

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

BY EMAIL ONLY

15 02 2023

Dear Selina Donophy,

Application Location: **Land at Northney Marina, Northney Road, Hayling Island, Hampshire**

Planning Reference: **APP/23/00034**

Submitted Proposal: **Continued use of existing hardstanding for temporary siting of up to 5 years (to 2028) for two temporary portable offices for use by Langstone Pilot Gig Club**

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 as a fully delegated decision by the Principal Planning Officer at Chichester Harbour Conservancy.

**Chichester Harbour Conservancy's Response
NO OBJECTION WITH PLANNING CONDITIONS**

Appropriate planning conditions to control the following are suggested and should be considered and applied by the LPA:

- materials of construction and the finished appearance.
- measures to limit light pollution within the Dark Skies protocol such as working internal screen blinds).

Conditions are to be read in conjunction with the overall recommendation and should not be separated.

Chichester Harbour Conservancy is keen to ensure that all appropriate and necessary planning considerations, on and off-site, are fully addressed to safeguard the quality of the AONB.

Many 'Planning Permitted Development' allowances do not apply within an AONB. 'Permitted Development' works therefore may require a planning application to be submitted to the Local Planning Authority for formal consideration.

Reasoned Justification

The current proposal lies within a rural countryside location within the Area of Outstanding Natural Beauty (AONB) protected national landscape. The proposed works comprise works / alterations that require detailed approval of the LPA. The proposed works lie wholly within the site. The red-line application site is close to but does not have a coastal boundary.

Within the AONB protected national landscape designation a planning application submission should be accompanied by a AONB Landscape Visual Impact Statement (LVIS) which is usually a requirement under LPA Local Validation List.

Submitted Details and AONB supporting documents

The proposal is for the retention of a pair of flat roof portacabin type units on the carparking area of this part of the site.

Unfortunately, there is no AONB Landscape Visual Impact Statement (LVIS) although within the AONB protected landscape designation. Within the AONB this is usually required under LPA Local Validation List requirements.

The submitted covering letter makes no reference to the proposed works as being within the AONB setting. There is no reference to the Joint Chichester Harbour AONB Supplementary Planning Document (SPD). There is no reference to para 172 of the NPPF; the AONB Management Plan Policy; the specific AONB Planning Principles applicable (part of the Management Plan), or the AONB Landscape Character Assessment. Given the AONB is a valid planning material consideration the lack of any acknowledgement of this by the planning agents is remiss.

Scope of AONB Planning Assessment

The statutory purpose of the Area of Outstanding Natural Beauty (AONB) is to conserve and enhance the area's natural beauty. The adopted guidance requires a clear demonstration that no harm is caused to the AONB. Development proposals subject to planning application submissions that are located within, or impacting on, the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location.

The Area of Outstanding Natural Beauty (AONB) is not just applicable to the harbour waters and immediate coastline which gives the AONB its identifiable name, but includes large areas of inland rural countryside, small hamlet enclaves, built-up villages, and urban town areas spreading out and around the harbour area and further inland to the A259 Havant to Chichester route, and the A286 - B2179 Chichester to West Wittering route. The immediate supporting visual hinterland outside the AONB is also subject to consideration should it have a visual or other impact upon the AONB designated area (e.g., from visual impact or traffic impact reducing tranquillity in the AONB).

The submission is a planning application for works that should be considered against the Chichester Harbour Area of Outstanding Natural Beauty (CH-AONB) Management Plan, the AONB Planning Principles, planning history record, architectural and landscape character and setting of the red-line site development area and any blue-lined land in the ownership and/or control of the applicant(s). In considering the implications and impact within, or outside but close to, the Area of Outstanding Natural Beauty protected national landscape, the exterior visible works and the operational land use activity implications that affect the appearance and character of the surrounding setting are assessed.

The consideration would require a full and detailed assessment of the potential, possible, and probable impact to the character and appearance of the site and surrounding locality of the AONB protected landscape.

AONB Unit Planning Assessment

The relevant AONB Planning Principle guidance is part of the due diligence scrutiny of this planning proposal. Any development in, or outside but impacting on or affecting the setting of, the AONB should be guided by the four principles as indicated in Section 2 of the Chichester Harbour AONB Joint SPD (2017) in order to protect, conserve and enhance natural beauty and wildlife. The main AONB protected landscape planning assessment issues for this site relate to the following considerations.

1. Relevant and/or recent planning history implications for the proposal

The planning history raises no recent and relevant case to the current submission.

APP/23/01213 - Erection of rowing gig boatshed shelter. Chichester Harbour Conservancy delegated comments of 14 Feb 2023 raised no objection. The LPA have yet to determine.

2. The principle of the use and activity of the development to the AONB locality

The use of the site is not changed.

3. The locational positioning and layout arrangement

The current proposal is within a countryside location within the AONB protected national landscape. The proposed works are positioned on the middle area of the marina complex. The on-site works would unlikely be widely visible from surrounding public vantage points outside of the site.

4. Consideration against the relevant AONB Planning Principle guidance

AONB PP01, PP02, PP03, PP13, Joint SPD considerations have been part of this AONB planning assessment.

4A. The proposed physical scale, structure bulk and perceived massing

The proposed works would retain (for another temporary period ?) the portable cabin units for a sought 5-year duration. The visual scale, structural shape, and building massing of the buildings on the club's site within the marina complex would therefore continue to be a feature of the site. This is unlikely to be significant to the wider character of the AONB protected national landscape area.

4B. The architectural design, structural character, visual appearance & finished treatment

The design and finishes of the proposed are utilitarian in character. The cabins are an accepted traditional adaption and form of accommodation. Architecturally the design elements are utilitarian and accepted as being complementary to the site. The finished appearance is homogenous, the visual appearance would not be out of keeping in this location.

4C. The environmental character of the AONB landscape

Internal lighting sources are likely to have an continued impact due to window openings and this should be controlled.

5. The impact on the tranquillity of the AONB landscape

The character and atmosphere / ambiance of the AONB locality is unlikely to be substantially altered by this proposal.

6. Biodiversity, ecology, wildlife, environmental quality and any disturbance mitigation

In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any

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identifiable harmful impact. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. There are no mitigation measures necessary in relation to this proposal.

Summary Conclusion

The visual impact of the physical change on the AONB protected national landscape should adhere to the adopted guidance which requires a clear demonstration that no harm is caused to the AONB.

Taking the proposal as described, given the setting of the site and surrounds, and on-site positioning, the works are considered to have a noticeable visual impact on the site. The overall design is acceptable and sympathetic to the site and location. The external view would likely not be seen outside of the marina complex site, but it is not unduly imposing or obtrusive to the public realm, or the wider AONB protected national landscape.

CHC has no substantive objection to the submitted physical works / operational use. The proposal is not viewed as being demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area. The external impact to the wider AONB protected landscape is limited and therefore generally acceptable to the AONB protected national landscape.

The Chichester Harbour Conservancy raises no objection to the current submission. Appropriate planning conditions should be considered and applied by the LPA, to control the materials of construction and the finished appearance and in relation to light pollution within the Dark Skies environment.

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal which may not be key AONB concerns, such as any overlooking impact to neighbouring property and gardens, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

It is noted that as of the date of this consultation comment dispatch, the LPA web site still shows this proposal as still pending a decision.

Yours sincerely,



DAVID ROTHERY
AONB Principal Planning Officer
Chichester Harbour Conservancy

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 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 published on the Conservancy's website.

<https://www.conservancy.co.uk/page/279-the-conservancy>

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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/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

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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>

Recreational Disturbance

Tens of thousands of coastal birds fly from as far as Arctic Siberia to spend the winter on the Solent. They need to be able to feed and rest undisturbed if they are to survive the winter and fly back to their summer habitats. Three Special Protection Areas (SPAs) have been designated to safeguard the birds. Over 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds. Developers of all new homes built within 5.6 kilometres of the SPAs are legally required to pay a levy to Bird Aware Solent. Some developments may require additional mitigation due to their size or proximity to a SPA.

<https://birdaware.org/>

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."

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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.