

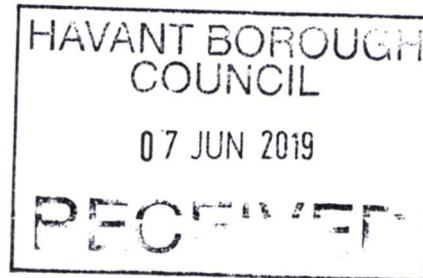
17th May 2019

DOLPHIN BOAT OWNERS ASSOCIATION

Formal Notice

C/O PO Box 2
Unit4 Fareham Trade Park
Gosport
PO13 OFE

Mr Simon Jenkins
Head of Planning
Havant Borough Council
Civic Road
Havant



Dear Mr Jenkins

Re Planning Approval / Application, Dolphin Quay, Queen Street, Emsworth

I write on behalf of the boat owners at the aforementioned and of the concerns of the public as to the development at Dolphin Quay. It has come to the attention of the boat owners at Dolphin Quay that there are proposed changes in the development that affect the pontoons and slipways (2) at the site. The pontoon which is to the west of the main jetty is currently in poor repair also the main jetty, although temporary holding repairs have taken place by the current boat owners last year this also is in need of restoration.

The Jetty to the west face of Dolphin Quay does not show up on plans that we have viewed in the proposal, I trust that this can be amended.

As members of the public, we as an Association, are concerned that the historical Slipways and Jetties may be removed or fall into disrepair. From researching this situation and seeking legal advice on the matters, it would appear that the pontoons, slipways, waterways and banks are listed on the site map conservation document within the Chichester Harbour Conservation AONB.

You may no doubt be aware of the significance of these findings in relation to the said planning application.

In addition the slipway adjoining the east pontoon is used by a family of the swans for rearing their young each year, they have carried out their breeding here for a number of years successfully, they use the long grasses that grow there to hide their signets from predators, A pair of Kingfisher's also use this area for their habitat and breeding. Egrets, Oystercatchers, and many other wild life fish these tidal streams at low water at Dolphin Quay. However apart from the natural impact there is the cultural and historical impact that this Quay holds.

Our other concerns are that the toilet and water supply to the pontoons and for the use of the boats owners is to be demolished and removed in the next few days, The planning confirms that

the facilities for the boat owners are to be kept in existence but we cannot see on the plans where these facilities will be replaced when the existing toilet and water supplies are removed. October 2013 Planning Application Number 27958-PD109D shows the construction of a shed like building at the end of the East Pontoon and a small boat store built into the property facing the bank. Can you confirm the purpose of these buildings and will these buildings hold toilet and running water facilities for the use of the boat owners using the quay? We would like to draw your attention to the manitory legistration that all boatyards and marina's within the ANOB site must provide toilet facilities. Could you write and let us know where this is held under the new planning consent in relation to the Dolphin Quay Development?

Our conclusions are as follows;

- 1, The pontoons and slipways are listed structures under the AONB statute, The Dolphin Quay Boat Owners Association believes that as these structures were built before 1900 and they should have been formally listed and an application should have been made by Havant Borough Council for their protection to the Secretary of State (BPN)
- 2, The areas adjacent to the site are listed as nature protected areas, up to and including the banks ,Construction of tidal barriers would interfere with the wild foul using these areas
- 3, The planning depart of Havant Borough Council has been negligent in its duty of care in granting planning for the developement without due consideration to the environment within the conservation area listed under the AONB remit and statutes.
- 4, The Planning Department of Havant Borough Council has at present, failed to secure the safe keeping of the areas under their remit from the Secretary of State for the Environment.
- 5, The AONB Statute and Authority was in place before planning consent for Dolphin Quay was passed by Havant Borough Council. Therefore the Historic and Nature Site held within the ANOB boundaries must not interfered with by the planning consent.
- 6, Havant Borough Council departments have fail in their duty to uphold the EU Directive 2009/147/EC and the Bern Convention Agreement, Can you advise what contingencies you have made for the protection of wild life whilst construction takes place? Because at present there does not appear to be instructions from the Planning Department to the Contactors for these provisions, Possibly a retrospective order needs to be made and attached.
- 7, At present, there appears to be no toilet and water facilities covered by the planning proposal to replace the existing facilities held within the site for the use of the Boat Owners.

Thank you for your attention to these matters.

Yours sincerely



A. Penny-Brown
Spokesperson for the Boat Owners
For and on behalf of the Dolphin Quay Boat Owners Association