturalengland.org.uk/publication/6567218288525312>

<http://jncc.defra.gov.uk/pdf/RIS/UK11063.pdf>

<http://publications.naturalengland.org.uk/publication/5762436174970880>

<http://publications.naturalengland.org.uk/publication/5130124110331904>

### **The conservation objectives of Solent and Southampton Water Special Protection Area (SPA) site are:**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

**The extent and distribution of the habitats of the qualifying features**

**The structure and function of the habitats of the qualifying features**

**The supporting processes on which the habitats of the qualifying features rely**

**The population of each of the qualifying features, and,**

**The distribution of the qualifying features within the site.**

### **Qualifying Features:**

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A052 *Anas crecca*; Eurasian teal (Non-breeding)

A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

A176 *Larus melanocephalus*; Mediterranean gull (Breeding)

A191 *Sterna sandvicensis*; Sandwich tern (Breeding)

A192 *Sterna dougallii*; Roseate tern (Breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Waterbird assemblage

**The criteria of the Solent and Southampton Water Ramsar site are:**

**1, 2, 5, 6**

Ramsar criterion 1

The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

Ramsar criterion 2

The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.

Ramsar criterion 5

Assemblages of international importance:

Species with peak counts in winter:

51343 waterfowl (5 year peak mean 1998/99-2002/2003)

Ramsar criterion 6 – species/populations occurring at levels of international importance.

**The conservation objectives of Solent Maritime Special Area of Conservation site are to:**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

**The extent and distribution of qualifying natural habitats and habitats of qualifying species**

**The structure and function (including typical species) of qualifying natural habitats**

**The structure and function of the habitats of qualifying species**

**The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**

**The populations of qualifying species, and,**

**The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

**Qualifying Features:**

- H1110. Sandbanks which are slightly covered by sea water all the time
- H1130. Estuaries
- H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats
- H1150. Coastal lagoons\*
- H1210. Annual vegetation of drift lines
- H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves
- H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand
- H1320. *Spartina* swards (*Spartinion maritimae*); Cord-grass swards
- H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram
- S1016. *Vertigo moulinsiana*; Desmoulin's whorl snail

**The conservation objectives of River Itchen SAC site are:**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

**The extent and distribution of qualifying natural habitats and habitats of qualifying species**

**The structure and function (including typical species) of qualifying natural habitats**

**The structure and function of the habitats of qualifying species**

**The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**

**The populations of qualifying species, and,**

**The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

**Qualifying Features:**

- H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot
- S1044. *Coenagrion mercuriale*; Southern damselfly
- S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish
- S1096. *Lampetra planeri*; Brook lamprey
- S1106. *Salmo salar*; Atlantic salmon
- S1163. *Cottus gobio*; Bullhead
- S1355. *Lutra lutra*; Otter

**Is the proposal directly connected with or necessary to the management of the site for nature conservation?**

No

**Is the proposal likely to have a significant effect 'alone and/or in combination' on a European or Ramsar site or Annex 1 species or habitat?**

Interest feature	Potential hazard	LSE?	Potential exposure to hazard and mechanism of effect/impact if known
Estuaries.	Loss of habitat. Smothering of habitats during dredging. Changes to accretion/deposition rates. Pollution incident during construction/operation	No impact predicted as mitigation measures are included within the proposal	The subtidal area affected by the dredge is 6,500m <sup>2</sup> and does not directly affect any part of the designated site. The zone of influence from increased suspended sediments in the water column is about 200m upstream. The closest estuary is approximately 3km from the zone of influence. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.

<p>Spartina swards; cord-grass</p>	<p>Changes in wave action resulting in erosion. Changes to accretion/deposition rates. Pollution incident during construction/operation</p>	<p>No impact predicted as mitigation measures are included within the proposal</p>	<p>The closest part of the European site that could support this habitat is on the western shore of Southampton Water 3km from the proposal. At this distance, any small changes in reflected wave energy, erosion and accretion are considered to be negligible. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.</p>
<p>Atlantic Salt meadows</p>	<p>Changes in wave action resulting in erosion. Changes to accretion/deposition rates. Pollution incident during construction/operation</p>	<p>No impact predicted as mitigation measures are included within the proposal</p>	<p>The closest part of the European site that could support this habitat is on the western shore of Southampton Water 3km from the proposal. At this distance, any small changes in reflected wave energy, erosion and accretion are considered to be negligible. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.</p>
<p>Mudflats and Sandflats</p>	<p>Changes to accretion/deposition rates. Pollution incident during construction/operation</p>	<p>No impact predicted as mitigation measures are included within the proposal</p>	<p>Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.</p>

Coastal Lagoons	No impacts anticipated	No impact predicted	None. The areas of the European site supporting coastal lagoons are located a substantial distance from the site and will not be affected by the proposals
Annual vegetation of drift lines	No impacts anticipated	No impact predicted	This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.
Perennial vegetation of stony banks	No impacts anticipated	No impact predicted	This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.
Salicornia and other annuals colonising mud and sand	Changes to accretion/deposition rates. Pollution incident during construction/operation	No impact predicted as mitigation measures are included within the proposal	Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	No impacts anticipated	No impact predicted	This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.
Desmoulin's whorl snail ( <i>Vertigo moulinsiana</i> )	No impacts anticipated	No impact predicted	There is no suitable habitat within the site that would support this species and habitats that support this species will not be affected by the proposals.
Watercourses of plain to montane levels with the <i>Ranunculon fluitantis</i> and Callitricho-Batrachion vegetation	No impacts anticipated	No impact predicted	River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 1 habitat are anticipated at this distance.

Southern damselfly	No impacts anticipated	No impact predicted	River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.
Bullhead	No impacts anticipated	No impact predicted	River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.
White-clawed crayfish	No impacts anticipated	No impact predicted	River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.
Brook Lamprey	No impacts anticipated	No impact predicted	River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.
Atlantic Salmon	Potential impacts on adults and/or smolts in Southampton water when entering/leaving River Itchen due to noise from piling. No direct impacts on habitats within the SAC itself	No impact predicted as mitigation measures are included within the proposal	Noise piling is anticipated to affect the behaviour of the majority of individuals within 500m of piling activity. Low noise vibro-piling will be used where ground conditions allow and soft start procedures will be used for a minimum of two minutes during start-up. Piling will be undertaken between October and March, avoiding peak migratory times for salmon.



Otter	No impacts anticipated	No impact predicted	Although this species is known to occur around industrialised parts of the coast, it is not considered likely that otter would be present around Trafalgar Docks during the construction period.
Dark-bellied brent goose (Non-breeding) ( <i>Branta bernicla bernicla</i> )	Noise during piling. Visual/human disturbance during construction	No impact predicted	Given that piling will take place within an environment already experiencing high levels of noise, and the distance separating piling activity from the SPA, no significant effects are predicted. The site is located approximately 800m from the closest area of intertidal mudflats within the SPA, separated by the main approach channel to Southampton Docks. Given this separation, no impacts are predicted as a result of visual disturbance/human activity.
Eurasian teal (Non-breeding) ( <i>Anas crecca</i> )	Noise during piling. Visual/human disturbance during construction	No impact predicted	As above
Ringed plover (Non-breeding) ( <i>Charadrius hiaticula</i> )	Noise during piling. Visual/human disturbance during construction	No impact predicted	As above
Black-tailed godwit (Non-breeding) ( <i>Limosa limosa islandica</i> )	Noise during piling. Visual/human disturbance during construction	No impact predicted	As above
Mediterranean gull (Breeding) ( <i>Larus melanocephalus</i> )	No impacts anticipated	No impact predicted	The distance between known breeding colonies and the site is such that no impacts will occur.

Sandwich tern (Breeding) ( <i>Sterna sandvicensis</i> )	No impacts anticipated	No impact predicted	The distance between known breeding colonies and the site is such that no impacts will occur.
Roseate tern (Breeding) ( <i>Sterna dougallii</i> )	No impacts anticipated	No impact predicted	The distance between known breeding colonies and the site is such that no impacts will occur.
Common tern (Breeding) ( <i>Sterna hirundo</i> )	No impacts anticipated	No impact predicted	Breed on Hythe pier, several kilometres from the site. Given the distance from Trafalgar dock, no impacts will occur.
Little tern (Breeding) ( <i>Sterna albifrons</i> )	No impacts anticipated	No impact predicted	The distance between known breeding colonies and the site is such that no impacts will occur.
The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl	Noise during piling. Visual/human disturbance during construction	No impact predicted	Construction activities may result in short-term displacement of certain bird species that form part of the wintering assemblage, e.g. cormorant and great crested grebe that may be present on the open water close to the site when activities such as piling commence.  The area is not known to support significant aggregations of these species; any displacement is likely to be localised and of limited duration. The disturbance will be similar in nature to other activities that take place within the docks.

<p>Criterion 1: A wetland of international importance</p>	<p>Loss of habitat. Smothering of habitats during dredging. Changes to accretion/deposition rates. Pollution incident during construction/operation</p>	<p>No impact predicted as mitigation measures are included within the proposal</p>	<p>The subtidal area affected by the dredge is 6,500m<sup>2</sup> and does not directly affect any part of the designated site. The zone of influence from increased suspended sediments in the water column is about 200m upstream. The closest estuary is approximately 3km from the zone of influence. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.</p>
<p>Criterion 2: The Ramsar site supports an important assemblage of rare plants and invertebrates.</p>	<p>No impacts anticipated</p>	<p>No impact predicted</p>	<p>The site and immediate environs are not known to support any rare plants or invertebrates.</p>

<p>Criterion 5: Assemblages of international importance – 51,343 waterfowl (5 year peak mean 1998/99-2002/2003).</p>	<p>Noise during piling. Visual/human disturbance during construction</p>	<p>No impact predicted</p>	<p>Construction activities may result in short-term displacement of certain bird species that form part of the wintering assemblage, e.g. cormorant and great crested grebe that may be present on the open water close to the site when activities such as piling commence.</p> <p>The area is not known to support significant aggregations of these species; any displacement is likely to be localised and of limited duration. The disturbance will be similar in nature to other activities that take place within the docks.</p>
<p>Criterion 6: Species/populations occurring at levels of international importance</p>	<p>Noise during piling. Visual/human disturbance during construction</p>	<p>No impact predicted</p>	<p>Given that piling will take place within an environment already experiencing high levels of noise, and the distance separating piling activity from the Ramsar site, no significant effects are predicted. The site is located approximately 800m from the closest area of intertidal mudflats within the Ramsar site, separated by the main approach channel to Southampton Docks. Given this separation, no impacts are predicted as a result of visual disturbance/human activity.</p>

MMO have considered the in-combination effects with other projects and phase 2 (Royal Pier) of the works. Due to the nature of the works which are for the relocation

of the existing ferry terminal, there is only the potential for in-combination effects on the designated sites to occur from the construction works as the operation of the ferry terminal is an on-going activity within a large commercial port. Based on the fact that no significant effect on interest features has been identified, from either the construction or operation of the works, it is the MMO's opinion that if the mitigation measures, with reference to timing and methodology of piling and alternative disposal of contaminated dredge material are adhered to, the proposal is unlikely to have a significant effect on any SAC, SPA or Ramsar site, either individually or in-combination with other plans or projects. These mitigation measures proposed within the application will be ensured through appropriate conditions on any consents granted.

MMO advised a remediation of dredge material disposal strategy was required. The applicant has since submitted updates to the application, which proposes land disposal of 3800m<sup>3</sup> of dredge material. This proposal will reduce the amount of material being disposed to sea.