Your ref: Chichester Harbour Conservancy

Our ref: Planning Recommendation

CHICHESTER HARBOUR CONSERVANCY

Havant Borough Council
Development Management
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

BY EMAIL ONLY

19 February 2025

Dear Mr Gargett,

apologies for the late response.

Application: APP/25/00011

Location: 3 Spring Gardens, Emsworth, PO10 7AU

Description of development: 1 No. London Plane tree, located on verge adjacent to 3 Spring Gardens cut back to boundary - see supporting information with photos. Within Conservation Area of Emsworth

Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for an Area of Outstanding Natural Beauty (AONB). Further details are explained in the Appendix to this response.

Please note that the above case has been considered under the fully officer delegated protocol of The Conservancy.

Chichester Harbour Conservancy's Response

RECOMMENDATION: No objection, provided no works are carried out during the bird nesting season (beginning April to September).

Reasoned Justification:

I visited on site on 4 February 2025. I have had regard to the policy framework* below in coming to these observations.

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

01243 512301
info@conservancy.co.uk
www.conservancy.co.uk

The tree is a highly visible and attractive feature, seen within the immediate locale in three directions.

I note the Council raised no objections to crown raising the tree under previous application 02/56064/004 on 23 January 2003.

Whilst noting the desire of the applicant to be rid of this tree altogether, I can understand their wish to protect their home from boughs rubbing on their roof and the attendant leaf litter which must occur in the autumn.

The Conservancy is pleased that complete felling is not being proposed, but from my limited appreciation of such matters consider that the proposed works, as specified would leave the tree canopy rather lopsided.

I defer to your best practice on such matters, but might it not be better to trim the tree equally in all directions?

The proposal is unlikely to have any significant impact or effect on the Emsworth Conservation Area and Chichester Harbour National Landscape in terms of landscape character or in relation to wildlife conservation and protection, provided the proposed works are not carried out between April to September.

Policy framework*

NPPF - 1-3, 6-12, 48, 56, 131, 135-136, 140, 162-163, 187, 189, 192-193, 203, 231-232; **NPPG ID's** – 06 and 08; **HBLP** – CS11-CS12, DM8-DM9, AL1; **CHMP** – 1, 2 & 15; **PP's** – 01; **SPG/SPD**.

NPPF – National Planning Policy Framework (December 2024, as adjusted 7-2-2025)

NPPG – National Planning Practice Guidance (2014 onwards)

HBLP – Havant Borough Local Plan (2011/2014)

CHMP – Chichester Harbour Management Plan (2019-2025)

PP – Planning Principles (adopted by The Conservancy 17.10.16 onwards)

SPG/SPD –

Emsworth Conservation Area CACA & Management Plan

Borough Design Guide

Emsworth Design Statement

Joint Chichester Harbour AONB SPD (2017)

Yours sincerely,

Steve Lawrence MRTPI

Principal Planning Officer
Chichester Harbour Conservancy

steve.lawrence@conservancy.co.uk

Appendix

Chichester Harbour AONB

Chichester Harbour was designated as an Area of Outstanding Natural Beauty (AONB) in 1964. It is the smallest mainland AONB in England, and in terms of moorings, it is largest recreational sailing and boating harbour in Europe. Chichester Harbour is quite rightly regarded as a nationally important protected landscape.

Local Planning Authorities must give great weight to the primary purpose of the AONB designation.

> The primary purpose of the AONB designation is to **conserve and enhance the natural beauty**. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry, and other uses.

The management of the AONB was formalised through the Countryside and Rights of Way Act of 2000 with Chichester Harbour Conservancy appointed as the Joint Advisory Committee (JAC) for the AONB.

Chichester Harbour Conservancy

Chichester Harbour Conservancy was established in 1971. It is a unique organisation in that is the only Statutory Harbour Authority with responsibility for an AONB. Its purposes extend beyond that of other AONBs, to include leisure, recreation, and the conservation of nature.

> **Section IV, part 21, of the 1971 Act states:**
> 21.– (1) It shall be the function of the Conservancy, subject to the provisions of this Act, to take such steps from time to time as to them seem meet for the conservancy, maintenance and improvement of–
> a) The harbour, for the use of pleasure craft and such other vessels as may seek to use the same;
> b) The amenity area, for the occupation of leisure and recreation and the conservation of nature:
> and the facilities (including, in relation to the harbour, navigational facilities) afforded respectively therein or in connection therewith.
> (2) In the fulfilment of the function with which they are charged by subsection (1) of this section, the Conservancy shall have regard to the desirability of conserving the natural beauty and amenity of the countryside and of avoiding interference with fisheries.

The full text of the Chichester Harbour Conservancy Act of 1971 is published on the Conservancy's website.
https://www.conservancy.co.uk/page/279-the-conservancy

Chichester Harbour Conservancy's Planning Committee
Chichester Harbour Conservancy utilises a member-led Planning Committee to act on behalf of the Conservancy Board in responding to planning applications and consultations. Membership is derived from the Conservancy Board and the Statutory Advisory Committee. The Planning Committee meet every 6-8 weeks. The Conservancy's Case Officer reports, agendas, and minutes of past meetings are on the Conservancy's website.
https://www.conservancy.co.uk/page/committees-and-meetings

Chichester Harbour Statutory Management Plan
The Chichester Harbour Management Plan (2019-2024) details the 10 Special Qualities of the AONB and features 15 policies to guide the management of the protected landscape. Chichester Harbour Conservancy prepared the Management Plan on behalf of the Local Planning Authorities: Chichester District Council, Havant Borough Council, West Sussex County Council, and Hampshire County Council. Prior to adoption, the Plan was subject to a public consultation over 8 weeks. The Plan is a material planning consideration under Policy CS12 of the Havant Borough Core Strategy (2011-2026). This means it is relevant to making planning decisions in and around Chichester Harbour (whether to grant or refuse an application for planning permission).
https://www.conservancy.co.uk/page/management-plan
https://www.havant.gov.uk/local-plan

Chichester Harbour Planning Principles
Chichester Harbour Conservancy has developed 19 Planning Principles to guide development in and around the AONB. These Planning Principles can be read in Section 3 of the Management Plan. The Planning Principles directly inform whether a planning application is likely to be supported by the Conservancy.
https://www.conservancy.co.uk/page/planning

Chichester Harbour AONB Landscape Character Assessment
The purpose of the Landscape Character Assessment is to provide an understanding of the unique landscape character and special qualities of the Chichester Harbour AONB to inform the development of AONB Management Plans and wider planning policy. The Chichester Harbour AONB Landscape Character Assessment was first published in 2005, and subsequently reviewed in 2018. The Landscape Character Assessment is a material planning consideration.
https://www.conservancy.co.uk/page/management-plan

The Joint Supplementary Planning Document for the AONB
Chichester Harbour Conservancy supported two Local Planning Authorities (Chichester District Council and Havant Borough Council) to jointly publish guidance on development proposals in Chichester Harbour AONB, which was adopted in 2017. It expands upon the relevant policies in the Local Plans, particularly relating to the design of replacement dwellings and extensions and provides photographic examples showing the impacts of developments and suggested techniques for limiting those impacts. The Joint SPD is a material planning consideration.

In addition to the guidance within the main part of the SPD, there are several further issues to consider if you are proposing to undertake development or works within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Applicants may need at least one of several consents, including: Planning Permission; other Local Authority Consents; a Marine Licence from the Marine Management Organisation; Consent from Natural England; Consent from the

Environment Agency; and/or a Works Licence from the Chichester Harbour Conservancy (see below).
https://www.conservancy.co.uk/page/planning

AONB Impact Statement
It is best practice for all planning applications inside the AONB to submit an AONB Impact Statement to the Local Planning Authority. This Statement will detail how the application: a) will conserve and enhances natural beauty; b) complement the special qualities of the AONB; b) will deliver the adopted policies in the Statutory Management Plan. The level of detail provided in the AONB Impact Statement is expected to reflect the relative complexity of the planning application. An AONB Impact Statement is also a good idea for planning applications outside of the boundary, but close enough to affect the character and setting of the protected landscape (within 500m).
https://www.conservancy.co.uk/page/management-plan

Conservancy's Works Licence
The Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48) makes it an offence for any person to construct, alter, renew, or extend any works on, under or over tidal waters or tidal lands below the level of Mean High-Water Springs in Chichester Harbour unless licensed to do so by the Conservancy. The only exceptions are works specifically authorised by an Act of Parliament or the renewal of works which were in place on 1st August 1970. Most projects below Mean-High Water Springs are required to apply for a Works License. Approval must be gained before any works commence.
https://www.conservancy.co.uk/page/planning

Addendum

Natural England
Natural England is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs. It is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology, and soils, are protected and improved. It also has a responsibility to help people enjoy, understand, and access the natural environment. Natural England advise that Chichester Harbour Conservancy's "knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's Statutory Management Plan, will be a valuable contribution to the planning decision."

Summary of Environmental Designations at Chichester Harbour

Worldwide Designation	Ramsar Site	Wetlands are among the most diverse and productive ecosystems. Chichester and Langstone Harbours were recognised as a wetland of international importance when they were designated as a Ramsar Site in 1987, under the Ramsar Convention.
Nationally Important Designations	Area of Outstanding Natural Beauty	An Area of Outstanding Natural Beauty is a landscape which is considered so precious that it is protected for the nation. The criteria for designating an AONB include valuable wildlife, habitats, geology, and heritage, as well as scenic views. Chichester Harbour was designated as an AONB in 1964.
	Bass Nursery Area	A Bass Nursery Area is a place that is recognised as a haven for small school bass. Fishing for bass, or fishing for any fish using sand-eels as bait, by any fishing boat within any part of the Harbour as defined, is prohibited between 30th April and 1st November each year. Chichester Harbour was designated a Bass Nursery Area in 1990.
	Site of Special Scientific Interest (SSSI)	Chichester Harbour was designated a Site of Special Scientific Interest in 1970 because it was of special interest by virtue of its fauna, flora, geological or physiographical / geomorphological features.
	Special Area of Conservation (SAC)	A Special Area of Conservation is a site designated under the Habitats Directive. These sites, together with Special Protection Areas, are called Natura sites and they are internationally important for threatened habitats and species. Solent Maritime SAC was designated in 1994.
	Special Protection Area (SPA)	A Special Protection Area is a site designated under the Birds Directive. Chichester and Langstone Harbours SPA was designated in 1979.
	Water Framework Directive	This aims for good water quality and covers groundwater, surface water (rivers, canals, lakes, reservoirs, estuaries, other brackish waters, and coastal waters) out to one nautical mile from shore as well as wetlands. The Directive, which came into effect in 2000, gives shellfish harvesting waters and bathing waters special protection.
Locally Important Designations	Conservation Area	Conservation Areas protect special architectural and historical places of interest. There are ten Conservation Areas in and around Chichester Harbour.
	Dark Sky Discovery Site	Three Dark Sky Discovery Sites were defined in Chichester Harbour in 2017. They are particularly good sites for stargazing.
	Local Nature Reserve	Local Nature Reserves are particularly appropriate for educational, research or public information purposes. There are five Local Nature Reserves in Chichester Harbour.
	Local Wildlife Site	Local Wildlife Sites in West Sussex feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of a Sites of Importance for Nature Conservation in Hampshire. There are 16 Local Wildlife Sites in Chichester Harbour.
	Site of Important for Nature Conservation (SINC)	Sites of Importance for Nature Conservation in Hampshire feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of Local Wildlife Sites in West Sussex. There are 25 SINCs in Chichester Harbour.

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