
Site Address:	Sparkes Marina, 38 Wittering Road, Hayling Island, PO11 9SR		
Proposal:	Replacement sheet piled quay wall with concrete capping beam.		
Application No:	APP/20/00610	Expiry Date:	09/11/2020
Applicant:	Mr Makaruk MDL Marinas		
Agent:		Case Officer:	Lesley Wells
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

Sparkes Marina is located at the south east corner of Hayling Island, and sits on an artificial promontory that extends out into Chichester Harbour.

The application site is located within Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester, the Solent Maritime Special Area of Conservation (SAC), Chichester Harbour Site of Special Scientific Interest (SSSI) and the Chichester Area of Outstanding Natural Beauty. (AONB)

The site falls within Flood Zones 2 and 3.

2 Planning History

90/51335/002 - Permanent change of use from canteen and wine bar facility to restaurant and wine bar facility., PERM,

90/51335/003 - Raise sea wall and fill in two slipways to prevent flooding and provide floating walkways to existing mud berths., PERM,

90/51335/004 - Excavation of Mudlands and the transfer of 30 existing moorings into pontoon berths & construction of 30 visitors berths., COMM,

02/51335/023 - Erection of 14m 'flag pole' style telecommunications mast including inline antennae, associated equipment cabin and ancillary works for Hutchinson 3G. (Revised scheme)., PERM,08/07/2002

02/51335/022 - Retention of one modular building and erection of sectional building (adjacent Opal Marine)., TPP,20/05/2002

01/51335/019 - Erection of double width carport to side (east) elevation incorporating canopy extension over main entrance to dwelling., PERM,05/06/2001

01/51335/021 - Erection of 14.5m telecommunication mast including inline mount antennae, associated equipment cabin incorporating surfacing works and ancillary equipment., PERM,26/10/2001

01/51335/017 - Application for a certificate of lawfulness for use of part of Sparkes Boatyard as a Yacht Chandlery., WD,19/04/2001

01/51335/018 - Continued use as chandlery (A1 retail) of unit on premises within boatyard. (retrospective), PERM,19/03/2001

99/51335/014 - Removal of existing 'outboard shed' and erection of detached double garage, 2 modular buildings and conservatory to restaurant., PERM,26/05/1999

99/51335/015 - Installation of 15m monopole supporting x 3 Antennae enclosed in Radio Permeable plastic and x 1 600mm Microwave Dish, REF,26/08/1999

99/51335/016 - Extension to north west elevation of restaurant with terrace above (revised application), PERM,11/10/1999

98/51335/010 - Installation of new visitor pontoons and associated no 4 new dolphin piles to north east of boatyard., PERM,24/03/1998

98/51335/011 - New craning quay and extended pontoons, PERM,11/06/1998

98/51335/012 - Erection of 20m high monopole supporting three dual polar sectored antennae, WD,23/11/1998

98/51335/013 - Erection of 15m high monopole supporting three dual polar sectored antennae (revised application), REF,28/01/1999

96/51335/009 - New pontoons to provide 30 additional visitor berths extending 112m to the north, PERM,05/09/1996

94/51335/008 - Erect first floor balcony, PERM,05/07/1994

91/51335/005 - Proposed construction of a travel lift dock and the installation of a 45 ton hoist, PERM,

93/51335/006 - Single storey swimming pool extension with terrace above., PERM,25/08/1993

03/51335/024 - Alterations to pontoon dolphin piles., PERM,09/05/2003

03/51335/025 - First floor office addition., PERM,16/10/2003

05/51335/026 - Change of use of chandlery (Class A1) to restaurant (Class A3), and restaurant (Class A3) to chandlery (Class A1)., PERM,16/02/2005

05/51335/027 - Repair and upgrading works to existing sea wall on east side of marina., PERM,24/08/2005

07/51335/028 - Renewal of Planning Permission 02/51335/022 for retention of 2No. buildings (known as Cotacabin and Glasdon) for a further period of 5 years., TPP,19/06/2007

APP/11/00049 - Erection of 4No. solar energy panels on existing roof., PERM,21/03/2011

89/51335/001 - Excavation of mudland and the transfer of 30 existing moorings into pontoon berths and construction of 30 visitors berths, WD,17/05/1990

APP/16/01242 - Application for prior notification of proposed upgrade of telecommunications installation through replacement of the existing 14m high monopole with a new 15m high monopole supporting 3No. antennas, installation of 2No. additional radio equipment cabinets and development works., PAYA,26/01/2017

APP/18/00167 - Ground and first floor extensions to include terrace to North and North-east elevation; partial cladding to elevations; fenestration alterations., PERM,14/05/2018

3 Proposal

The replacement of a sheet piled quay wall with a sheet piled with a concrete capping beam quay wall. The wall to be repaired is on the north and east side of Sparkes Marina, at the mouth of the inlet to the mudflats.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy - Final Comment - No Objection

LPA should at least receive from applicant same information that MMO received and formally make it part of the submitted planning application, visible on the HBC webpage.

At that point the Conservancy would withdraw its holding objection, subject to the same sage planning conditions suggested by the MMO.

Officer comment: holding objection withdrawn, as same conditions imposed as suggested by MMO.

Chichester Harbour Conservancy - 1st comment

Subject to formal submission of works of ecological 'enhancements' (as Natural England has referred to such works – see below) to compensate for the strip of intertidal land/sea bed which would be taken by construction of the new sea wall and subject to the local planning authority being able to carry out an appropriate assessment to understand the significance of such impacts on the Chichester Harbour SPA/SAC/Ramsar/SSSI designations. The Conservancy also understands hydraulic piling technology would be used to 'silently' press the new sheet piles into the sea bed and that the applicant would be specifying this.

Can you please advise when the local planning authority formally receives additional information from the applicant in this regard and also the local authority's screening opinion - (to Vail Williams October 2020 revised letter, superseding its earlier August 2020 letter on behalf of the applicant) - when issued, so that The Conservancy might send you its formal response.

Coastal Engineering

No comment received.

Councillor Leah Turner - Hayling East

No comment received.

Councillor M Wilson - Hayling West Ward

No comment received.

Councillor R Raines - Hayling East

No comment received.

Ecology - Final comments - No Objection

Further information has been provided of discussions between the applicant and Natural England. The discussions related to the loss of intertidal habitat within the adjacent marine protected areas, with an estimated 98m² loss overall. The proposed removal of two existing pontoon births, equating to c.200m², is proposed as compensatory habitat. Natural England have advised that this is welcome and that the applicant's Habitats Regulations Assessment refers to the works as 'compensation' rather than 'mitigation'.

On the basis that Natural England have provided positive comments on the proposed scheme I advise that Havant Borough Council can conclude that all measures are acceptable.

Ecology - Initial Comment

The application is accompanied by an issue Marine Licence from the Marine Management Organisation (MMO) and the LPA can therefore, in principle, be content that issues relating to the natural environment have been assessed and judged to be acceptable, provided that certain licence conditions are met.

The proposed works are to amend the existing sea defences by installing a new line of sheet pilings seaward of the existing sea wall, fill the void between, and cap the new defence with concrete. The works are situated within the boundaries of the Chichester & Langstone Harbours Special Protection Area, Solent Maritime Special Area of Conservation and Chichester Harbour Site of Special Scientific Interest. Works are to be carried out from the landward side of the existing wall and will use vibratory and non-vibratory piling methods. All vibratory piling works will be undertaken outside the main wintering bird period of 1 October to 31 March. The works will take place in two phases lasting approximately six months each. Other works include the addition of new granular materials within the space between the old and new defences, the installation of a new concrete cap on the new defences and the removal of pontoons structures attached to the existing wall.

No detailed ecological information has been submitted, although presumably such information was provided to the MMO. Evidence for this is provided by the Marine Licence conditions, especially the condition at 5.2.2 which states '*A suitably qualified ecologist will be appointed as an Ecological Clerk of works (ECoW) to overlook the works and supervise on site from 01 October to 31 March inclusive. Notification of the extent of the ECoW attendance on site will be submitted to the MMO at least five days prior to the commencement of works. Written approval must be received from the MMO prior to the commencement of works*'. Other conditions relate to the prevention of pollutants entering the marine environment. There is clearly risk of works such as concrete breaking and shot-blasting to result in inorganic debris entering the intertidal habitats and therefore strict pollution control measures are essential.

I am unclear what assessment has been made of direct land-take within the designated sites. The new sheet piling defences will be placed within the intertidal area, resulting in a limited but nonetheless real loss of intertidal habitat within the SPA, SAC and SSSI, and it seems as though some limited excavation of intertidal substrate is required. Irrespective of the nature of works, the loss should be quantified and qualified in relation to the conservation objectives of the designated sites in accordance with the Habitats Regulations 2017. I am unclear whether the MMO have considered information relating to habitat loss or whether Natural England have reviewed the submitted information. Consultation with NE may well have taken place and direct impacts to intertidal habitats assessed as acceptable: however, the submitted information does not make this clear.

Environment Agency

Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- ☐ on or within 8 metres of a main river (16 metres if tidal)
- ☐ on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- ☐ on or within 16 metres of a sea defence
- ☐ involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

□ in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

[https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-](https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits)

permits or contact our National Customer Contact Centre on 03702 422

549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Natural England Government Team - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites: Chichester & Langstone Harbours Special Protection Area (SPA), Chichester & Langstone Harbours Ramsar site, Solent Maritime Special Area of Conservation (SAC), Solent and Dorset Coast Special SPA, Solent and Southampton Water SPA, Solent and Southampton Water Ramsar, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar, Solent and Isle of Wight Lagoons SAC, and the Chichester Harbour Site of Special Scientific Interest (SSSI), and has no objection providing that all mitigation measures are appropriately secured in any permission given, and that the project specific conditions as set out in the Marine Licence (L/2020/00238/1) granted by the Marine Management Organisation (MMO) are adhered to.

Natural England considers that the proposed development will also not have significant adverse impacts on designated landscapes: Chichester Harbour Area of Outstanding Natural Beauty

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

We can confirm that the proposed works are located within Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site) and the Solent Maritime Special Area of Conservation (SAC).

Appropriate assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given, and that the project specific conditions (shown below) as set out in the Marine Licence (L/2020/00238/1) granted by the Marine Management Organisation (MMO) are adhered to.

We recommend that the following conditions are attached to the land planning licence to reinforce compliance and avoid the potential for damage:

Condition 1: Sheet piling (works generating above water noise) are to be avoided during the overwintering period from October to March inclusive.

Reason 1: To avoid impacts on the bird features of the designated sites over the duration of the six year period the proposed works are to be conducted in.

Condition 2: A suitably qualified ecologist will be appointed as an Ecological Clerk of works (ECoW) to overlook the works and supervise on site from 01 October to 31 March inclusive.

Reason 2: To ensure adherence to mitigation requirements and monitor bird use of the surrounding construction works.

Condition 3: Waste concrete, slurry or wash water from concrete or cement activities must not be discharged, intentionally or unintentionally, into the marine environment. Concrete and cement mixing and washing areas must be contained and sited at least 10 metres from any water body or surface water drain.

Reason 3: To avoid damage to the marine environment by concrete wash water contamination which is highly alkaline and contains high levels of suspended sediment.

Condition 4: During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

Reason 4: To minimise the risk of waste entering the marine environment.

Condition 5: Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

Reason 5: To reduce likelihood of marine pollution events.

Condition 6: If percussive piling is required, soft-start procedures must be used to ensure incremental increase in pile power over set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason 6: To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.

Natural England notes that the proposed works will result in a 98 m² loss of Annex 1 habitat – 'mudflats and sandflats not covered by seawater at low tide', which is a qualifying habitat for the Solent Maritime SAC and supporting habitat for the Chichester and Langstone Harbours SPA. This will be as a result from the quay wall extending 0.5 m from its existing location and unfortunately in this case the requirements of the work curtail any possibility of reducing this habitat loss further. Previous advice provided through the Discretionary Advice Service (DAS) to Marina Development Ltd. strongly encouraged avoidance and/or reduction of any habitat loss. Given the overall size of the SAC and the amount of habitat impacted, the LPA considers that the habitat loss will not have an adverse effect on site integrity.

Natural England concur with this conclusion that the habitat loss here would not constitute an adverse effect on site integrity based on the relative small scale of habitat loss, the physical area of loss (being up against the sea wall) and the temporal scale in which it will be lost (small scale losses over 6 years, culminating in a total of 98 m2 habitat loss).

Natural England welcomes the additional measures proposed from the development, aiming to achieve an improvement for protected habitats and species and the ecosystem as a whole. It is understood, that the applicants have held discussions with the Chichester Harbour Conservancy to consider environmental enhancement measures, including removal of mud berths and pontoon system and Natural England would welcome these measures.

Additional environmental enhancement measures could also include, but not limited to; removal of redundant structures and debris from the intertidal area. Natural England would welcome any extra measures the applicant can do to support environmental enhancement.

Please note that the removal of mud berths or any redundant structures or debris currently present on the intertidal cannot be used to offset any potential habitat losses from the development, however Natural England encourage the above measures as part of good stewardship of the site and to support the natural functioning of the SAC and SPA.

Wildlife and Countryside Act 1981 (as amended)

Chichester Harbour Site of Special Scientific Interest

We can confirm that the proposed works are located within Chichester Harbour Site of Special Scientific Interest. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified and has no objection. However we recommend that the conditions listed above are attached to the licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

Protected Landscapes

Chichester Harbour AONB

Based on the plans submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the AONB. We would advise that the proposal is determined in line with relevant NPPF and development plan policies, landscape and visual impacts are minimised as far as possible and landscape advice is obtained from the AONB Partnership or Conservation Board.

Other Relevant Matters

In order to further reduce environmental pressures, we recommend that the following best practice measures should be adhered to:

- The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice. All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.

- The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.

- Vibro piling should be used as standard, percussive piling should only be used if needed to drive a pile to its design depth. A soft-start procedure should be used if percussive piling is required.

Royal Society for the Protection of Birds

No comment received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area and the AONB
- (iii) Impact upon residential amenity
- (iv) Ecology and the Habitats Regulations
- (v) Flooding

- (i) Principle of development

The application site is situated adjacent to but outside of the defined urban area, within a non-urban area. However, the site is located adjacent to and would form part of an existing marina, by the erection of a replacement quay wall. Policy AL2 in the Havant Borough Council Local Plan (Allocations) July 2014 is relevant which provides for community or recreation uses that cannot be accommodated elsewhere in the Borough. This is the case with the proposal, the development seeks to replace an existing quay wall, as the existing quay wall has come to the end of its serviceable life and requires replacement to ensure that the boatyard and the businesses it supports can continue to operate. As such, there is no objection in principle to the proposal, subject to compliance with other Development Plan Policies.

The replacement wall will be in the form of a sheet piled wall with a concrete capping beam. The works are only to replace the wall. The applicant has advised that the usage of the boatyard or any other surrounding land will not be affected or changed in anyway. The applicant has advised that the proposal would ensure the boatyard and the businesses it supports can continue to operate, which accords with the aim of Policy DM9 (5) of the Havant Borough Local Plan Core Strategy.

Ideally the applicant would prefer to construct the replacement wall on the same line as the existing wall but this is not technically feasible. To achieve this it would be necessary to demolish and remove the foundations of the existing masonry wall, which will be well below the intertidal mud level and would require extensive excavations in the intertidal zone which is not feasible or environmentally preferable. Therefore the intention is to pile in front of the existing wall and the applicant is aware of the need to obtain all other necessary environmental permits, including a Marine Licence which has been secured. There will be minimal reclamation between the existing and replacement wall, with the sheet pile line being kept as close as possible to the existing wall once construction allowances for the piling equipment used has been allowed for.

As the works effectively replace an existing wall to the same finished levels, the applicant considers the new structure would not be materially different from the existing wall. Furthermore, the environmental aspects of the construction activities and long term impact of the new wall have been considered in detail through the marine licensing process through which the Local Planning Authority (LPA) was a statutory consultee. The LPA has also carried out an HRA & AA in respect of the development, which is set out below.

(ii) Impact upon the character and appearance of the area and the AONB

The proposal is forward of an existing wall along the north and eastern boundary of the quay. The proposal would have a localised impact, set against the backdrop of an active Marina. Having regard to the location of the development the proposal would not materially impact upon the character and appearance of the area or compromise the purposes of the designation or special qualities of the AONB. The proposal would therefore accord with Policies CS11, CS12, CS16 of the HBLPCS.

(iii) Impact upon residential amenity

The nearest residential properties are to the south of the site. Due to location of the development and the separation distance between the residential areas and the development, the proposal would not materially impact on residential amenity. It is noted that no objections have been received in respect of the scheme.

(iv) Ecology and the Habitats Regulations

The Council's Ecologist has been consulted over the Marine Licence and associated conditions and following additional information has raised no objection. Subsequently, an HRA & an AA was undertaken by the LPA and Natural England (NE) consulted. NE has raised no objection to the proposal, but recommends a number of conditions in the Marine Licence be imposed on the planning permission, which is recommended. As to the recommended pre-commencement conditions they have been agreed with the applicant.

As to the additional environmental enhancement measures and best practices recommended by NE, this has been included as an informative, if permission is forthcoming.

(v) Flooding

The site falls within Flood Zone 2 and 3. The Environment Agency (EA) has been consulted over the proposal, who has raised no objection, but have advised that an Environmental Permit, under the The Environmental Permitting (England and Wales) Regulations 2016 may be required. This would be a matter for the applicant to address outside of the planning process, but for completeness an informative is recommended.

8 Conclusion

The proposal would not adversely impact on the character and appearance of the area or residential amenity and is acceptable in ecology and flood risk terms, subject to conditional planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00610 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

General Arrangement & Setting Out Plan - Drawing No. 80908 – 01 Rev A

New Quay Wall Sections & Details – Drawing No. 80908-02 Rev A

Location Plan date 14/9/20

Block Plan date 14/9/20

Flood Risk Assessment September 2020

Reason: - To ensure provision of a satisfactory development.

- 3 Sheet piling (works generating above water noise) shall not take place during the overwintering period from October to March inclusive.

Reason: To avoid impacts on the bird features of the designated sites over the duration of the six year period the proposed works are to be conducted in and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 A suitably qualified Ecologist shall be appointed as an Ecological Clerk of works to overlook the works and supervise on site from 01 October to 31 March inclusive.

Reason: To ensure adherence to mitigation requirements and monitor bird use of the surrounding construction works and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Waste concrete, slurry or wash water from concrete or cement activities must not be discharged into the marine environment. Concrete and cement mixing and washing areas must be contained and sited at least 10 metres from any water body or surface water drain.

Reason: To avoid damage to the marine environment by concrete wash water contamination which is highly alkaline and contains high levels of suspended sediment and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 During the construction period all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

Reason: To minimise the risk of waste entering the marine environment and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 7 During the development hereby permitted all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

Reason: To minimise the risk of waste entering the marine environment and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Prior to the commencement of development bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refueling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

Reason: To reduce likelihood of marine pollution events. and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 In the event that percussive piling is required, soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury and to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 The materials to be used in the development hereby permitted shall accord with the details set out in Drawing No. 80908 - 02 Rev A.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development hereby permitted shall be carried out strictly in accordance with the conditions in the Marine Management Organisation Marine Licence Number : L/2020/00238/1.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 12 Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of the:

Piling arrangements;
Hours of operation; and
Seasonal timing of the operation.

The development activities shall operate strictly in accordance with the approved Construction Management Plan.

Reason: In the interest of residential amenity and having regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.