
Site Address: Hayling Island Sailing Club, Sandy Point, Hayling Island
Proposal: Erection of 2no. pontoon locating piles, repositioning of 2no. existing pontoon locating piles and extend pontoon 10m northwards.
Application No: APP/17/00178 Expiry Date: 09/05/2017
Applicant: Mr Mitch Webb
Hayling Island Sailing Club
Agent: Case Officer: Rachael McMurray
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

Hayling Island Sailing Club, is located at Sandy Point in the south east corner of Hayling Island. It is located within the Chichester Harbour AONB and within a SINCE, SAC and SPA and is therefore in a highly sensitive area of environmental protection. There is an existing pontoon on the northern shore of Sandy Point.

2 Planning History

None relevant to this application.

3 Proposal

Erection of 2no. pontoon locating piles, repositioning of 2no. existing pontoon locating piles and extend pontoon 10m northwards.

The proposal would comprise the installation of 61.5m of total pontoon in a T shape above and extending from the current pontoon footprint. It would be supported by the current pontoon piles, two existing piles relocated alongside existing piles to make 'pairs'. In addition two new cylindrical steel piles will be located to seaward of the existing structure. The proposed pontoon extension would comprise of a floating pontoon head accessed by a pontoon bridge and walkway secured to the pontoon piles thereby minimising the surface contact to the environment and allowing the free flow of sand beneath the pontoon. The pontoon walkway would be made up from 2 x 16m sections, 2.5m wide, raised above the sand and secured to both new and existing pontoon piles.

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))
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

That Chichester District Council, as local planning authority, be advised that Chichester Harbour Conservancy raises no objection to this application, but asks that the following matters be negotiated if possible:-

- ☐ Works be carried out from the landward side to minimise disturbance to the designated site or surrounding habitats;
- ☐ Works be carried out between 1st April and 30th September to avoid disturbance to overwintering birds;
- ☐ A walkover survey of the site for nesting birds be carried out to ensure access routes do not disturb nesting sites;
- ☐ Works be carried out in accordance with the submitted details and to use only coatings suitable for the marine environment;
- ☐ Any associated equipment / debris / storage structures be removed from the site upon completion;
- ☐ All conditions on the Works Licence dated 30th January 2017 be adhered to.

Hampshire County Council Ecology Consultant

The application is not accompanied by any ecological information and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and recent GIS mapping.

The proposals are to replace the previous pontoon design with a 'floating' system and to extend this by a short distance. In general terms, the proposal is essentially a replacement but with the removal of direct contact between the pontoon base and the underlying substrate. Two new piles will be driven at the northern end.

The main potential impact would be to bird species during the overwintering period. I note that the applicant has sought advice from Natural England on this matter and that NE are broadly content with the proposals, subject to certain conditions.

If works can be undertaken outside the key overwintering period then this avoids the potential disturbance of key SPA/Ramsar features. The reduction of contact between the pontoon and substrate will also reduce any obstruction of sediments within the SPA/Ramsar/SAC.

I also note the comments from the Hampshire & Isle of Wight Wildlife Trust in respect to nesting waders (ringed plovers). The shingle and sands in the vicinity of the works are a known nesting site for this species, a very rare breeding bird in the County.

There is a recommendation from NE to conduct a nesting bird check prior to works commencing which, although fine in principle, would need to be carried out by a suitably-qualified person. There would need to be a plan for action should nesting birds be encountered within/adjacent to the proposed works: is there a contingency for a situation where an active nest is within the works footprint?

I concur with the Trust in suggesting that a sensible measure at this site would be to designate and enforce a fenced area for nesting waders during the summer months. This would at the least give birds attempting to breed an opportunity to do so and would hopefully ensure that any nests were situated well-away from any areas of human activity.

If you are minded to grant permission, can I suggest that measures to protect the surrounding highly-sensitive environment are secured by condition?

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall include details of all measures to protect features associated with the adjacent nationally- and internationally-designated nature conservation sites. This should include details of measures to survey for and protect nesting birds (to be conducted by a suitably-qualified person) and details of measures to avoid pollution of the marine environment. Development shall proceed in strict accordance with the approved CEMP. Reason: to protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with and with Policy CS 11 of the Havant Borough Core Strategy March 2011.

County Minerals

No response provided.

Environment Agency

Thank you for consulting the Environment Agency on the above application. In the absence of any information to demonstrate that the proposals are compliant with the Water Framework Directive (WFD), we are unable to provide comments on the proposals.

Officer Note - Further response based on the submission of a Water Directive Framework.

Further response from EA:

We can confirm that the Environment Agency has no objection in principle to the proposed development as submitted; however, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Planning Condition(s):

Condition – Piling Works

Prior to any works commencing, a detailed piling method statement must be submitted and approved. This method statement must include:

- ☐ Proposed piling method including justification for this method over other methods with lower risks
- ☐ Full details of the proposed piles including size and depth, construction methods and access to install the piles
- ☐ Timings of the works, both time of year, time of day & tide and how this may affect migratory salmonids
- ☐ A noise risk assessment from the chosen piling method
- ☐ Mitigation measures – which may include ramping up or use of strike pads or piling only at low tide
- ☐ Pollution prevention measures

Reason: A method statement is required to ensure any impacts on the environment, in particular migratory fish, are minimised.

Hampshire Wildlife Trust, Beechcroft House

Thank you for consulting the Wildlife Trust on this application. We have reviewed the supporting information and conditions provided by Natural England in their response of 10th April 2017, in particular the conditions requiring the over-wintering period to be avoided so as not to impact on the important high tide roost and carry out a walkover survey of the proposed piling site and its nearby surroundings to ensure there is no disturbance to nesting birds, in particular ringed plover *Charadrius hiaticula*. However, we would like to add that when reviewing the application proposals we sought information from a local ornithologist who watches the area on an almost daily basis. We enquired specifically about the breeding status of ringed plover and were informed whilst they have previously nested on the beach adjacent to the red dotted line on site plan SDN001, they have not attempted to nest for several years now. The reason for this is the level of disturbance at the site, particularly on sunny weekends. It appears that nests with eggs are generally trampled, and even if birds are able to find a suitable location that doesn't get trampled, the chicks invariably are by visitors' activities.

It is a worrying sign of the current situation that despite breeding ringed plover being a notifying feature of the Chichester Harbour SSSI, the species is no longer able to breed at a site which forms part of the SSSI, due to the pressures of human recreation. In the Hampshire Bird Atlas 2007 – 2012, the south-eastern corner of Hayling Island is one of only six tetrads showing a breeding gain for the species, but four years on it appears that this may no longer be the case.

In order to halt the decline of ringed plover as a breeding species in Hampshire, measures should be taken to protect them whilst they are nesting. The most practicable way would be to set up temporary exclusion areas/sanctuaries at this location during the nesting season, for example whilst the birds are nesting and when the chicks have left the nest but are unable to fly. We would therefore recommend that further consideration is given to this matter.

Officer Note - The HCC Ecology Consultant has taken onboard this response and has advised that a condition is included in any decision which requires a CEMP to be

submitted and approved prior to development taking place and this includes a survey of nearby birds.

Natural England Government Team

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended):

It is our advice, on the basis of the material supplied by the applicant, that in respect of statutory designated sites, seascapes and protected species an Environmental Impact Assessment (EIA) will not be required for this application.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of any site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

The Conservation of Habitats and Species Regulations 2010 (as amended)

We can confirm that the proposed works are located within **Chichester and Langstone Harbours SPA, Chichester and Langstone Harbours Ramsar site and Solent Maritime SAC**. Natural England advises that providing the works are carried out in strict accordance with the details of the application which has been submitted, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required. We recommend that the following conditions are attached to the planning consent to ensure that the activity is undertaken in accordance with the details of the application which has been submitted and is therefore compliant with the above legislation:

Condition 1

The applicant should ensure that only coatings and treatments suitable for use in the marine environment are used. Environment Agency pollution prevention guidelines should be followed and all reasonable precautions should be undertaken to ensure no pollutants enter the water body.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment.

Condition 2

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

Reason: To minimise impacts to the marine environment and other users of the sea/seabed.

Condition 3

The works must be completed between the period 1st April and 30th September.

Reason: To avoid disturbance to overwintering birds that feed in the area. The sensitive period for overwintering bird species runs from the 1st October to 31st March inclusive.

Condition 4

Before machinery access or works commence on site, a walkover survey for breeding

birds must be completed. (Access routes should be rerouted if overlap occurs.)
Reason: To ensure breeding birds' nests are not disrupted.

Royal Society for the Protection of Birds

No response provided.

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: 0

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

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
- (iii) Ecology considerations

(i) Principle of development

The application site is situated mainly within the water at Chichester Harbour and therefore only certain development management criteria are applicable.

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

As the proposed pontoon would be an extension of the existing structure in place, visually, it would not appear significantly different from a land based perspective and would not have a harmful impact on the visual character and appearance of the area. No objections have been raised by Chichester Harbour Conservancy as to the impact of the works on the Area of Outstanding Natural Beauty.

In terms of the impact on ecology both below and above water, the various consultees have advised certain mitigation measures are imposed. Chichester Harbour Conservancy (CHC) have advised that works be carried out from the landward side to minimise disturbance to the surrounding habitats. The Environment Agency has requested that a condition for a detailed piling method statement must be submitted and approved prior to any development taking place. This is protect as much as possible, under water habitats. Natural England has advised a number of conditions including restricting the work between April and September to avoid disturbance to over wintering birds.

(iii) Ecology considerations

The consultation response from Natural England indicates that the scope of the work is not such that either an Environmental Impact Assessment, nor an Appropriate Assessment under the Habitat Regulations are required.

In more detail, the consultees responses provided advise that the proposal is likely to be acceptable so long as any potential disturbance to nearby wildlife, both above ground and within the water is minimised. Several conditions have been proposed which seek to mitigate any impacts caused. One of these includes the work proposed to be carried out during a specified timeframe to avoid any disturbance to overwintering birds. Another is to provide a Construction Environment Management Plan (CEMP) for approval which to include details for measures to survey and protect nesting birds. With the relevant conditions imposed, it is considered that the development could be carried out in accordance with Policies CS11 and CS12 of the Core Strategy.

8 Conclusion

The proposal is considered to be acceptable with the inclusion of appropriate conditions and is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00178 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:

Site Plan - P1
Block Plan - P2
Aerial photo site plan SDN001
Aerial comparison - SDN002
Visual presentation - SDN003
Side elevation - SDN005
General design drawing - SDN004
Change in beach elevation - SDN006

Reason: - To ensure provision of a satisfactory development.
- 3 Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in

writing by the Local Planning Authority. The CEMP shall include details of all measures to protect features associated with the adjacent nationally- and internationally-designated nature conservation sites, and unless otherwise agreed in writing with the Local Planning Authority shall make provision for works to be carried out from the landward side to minimise disturbance to the designated sites and surrounding habitats. The CEMP shall also include details of measures to survey for and protect nesting birds (to be conducted by a suitably-qualified person) and details of measures to avoid pollution of the marine environment. Development shall proceed in strict accordance with the approved CEMP.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Prior to any works commencing, a detailed piling method statement shall be submitted to and approved in writing by the Local Planning Authority. This method statement shall include:

- Proposed piling method including justification for this method over other methods with lower risks
- Full details of the proposed piles including size and depth, construction methods and access to install the piles
- Timings of the works, both time of year, time of day & tide and how this may affect migratory salmonids
- A noise risk assessment from the chosen piling method
- Mitigation measures – which may include ramping up or use of strike pads or piling only at low tide
- Pollution prevention measures

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: A method statement is required to ensure any impacts on the environment, in particular migratory fish, are minimised and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 All works shall be carried out within the period between 1st April and 30th September to avoid disturbance to overwintering birds.

Reason: In the interests of the nearby environmentally sensitive areas and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The applicant shall ensure that only coatings and treatments suitable for use in the marine environment are used. Environment Agency pollution prevention

guidelines should be followed and all reasonable precautions should be undertaken to ensure no pollutants enter the water body.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The applicant shall ensure that all equipment, temporary structures, waste and/or debris associated with the consented activities are removed upon completion of the consented activities.

Reason: To minimise impacts to the marine environment and other users of the sea/seabed and having due regard to Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.