

Your ref: Chichester Harbour Conservancy

Case ref: APP/23/00507



**CHICHESTER  
HARBOUR  
CONSERVANCY**

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

**BY EMAIL ONLY**

8 November 2023

Dear Mr Eaves,

**Application:** APP/23/00507 Partial reinstatement of repair of existing sea wall to a height of 1.4m and creation of an inner bund with a maximum height of 2.25m to protect habitat for wintering bird populations.

**Location:** Northney Farm, St Peters Road, Hayling Island, PO11 0RX

Thank you for consulting us on the above development application.

Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibilities for an Area of Outstanding Natural Beauty (AONB). Further details are explained in Appendix 2 to this response.

Further to my letter dated 16 October 2023, and following the publication of the consultation response of Natural England, dated 2 November 2023, the Conservancy can now confirm its final recommendation.

### **Chichester Harbour Conservancy's Recommendation**

#### **OBJECTION**

**That Havant Borough Council, as Local Planning Authority, be advised that Chichester Harbour Conservancy raises an objection to the part of the proposed development relating to repairs to the sea wall on ecological impact/coastal squeeze grounds.**

**The net tangible environmental benefits from granting planning permission to these proposals, in terms of the key features of the Site of Special Scientific Interest and how its condition is to be enhanced have not been satisfactorily demonstrated.**

**Furthermore, the Conservancy is concerned about the response from Natural England which states:**

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**“Natural England objects to this proposal. As submitted we consider it will:**

- **have an adverse effect on the integrity of Chichester & Langstone Harbours Special Protection Area and Solent Maritime Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>**
- **damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest has been notified.”**

For completion purposes, I have enclosed our Officer's Report, as prepared to Mr Steve Lawrence, MRTPI, Principal Planning Officer.

Yours sincerely,



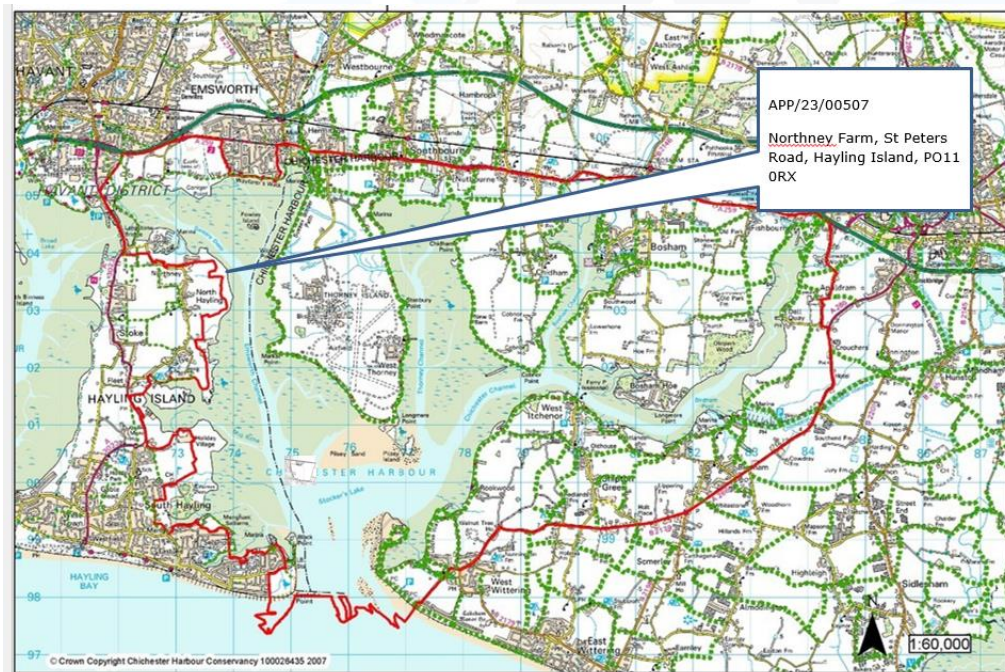
**Richard Austin  
AONB Manager  
Chichester Harbour Conservancy**

## **Appendix 1**

**Local Planning Authority planning application reference:** APP/23/00507

**Site:** Northney Farm, St Peters Road, Hayling Island, PO11 0RX

**Proposals:** Partial Reinstatement and Repair of existing sea wall to a height of 1.4m and Creation of an inner bund with a maximum height of 2.25m to protect habitat for wintering bird populations.



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## **RECOMMENDATION**

That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises an objection to the that part of the proposed development relating to repairs to the sea wall on ecological impact/coastal squeeze grounds.

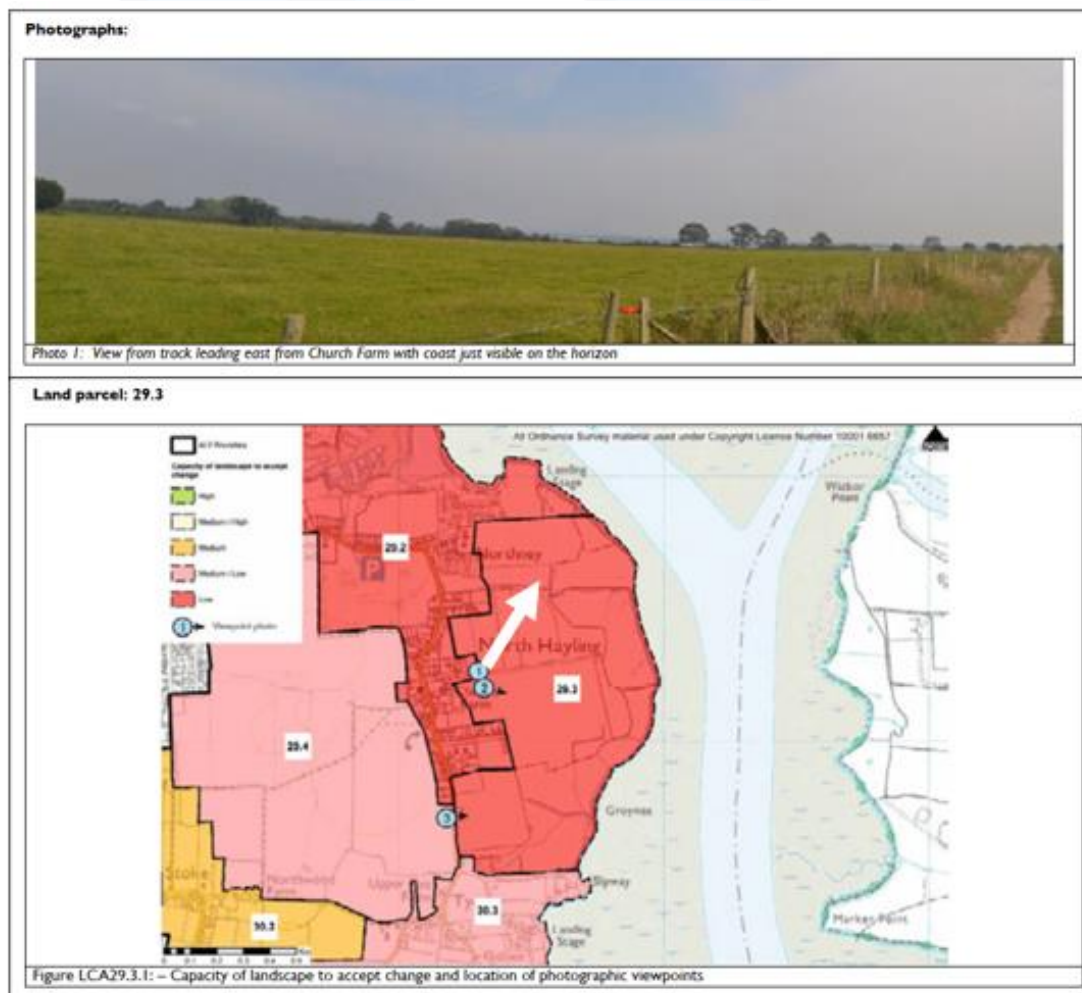
The net tangible environmental benefits from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced have not been demonstrated.

### **1.0 Site description and character of the area**

- 1.1 This irregularly shaped 0.9 ha application site (seen above and including its vehicular access to St Peters Road), is located on open farmland in Northney, at the northern-eastern part of Hayling Island, abutting Chichester Harbour and partly within Chichester Harbour AONB.
- 1.2 In terms of The Conservancy commissioned Landscape Character review, the site is mostly located within the C2 (Emsworth Channel) Character area and partly in the G1 (North Hayling Island) character area. The respective relevant key characteristics of each area are:
- C2 –
- Broad inlet bounded by the gentle slopes of Thorney and Hayling Island, and of the lower Coastal Plain to the north. Intertidal mudflats and saltmarsh.
  - Long uninterrupted views.
  - Open character.
- G1 –
- Large harbourside island of arable and pasture farmland. Both large and small scale field patterns.
  - Distinctive fringe of low lying and unimproved coastal grazing marsh which attracts waders and wildfowl.
  - Panoramic views of the harbour and Thorney Island from the coastal path.
  - Mostly undeveloped character to the coastal edge.
- 1.3 In terms of the Council's own Landscape Capacity Study of 2015, the site falls with the North Hayling Landscape Character area (LC29, within land parcel 29.3). Most relevant key characteristics of LCA29 are noted as –
- Low lying and predominantly flat, with some local gentle low mounding as seen in the central area between North Hayling and Stoke Common.
  - To the north around Stoke Common and North Hayling soils are freely draining slightly acidic loamy giving rise to a Grade 1 and 2 agricultural land. Poorer Grade 4 agricultural land fringes the harbour edge.
  - Across the central area between North Hayling and Stoke Common, ground water is channelled into a series of straight manmade ditches some of which align along adjacent to hedgerows, whilst others sit within the open agricultural

plain. Water courses to the east of North Hayling within the area covered by rough grassland are more organic in form, forming a fringe of short channels feeding into Chichester Harbour.

- Within the central area and to the east of North Hayling, large arable fields with intermittent poor hedgerows dominate. Adjacent to the harbour edge there is a linear arrangement of fields containing rough grassland, which are separated from the more productive agricultural land in places by a well tree lined hedgerow.
- Shelter belts of wind-swept trees can be seen to the north west of North Hayling, with other lines of individual trees adjacent to the A3023 to the north of the island. These features are seen to exist as solitary items within this open landscape. Small woodland copses or orchards are also a feature on the edge of North Hayling.



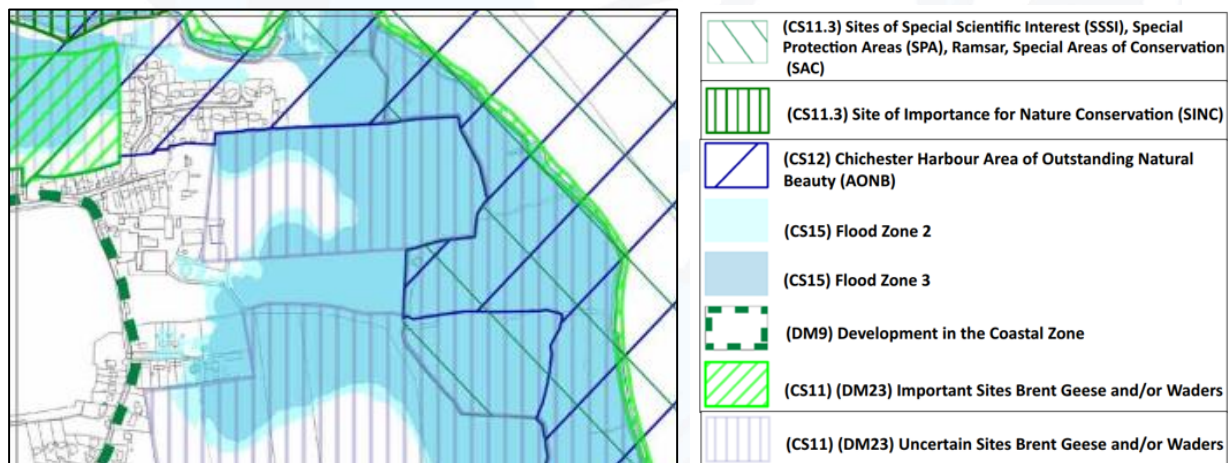
- This is a coastal landscape character area with a rich mosaic of related habitats. The open sea is adjoined by intertidal mud and sand including algal beds. Some of these habitats adjoin the shore directly, whilst others interlink with a mixture of habitats of scattered and continuous salt marsh with two very small patches of coastal grazing marsh. One of these patches surrounds area patch of scattered scrub in the north of the area.

- In the north and east of the area there is a strip of intertidal mud and sand which borders the area interrupted by engineered coastal features and a marina. On the eastern edge of the character area there is a large patch of coastal grazing marsh which separates the main inland habitat mosaic of the area from the coastal mosaic and the open sea. This area is recognised locally as Northney Marsh and is valued as a resource for nature.
- This landscape character area is of national and international importance, it is covered by a number of nature conservation designations: SSSI, SPA, SAC and Ramsar site.
- A good network of public rights of way exists across the arable plain to the west of North Hayling, while limited public access exists to the east and none to the eastern harbour edge.
- Limited views from the harbour due to lack of access. However, an informal footpath exists to the north to the harbour side.

With Landscape strategy and key guidelines including –

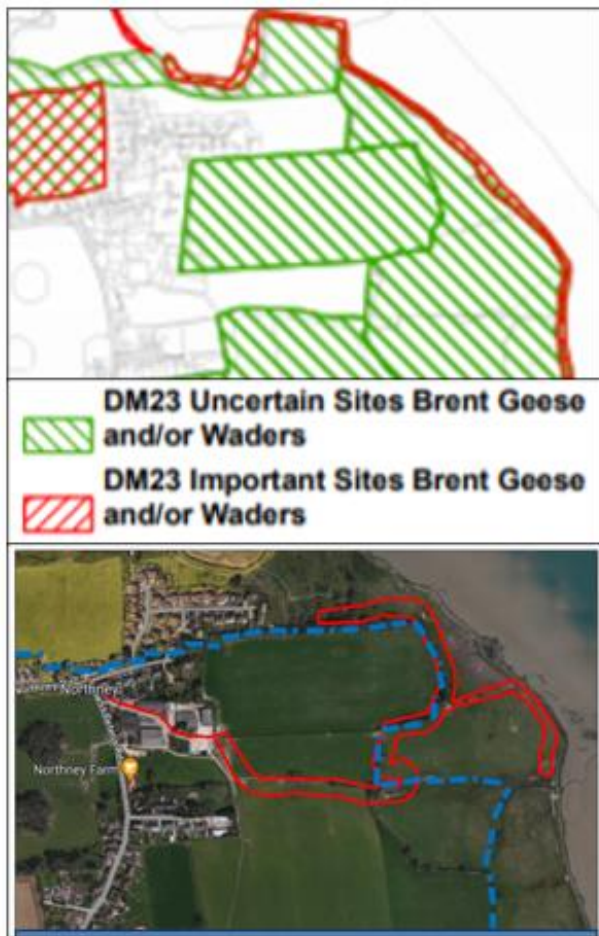
- Landscape strategy is to conserve and enhance the local character.
- Investigate provision of pedestrian access to eastern harbour edge.

Landscape sensitivity is recorded as Medium-High and wider landscape sensitivity stated as High.



- 1.4 In terms of the proposals maps of the adopted Development Plan, the application site is noted as being mostly an uncertain foraging site for Brent geese and waders, with the exception of that at the shoreline, under Council Policy DM23 which are important for such birds and with the ecological designations of the AONB protected by CS11 and the tests of CS12 more widely in respect of the AONB.

*Continued.*



- 1.5 Much of the application site falls within Environment Agency flood zones 3 and 2, with the agent confirming the land floods periodically on at least an annual basis. A previous screening by the County Archaeologist revealed there are no archaeological sites currently recorded at that location, although archaeological remains have been found on the adjacent foreshore. Remains are predicted to be found though and a watching brief was advised.
- 1.6 Natural England carried out a condition review of the Chichester Harbour SSSI in 2021 and concluded it was in declining, unfavourable condition overall, with saltmarsh loss being notable. Whilst this is a complicated matter, some of the causes of this decline has been eutrophication caused by increased nitrate loadings on the Harbour, mostly from run-off from agricultural fields within the Harbour's river catchment areas, but also from new residential development and lack of capacity at wastewater treatment works during times of heavy rainfall, causing storm surges.
- 2.0 Relevant planning history**
- 2.1 Under a pre-application enquiry reference GEN/22/01138 a request was made to the Council for a screening opinion as to whether the works – now subject of application APP/23/00507, required the submission of an Environmental statement. The Council confirmed 'yes' on 5 April 2023, although confirming it was not schedule 1 development, the County Council ecologist confirmed it was within Schedule 2, 10 (m) project and located in a 'sensitive area'. The Conservancy responded on 27 February 2023 stating it thought the proposals were EIA development.

### 3.0 The currently submitted proposals



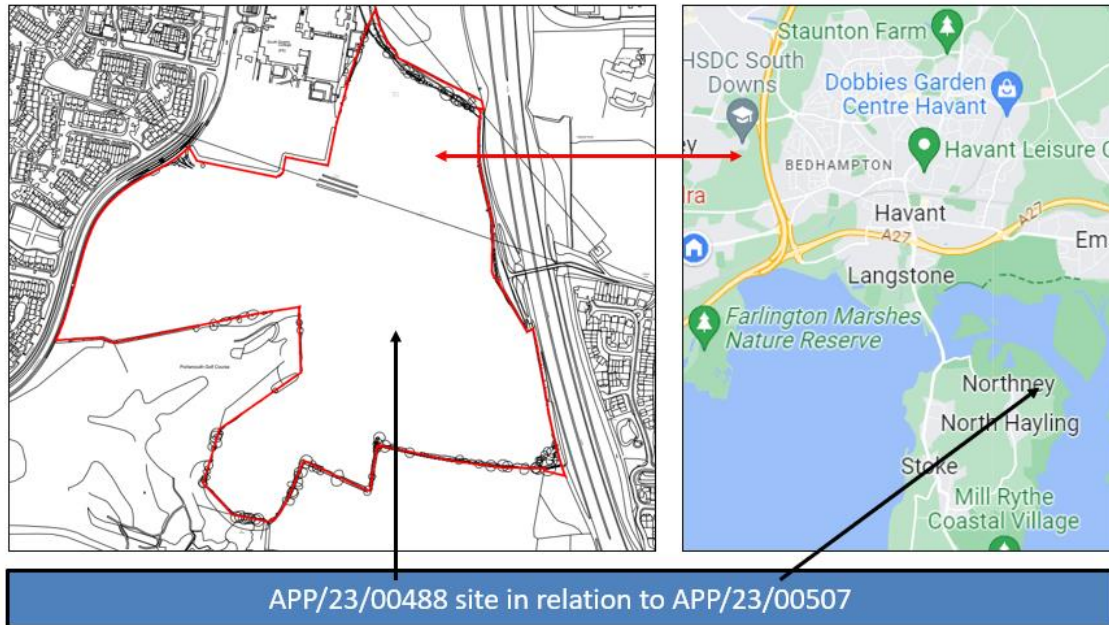
3.1 The applicant proposes to build a 2.25 m high bund and also repair/reinstate a section of sea wall to a height of 1.4m. The application is supported by a covering letter dated 9 June 2023 and the following reports –

- Habitats Regulations Assessment dated November 2022;
- Archaeology statement enclosing HCC screening opinion January 2023;
- Wintering bird survey dated 31 March 2023 (updating earlier surveys);
- Coastal flood level assessment dated 26 September 2022;
- Construction environmental management plan dated 5 September 2023; and,
- Topographical survey

3.2 The agent explains – *“The overarching objective of the inner bund is to protect the habitat identified at Northney Farm for wintering bird populations, principally Curlew and Brent Geese, both qualifying species of the adjacent Solent Maritime SPA. This will be achieved by repair and reconstruction of the existing defences and creation of an Inner sea bund defence to protect habitats from excessive coastal flooding in the future.”*, going on to add – *“This habitat is proposed to be utilised and enhanced to provide suitable mitigation for wintering birds to off-set the impact of the residential development of the site at Campdown, Purbrook, which is subject to a separate detailed planning application also submitted by Dandara Ltd.”*.

3.3 That extant and as yet undetermined application is believed to be APP/23/00488 - *Application for mixed use residential development comprising 628 dwellings, community centre, allotments, public open space including play areas, new junction to College Road, related internal access road, footways and cycleways, pumping station and drainage basins.* - Land East Of, College Road, Purbrook, Waterlooville (that site shown below

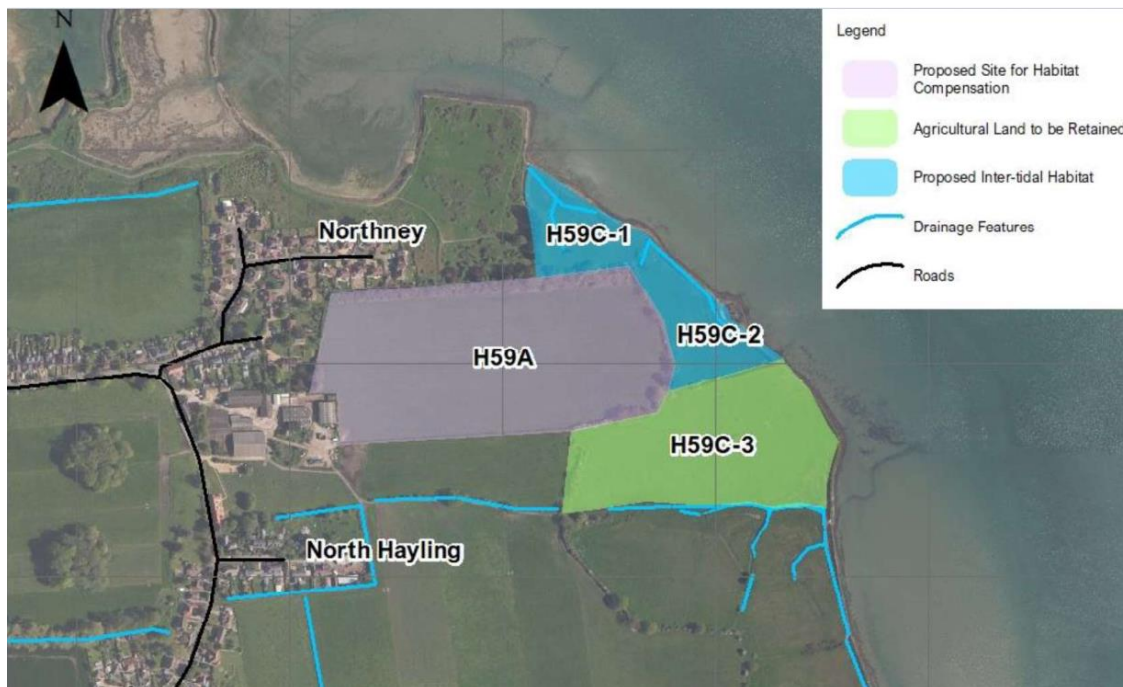
relative to APP/23/00507 site). At the current time, the Council can only demonstrate a 1.81 years' worth supply of housing land, so the tilted balance would apply to consideration of APP/23/00488.



- 3.4 The agent confirms that a separate application for the sea wall works has been made to the Marine Management Organisation (MMO). Works to the sea wall are also considered to require a Works Licence from Chichester Harbour Conservancy.
- 3.5 The proposed bund works are located within field parcels 59C1-4, 59B and 59D as identified within the Solent Waders and Brent Goose Strategy. A total of 12 surveys of Curlews and Brent Geese were undertaken between October 2020 and March 2021 to form a baseline understanding of the site. The surveys recorded significant numbers of both Curlew and Brent Geese. In November 2020 roosting birds were concentrated in a small area within field parcel H59C-3 adjacent to the sea wall.
- 3.6 A peak count of 1245 Brent Geese was recorded on 10/02/21, with counts above 1000 on or adjacent to the site on every occasion from mid-November to late-February. Field parcels identified supporting over 500 Geese (including the peak of 1245) included H59B-1, and H59D (east only). During survey works, it was noted there is significant seawater inundation across the coastal grazing marsh sections of the site, including field parcel H59C-3 which was identified as the most important area for curlew.
- 3.7 The sea defences along H59C were last inspected by the Environment Agency in March 2020, with the condition reported as 'very poor', and a coastal breach was reported in February 2021. More recent inspections by WSP on behalf of the landowner in May and July 2021 also found the wall to be in very poor condition with areas of collapsed block wall, severe erosion of earth banks and washout of material.
- 3.8 According to WSP, if the existing defences are not reinstated, parcels H59C-1 to H59C-3 are expected to flood annually from the present day, with the frequency increasing with sea level rise (based on exceedance of the crest height). There is also the potential for further degradation of the defences contributing to increased flooding.

**NPRG ID's** - 4 6-8 18a 20 21a 21b 23b 26 30-31 65-66 68; **HBI P** - CS11-CS13 CS15-

## 4.0 Conserving and enhancing the AONB and the planning balance



### 4.1 The Conservancy's Planning Principle 10 with regards to shoreline defences sets out the following –

*“The Conservancy has a hierarchy of preferred approaches to shoreline defences, as detailed in the Sustainable Shorelines: General Guidance document. The Conservancy is unlikely to object to proposals that entail:*

- *Removing and not replacing existing defences; or*
- *Managed realignment, where appropriate; or*
- *Adaptive management, where appropriate.*

*In locations where existing defences are present, the Conservancy is unlikely to object to a ‘like-for-like’ replacement providing that the applicant demonstrates that the defences are still required. The Conservancy prefers the use of materials that naturally degrade (i.e. timber rather than rock or concrete).*

*The Conservancy is likely to object to the installation of new, strengthened, or improved defences if they will have an adverse impact on habitats, species or safety of navigation.”*

### 4.2 The Conservancy's CHaPRoN Manager has made the following observations on the application –

*“Responding on behalf of the CHaPRoN (Chichester Harbour Protection & Recovery of Nature) partnership, there are concerns regarding this planning application at Northney Farm, both in terms of the construction of the new inner bund, the repair and*

*reconstruction of existing sea defences and the impact the scheme will have on the long-term health of saltmarsh, a key feature of the SSSI.*

### *Background Information*

*In February 2021, Natural England published the Condition Review of Chichester Harbour SSSI sites: intertidal, subtidal and bird features (NERR090).*

*(<https://publications.naturalengland.org.uk/publication/5535304204419072> )*

*This review downgraded Chichester Harbour SSSI to unfavourable declining condition largely due to the continued loss of saltmarsh, the poor quality of saltmarsh and mudflat habitat, and the continued decline of several bird species (wintering and nesting).*

*The report explains that one of the key pressures on saltmarsh within the harbour contributing to this decline is the presence of hard sea defences. Hard defences cause an effect known as coastal squeeze, whereby they act as a barrier and prevent the natural transition of saltmarsh landward as it adapts to rising sea levels. Hard defences prevent this and saltmarsh is gradually 'drowned' and dies off. Hard defences also prevent natural erosional processes that generates sediment supply, which is essential to the health of saltmarsh.*

*To restore saltmarsh extent within the Harbour to favourable, Natural England's review recommends that an additional 257 hectares of saltmarsh is required.*

*The main approach to achieve this is through managed re-alignment and habitat creation schemes.*

*SSSIs are protected under the Wildlife and Countryside Act 1981. There is a duty to take reasonable steps to further the conservation and enhancement of the special features of SSSIs.*

*The Government's Environmental Improvement Plan 2023 sets a target for 50% of SSSIs to have actions on track to achieve favourable condition by 31 January 2028.*

*The CHaPRoN partnership is seeking opportunities around the Harbour to reduce the pressures on saltmarsh habitat and actively restore saltmarsh through managed re-alignment and habitat creation initiatives and ultimately return the SSSI to favourable condition.*

### *Main Concerns of Planning Application*

*The site at Northney Farm within this planning application, has been identified under the Habitat Compensation & Restoration Programme and the emerging coastal defence strategy for Hayling Island as a prime site for a managed realignment and habitat creation scheme. However, the proposed scheme detailed in the planning application would mean that creation or restoration of saltmarsh and other intertidal habitats will be impossible for the period of the mitigation agreement (ie 80 years). The position and construction of the bund will also limit wider future potential habitat creation schemes adjacent to the site.*

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*This proposed scheme would not support CHaPRoN's ambition to restore and protect saltmarsh within the Harbour and return this feature to favourable extent and condition.*

*The request to repair and reconstruct the seawall will require SSSI consent from Natural England. The landowner is unlikely to secure this SSSI consent for the works as it is counter to NE's policy, due to the adverse effect hard sea defences have on the integrity of the site and impact on the features of the SSSI that make it of special interest. Furthermore, it is likely that the works would require a works licence from Chichester Harbour Conservancy and again the works is counter to the Conservancy's nature recovery priorities.*

*As the Conservancy's ecologist has highlighted, the site is already important for Brent Geese and Curlew as mapped under the Solent Wader and Brent Goose Strategy. The application suggests that repair of the seawall is essential to retain the importance of the site for feeding Brent Geese and Curlew, and tidal flooding is incompatible with those species, however, Brents and Curlew, and many other species hugely benefit from intertidal habitats.*

*If the seawall was repaired, compensation for the future loss of intertidal habitat would need to be offset elsewhere."*

4.3 The Conservancy's Ecologist has made the following comments on the application –

*"This application on Northney is to provide ecological mitigation for land being developed for housing at Campdown/waterlooville, which is used by curlew and brent geese for feeding, and identified by the SWBGS. Planning app here:*

[https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?previousCaseType=Property&keyVal=DCAPR\\_256009&previousCaseNumber=PROPLPI\\_66999\\_1&previousCaseUpn=10013678930&activeTab=summary&previousKeyVal=PROPLPI\\_66999\\_1](https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?previousCaseType=Property&keyVal=DCAPR_256009&previousCaseNumber=PROPLPI_66999_1&previousCaseUpn=10013678930&activeTab=summary&previousKeyVal=PROPLPI_66999_1)

*There were various issues with the amount of land required for compensation, on which RSPB commented (see attached), and the lack of detail supplied by the applicant on how the land would be managed.*

*However, my main concern is that the area at Northney farm is already important for feeding Brent Geese, Curlew (H59A, H59B and H59D all being mapped as core areas by the SWBGS here:*

[The Solent Waders & Brent Goose Network \(arcgis.com\)\)](http://arcgis.com)

*and repairing of the seawall is apparently counter to the policies of NE and Coastal Partners, and ourselves. The application states that repairing the existing seawall would 'protect' the site at Northney from excessive coastal flooding, which whilst technically being accurate would also mean that creation or restoration of saltmarsh and other intertidal habitats will be impossible for the period of the mitigation agreement (ie 80 years). The covering letter seems to indicate that repair of the seawall is essential to retain the importance of the site for feeding Brent Geese and Curlew, and tidal flooding is*

*incompatible with those species, when it is clearly not – Brents and Curlew, and indeed many other species hugely benefit from intertidal habitats.*

*I also assume that any repairs to the existing seawall would require a works licence from CHC”.*

- 4.4 The North Solent Shoreline Management Plan (2010) concluded within Chichester Harbour an approach of ‘hold the line’ was appropriate for the next 100 years. However, that approach was based on no public funding being available and the document is now 13 years old and a more recent 2020 report has concluded such an approach is unsustainable. Conservancy thinking in relation to climate change has been to adopt a more flexible approach seen in its PP10 above, with appropriate managed re-alignment being encouraged to create and restore lost saltmarsh habitat.
- 4.5 Whilst it is understood that the developer wishes to improve the site, it is already providing habitat, so there would be no real quantitative improvement in habitat area as mitigation for a housing development elsewhere in the Borough.



*Image taken on 08 Feb 2023 showing several hundred Brent Geese flushed from their favoured pasture field (H59A) at Northney Farm, with cattle on the coastal grazing marsh (H59C-3) in the foreground and the pine tree and nesting platform favoured by the wintering Peregrine also visible.*

**SRL – for 16.10.2023 Conservancy Planning Committee – Extension of time has been given to comment.**

**\*Abbreviations used:**

**NPPF** – National Planning Policy Framework – (Revised July 2021) **NPPG**– National Planning Practice Guidance – (2014 onwards) **HBLP** – Havant Borough Local Plan (Core Strategy)(2011)

**HBLPSA** – Havant Borough Local Plan Allocations (2014)

**CHMP** – Chichester Harbour AONB Management Plan (2019-2024)

**PP** – Conservancy Planning Principles (from October 2016 onwards)

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**SDP** – Solent Waders and Brent Goose Strategy (2010) / North Solent Shoreline Management Plan (2010) / Tye & Northney Village Design Statement (2008) / Joint AONB SPD (2017)

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## **Appendix 2**

### **Chichester Harbour AONB**

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

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.

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

### **Chichester Harbour Conservancy**

Chichester Harbour Conservancy was established in 1971. It is a unique organisation in that it 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 available from Chichester Harbour Conservancy.

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.

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### **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/the-conservancy/managing-land-water/members/>

### **Chichester Harbour Management Plan**

The Chichester Harbour Management Plan (2019-2024) is a material planning consideration. This means it is relevant to making planning decisions in and around Chichester Harbour (whether to grant or refuse an application for planning permission). The Plan 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.

<https://www.conservancy.co.uk/page/management-plan>

### **AONB Impact Statement**

All planning applications inside the AONB are encouraged to submit an AONB Impact Statement to the Local Planning Authority. This Statement will detail how the application: a) conserve and enhances natural beauty; b) complements the special qualities of the AONB; c) delivers the adopted policies in the Management Plan. The level of detail provided in the AONB Impact Statement is expected to reflect the relative complexity of the planning application.

<https://www.conservancy.co.uk/page/management-plan>

An AONB Impact Statement is also required for planning applications outside of the boundary, but close enough to affect the character and setting of the protected landscape.

### **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.

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### **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 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.

<https://www.conservancy.co.uk/page/planning>

### **Natural England**

Natural England is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra). 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 are a statutory consultee that has effectively delegated local expertise to Chichester Harbour Conservancy.

#### **Natural England's standard response includes the following text.**

"We also advise that you consult the relevant AONB Partnership or Conservation Board. Their 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."

"The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty."

### **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>

### **Chichester Harbour Conservancy**

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## 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 Importance 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.                                                                  |