

Dear Daphney,

Land off Westwood Close, Emsworth

APP/18/00672 – Erection of 46 No. dwellings with associated parking, access from Westwood Close, diversion of Havant Footpath 73, landscaping and surface water drainage. Felling and works to trees within Area A1, subject to TPO 2071

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Objection.

I apologise for the delay in getting these comments to you, owing to having been on extended leave with limited cover. The Conservancy's Ecologist Peter Hughes has also reviewed the submitted plans and particulars.

Following a desktop analysis and having regard to the Policy framework* below, the proposed housing development would appear premature to the proper consideration of the Draft Havant Bough Local Plan H10 proposed site allocation.

It is also noted that no such allocation appears in the Draft Emsworth Neighbourhood Plan and that the statement made in the BJC Planning, Design and Access statement (June 2018) at paragraph 1.4 is not wholly accurate: the outline of the H10 allocation is considerably smaller than the submitted red line for this application.

It is noted from the Proposals Map of the Hampshire Minerals and Waste Local Plan (M & WLP - 2013) the site, which is likely to be underlain by 'Soft Sand', affected by Policy 15 of that plan. This Policy requires that –

"Policy 15: Safeguarding - mineral resources

Hampshire's sand and gravel (sharp sand and gravel and soft sand), silica sand and brick-making clay resources are safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place.

Safeguarded mineral resources are defined by a Mineral Safeguarding Area illustrated on the Policies Map.

Development without the prior extraction of mineral resources in the Mineral Safeguarding Area may be permitted if:

- a. it can be demonstrated that the sterilisation of mineral resources will not occur; or*
- b. it would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan; or*
- c. the development would not pose a serious hindrance to mineral development in the vicinity; or*
- d. the merits of the development outweigh the safeguarding of the mineral.*

The soft sand / potential silica sand resources at Whitehill & Bordon (Inset Map 5), further illustrated on the Policies Map are included within the MSA and are specifically identified for safeguarding under this policy."

A February 2016 Supplementary Planning Document produced by the Joint Minerals and Waste Partnership says at paragraph 2.5 that –

"Soft sand and silica sand resources are more scarce in Hampshire compared to sharp sand and gravel and this may be reflected in the approach the Hampshire Authorities take to proposals that may sterilise these resources."

This soft sand allocation affecting the application site is in a minerals safeguarding area (according to paragraph 6.74 of the Havant Draft Borough Local Plan 2036), under Policy 15 of the M & WLP on-line does not detail the boundaries of such safeguarded sites.

Hampshire County Council should provide written clarification on this point, before the application is determined.

As another matter of principle, has the desirability of maintaining best and most versatile agricultural land been taken into account? I do however note paragraph 4.33 (page 15) of the submitted Design and Access Statement

Whilst acknowledging that the proposals would not adversely affect the setting of the Chichester Harbour AONB, there are other fluvial surface water and foul drainage impacts, which could potentially impact water quality and thus ecology and maintaining the *'favourable conditions for nature conservation'* in the Harbour and its Ramsar, SPA, SAC, S.S.S.I. designations.

Under paragraphs 177 and 180 of the NPPF, it seems Natural England is satisfied that an appropriate assessment has been carried out which concludes the development *"will not result in adverse effects on the integrity of any of the sites in question"*, under Regulation 63 of the Habitats Regulations.

I am unclear as to who has carried out this assessment, as it does not feature on the application on-line webpage and no reference is made to it in the submitted Design and Access Statement and the WYG ecological appraisal only seems to have considered on-site impacts.

Can the council please make this appropriate assessment available, as The Conservancy would like to scrutinise it, with a view to making further comments on this application and potential off-site impacts to the integrity of the Chichester Harbour AONB.

I note the Council has agreed an extension of time to continue to process the application which runs until 3 January 2019.

This development will ultimately be draining into Chichester Harbour, via the River Ems and Policy WQ1 of the Chichester Harbour Management plan is a material planning consideration under the Council's Core Strategy Policy CS12.

I note Natural England's 18.10.18 comments but consider it too has not properly considered the above off-site impacts, where the Environment Agency has objected 21.8.18 on the grounds of there not being a satisfactory Flood Risk Assessment.

Looking at the submitted particulars, I do not consider the latter issue has been properly thought out. An increase in surface water run-off is inevitable and would only be heading in one direction – the River Ems. The adopted local plan Policy DM25 must surely be a strong material planning consideration here.

The views of Peter Hughes, the Conservancy's Ecologist are –

"Although the site in itself is of limited ecological value, it is a significant part of the green corridor alongside the River Ems, and the grassland and hedges are part of the

floodplain habitat mosaic which will provide foraging and breeding opportunities for a wide range of wildlife.

The proposal is likely to result in increased run-off and diffuse pollution, and human disturbance, to the River Ems, and thus I would recommend buffering the River Ems from the development through range of mitigation measures. Additional native hedgerow planting alongside the proposal site, and a sensitive lighting plan should be secured through condition."

If the Council is ultimately minded to support this planning application, this should have regard to reduce recreational disturbance at the Solent SPA's under Policy DM24 through a developer contribution and a raft of safeguarding planning conditions relating to –

- The views of the Conservancy's ecologist above;
- on-going water quality monitoring and a mechanism for securing remediation from all those with an interest in the development site (to ensure no potentially contaminative run-off from the development compromises the Chichester Harbour SPA and SAC);
- safeguarding retained natural features of the site; and,
- securing sustainable urban drainage systems and securing new soft/tree planting and other ecological enhancements to the site.

Yours sincerely

Steve Lawrence MRTPI
Planning Officer
Chichester Harbour Conservancy
Harbour Office, The Street,
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*Policy framework

NPPF paragraphs (Generally) 1-3, 6-9, 15-16, 20, 23-24, 38-43, 54-56, 59-62, 65-67, 73-75, 96, 102-103, 105-106, 117-118, 122-123, 125, 149-150, 156, 162, 171, 174, 178-179, 181, 185, 203-204, 206-208 & 212-213, 215; and, (Specifically) 10-14, 28-29, 34, 45, 47-50, 64, 71, 77-79, 91, 94, 98, 104, 108-111, 124, 127-131, 148, 153, 155, 157-161, 163, 165, 170, 175, 177, 180, 189-190, 193 & 199;

NPPG: ID's 2a, 3, 4, 6-8, 9, 11-12, 18a, 20, 21a, 21b 23b, 26-27, 31, 33-34, 36-37, 41-42, 50, 56;

Havant Borough Local Plan (Core Strategy) 2011 – CS1, CS8-CS9, CS11-CS17, CS19-CS21, DM1, DM8, DM10-DM13;

Havant Borough Local Plan (Allocations) 2014 - AL1-AL2, DM17, DM20, DM24-DM25;

Hampshire Mineral and Waste Local Plan (2013) – Policy 15;

Draft Havant Borough Local Plan 2036 – IN1-IN3, E1-E3, E6-E13, E15-E16, E18-E21, H1-H4, H10;

Draft Emsworth Neighbourhood Plan (2017) – C3, L1-L5, W5, M2-M4, H2, D1-D8;

Chichester Harbour AONB Management Plan 2014-2019: LS1-LS2, NC1, NC5, BD1-BD2, WW2, WQ1, EL5;

SPG/SPD – Borough Design Guide; Emsworth Design Statement.