

DELEGATED OFFICER REPORT

Site Address: Land adjacent to, Car Park Broadmarsh, Harts Farm Way,
Havant

Proposal: Temporary planning permission to allow the retention of Portakabin and Container stores for communal use, and yard for boat and trailer parking following the expiry of temporary planning permission APP/14/01069 on the 31st December 2021. Retention of an existing toilet block and sewage system. To install PV solar panels and wind turbine. To build a workshop and covered area.

Application Type: Full Planning Permission

Application No: APP/24/00439 Expiry Date: 22/08/2024

Applicant: Mr Bate

Agent: Case Officer: David Eaves

Ward: Bedhampton

Recommendation: **GRANT TEMPORARY PERMISSION**

1 **Site Description**

The land adjacent to the Car Park Broadmarsh, Havant is located adjacent to the Shoreline of Langstone Harbour and is to the west of Broadmarsh public car park which serves the public slipway and coastal footpath which runs along the shoreline. The site is used by Storehouse Lake Angling Association (SLAA) as a social fishing and boating club for private members. Access to the site is from Harts Farm Way, Havant.

It presently contains a portacabin club house, shipping container storage facilities, water/diesel/sewage tanks and members trailered boats and tenders. The site hardstanding is a permeable granular stone.

The site at its boundary, is surrounded by a 2-meter-high chain link fence which has been reinforced with shrub and dense gorse hedging over the years. Access to the site is through double gates at the western end of the Broadmarsh public car park. There are currently no utility services (mains water, foul water, electricity, natural gas.) at the site.

2 **Planning History**

05/54097/004 - Renewal of temporary permission for portacabin club caravan and ancillary structures with chain link fence., PERM,02/06/2005

07/54097/005 - Replacement of porta-cabin club house, ancillary structures (container stores) following fire., PERM,19/06/2007

02/54097/003 - Retention of store and electricity generator and fuel tank and variation of condition 7 of planning permission 93/54097/003 to retain club caravan and portacabin for use by Angling Association., PERM,05/04/2002

APP/14/01069 - Retention of portacabin and ancillary structures (container stores) for communal use (club house) and yard for boat and trailer storage (following approval 07/54097/005 dated 19/06/2007), PERM,08/12/2014

3 Proposal

Temporary planning permission to allow the retention of Portakabin and Container stores for communal use, and yard for boat and trailer parking following the expiry of temporary planning permission dated 31st December 2021. Retention of an existing toilet block and sewage system. To install PV solar panels and wind turbine. To build a workshop and covered area.

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)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

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

5 Statutory and Non Statutory Consultations

Coastal Engineering

Thank you for consulting with Coastal Partners on the above application, I can confirm that we have no objection in principle on grounds of tidal flood risk, however are able to offer the following comments and advice.

The site is shown to partially lie within the Environment Agency's (EA) present day Flood Zone 3 and is considered to be at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event.

According to the PfSH SFRA, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3 mAOD, increasing to a predicted 4.4 mAOD by the year 2115 (design de level), due to the effects of climate change. However, the SFRA is in the process of being updated to be in line with current climate change guidance. The latest guidance for calculating climate change sea level allowances can be found here: www.gov.uk/guidance/flood-risk-assessments-climate-changeallowances

The applicant has not submitted a Flood Risk Assessment (FRA) but the Planning Design, Statements and Assessment dated May 2024 does discuss flood risk.

The application does not propose an increase in occupancy at the site, and the development is for 'less vulnerable' and 'essential infrastructure' as categorised by the NPPF Flood risk vulnerability classification. The LPA should be satisfied that the exception test has been passed and that the solar panels and wind turbine can be designed and constructed to remain operational and safe in times of flood.

Coastal Partners would recommend that occupants of the site sign up to the Government's Flood Warning Service and consider preparation of a Flood Warning and Evacuation Plan, in accordance with advice from the EA.

Communities Manager

No comments received.

Councillor Liz Fairhurst - Bedhampton

No comments received.

Councillor Michael Lind

No comments received.

Councillor Phillipa Gray

No comments received.

Countryside Access Team

General information, no comments specific to application.

Thank you for consulting Hampshire Countryside Service (HCS) as Highways Authority regarding Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

There are specific legislative requirements for the Highways Authority, Planning Authority, Developers and Landowners with respect to the PROW network. Where no changes are proposed to Public Rights of Way, the Planning Authority shall be aware of the following, and we request that the applicant is made aware of the following requirements through informatives where appropriate.

Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, they must be shown on the submitted plans with details of how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such information has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.

4. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process, which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 of the TCPA (1990) will invariably be made or confirmed. Development, in so far as it affects a PROW, must not be started and the PROW should be kept open for public use, unless or until the necessary order has come into effect.

5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of public safety.

6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the HCS Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

Officer comment: The relevant informatives have been added to the decision notice.

HBC Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The site comprises an extensive area of hard surfacing with boundary scrub and trees. I am content that the site is of very limited ecological value and that the proposed works would not require the removal of any vegetation. On that basis, I am content to state that no ecological assessment is required and that the proposal would be exempt from mandatory Biodiversity Net Gain under the de minimis rule.

The site is however almost immediately adjacent to parts of Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site. This area is well-frequented by bird species associated with the SPA. I would raise a query regarding the potential visual and noise impacts of the proposed turbine on wintering bird species, and request clarification. The turbine will be situated c.25 metres from the SPA/Ramsar boundary and any feeding/resting bird species therein. The proposed turbine will be located on an existing container and will be c.5m height. I would request some clarification on the extent to which the turbine will be visible from the coastal path and on the predicted noise generated by its operation.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration.

This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Further response:

The application is now accompanied by a Report on Noise Measurement Tests (Marlec, December 2013). This provides data on the likely noise emissions from the model of turbine proposed at the site. The data shows that levels at the operating turbine would be in the region of c.58 decibels (dB) on average, with peaks at just over 70dB. This is broadly consistent with background noise levels. On this basis I am content to conclude that the proposed turbine situated approximately 20 metres from the boundary of the Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site is not likely to result in unacceptable noise impacts to the qualifying features of the Solent designated sites.

Environment Agency

Environment Agency position

We have no objection to the proposed development as submitted, provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition – Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

Advice to Local Planning Authority and Applicant

This site is directly above a former landfill. No groundworks or ground penetration should take place that may result in disturbance of the landfilled material. If any landfilled material is excavated in association with this proposal, then this would need to be removed from site and disposed of under the appropriate waste regime. We note that a “3000 Litre Septic tank” is marked present at the site. The applicant should confirm if this is a “Septic Tank”, or a above ground “Cess pit”. Septic tanks will have an outlet where the sewage effluent is disposed (such as via a soakaway). Cess Pits are sealed tanks with just an inlet and all the sewage is collected and generally tankered away. If this is a septic tank and there is a discharge to ground or surface water, then this discharge may require an environmental permit from us. In this case the applicant should contact us via our general enquiries address (enquiries@environmentagency.gov.uk) to confirm any permitting requirements.

Flood risk

As the existing structures and new wind turbine are located within flood zones 2 and 3 and will be subject to tidal flooding, we advise that the applicant considers flood resistance and resilience measures. In addition, the applicant should sign up to flood warnings and consider developing a flood response plan, which will benefit the users of the site in the event of flooding in the area.

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Details and adequacy of flood proofing and other building level resistance and resilience measures

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient

construction <https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Officer comment:: The above recommended informative and condition have been recommended.

Environmental Health

This office has no objection to the erection of a workshop structure on this particular site & the installation of solar panels on the clubhouse roof.

With regard to the proposed wind turbine, I can advise that due to the distance from this site to nearest residential receptors, it is considered unlikely that this single unit will cause a noise nuisance.

However if noise complaints were to be received at some future date linked to this particular unit, they will be investigated and dealt with under relevant nuisance legislation.

Hampshire Highways

The Highway Authority have reviewed the submitted documents and are satisfied that there are no highway implications as a result of the proposals. The planning statement suggests that the planning proposals will not lead to an increase in traffic or require any amendments to the access itself. The Highway Authority are satisfied that the access arrangement will continue to remain appropriate to accommodate the development trips.

Having regard to the above, the Highway Authority provide no objections to this planning application.

Hampshire Biodiversity Information Centre

Within 10m Wader and Brent Goose Strategy - H07B Secondary Support Area

Within 50m Wader and Brent Goose Strategy - H07C Low Use Site

Within 50m SSSI - Langstone Harbour; SPA, RAMSAR - Chichester and Langstone Harbours; SAC - Solent Maritime.

Within 100m - Notable and Protected Species - Birds (Langstone Harbour, Broadmarsh): Black-tailed Godwit, Song Thrush, Turnstone, Oystercatcher, Redshank, Curlew, Great Crested Grebe. - Flowering Plants (Langstone Harbour, Broadmarsh): Golden Sampshire, Sea Wormwood.

Langstone Harbour Board

No comments received.

Leisure Officer

No comments received.

Natural England

Further Comments dated 30th September 2024

SUMMARY OF NATURAL ENGLANDS ADVICE

No Objection

Based on the plans submitted and providing the accompanying noise test is accurate with regard to the proposed noise levels of the wind turbine to be installed, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Chichester and Langstone Harbours Special Protection Area (SPA) & Ramsar, Solent Maritime Special Area of Conservations (SAC), and Langstone Harbour Site of Special Scientific Interest (SSSI). and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on Chichester and Langstone Harbours Special Protection Area (SPA) & Ramsar, Solent Maritime Special Area of Conservations (SAC), and Langstone Harbour Site of Special Scientific Interest (SSSI) and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- The accompanying noise report which cites an average operating level of c.58db for the wind turbine, the turbine dimensions document which shows an operating height of c.5 metres, and our internal mapping which estimates a distance of c.20m from Chichester and Langstone Harbours SPA. Considering the nature, level and likely dissipation of the noise of the turbine when in operation, the works are not likely to result in unacceptable noise impacts to the qualifying features of the Solent designated sites Langstone Harbour Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Original Comments dated 25th July 2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on designated sites, including:

- Langstone Harbour SSSI
- Solent Maritime SAC
- Chichester and Langstone Harbours (SPA)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment (HRA) is required to assess all potential impacts from all phases of the proposal on the qualifying features of the European designated sites and their conservation objectives

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

Additional Information required

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

To assist you in screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- siting of the wind turbine on the far side of the boat yard away from functionally-linked land and small scale of the wind turbine

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Property Services Manager

No comments 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: 0

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Hampshire Ornithological Society (HOS) has been informed by HBIC that the above planning application is within 10m of the H07B Secondary Support Area as detailed in the Solent Wader and Brent Goose Strategy (SWBGS) and as such the application may impact on the notable and protected bird species using this area. HOS believe the applicant must address these impacts in line with the SWBGS Guidance on Mitigation and Off-setting 2018 before planning approval is given.	Noted. Please see section 7.

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:

HRA/AA requirements:

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was unlikely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to Recreational Pressure, Water Quality.

The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to Noise Disturbance that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. The application was accompanied by a Report on Noise Measurement Tests (Marlec, December 2013). This provides data on the likely noise emissions from the model of turbine proposed at the site. The data shows that levels at the operating turbine would be in the region of c.58 decibels (dB) on average, with peaks at just over 70dB. This is broadly consistent with background noise levels and noise levels at the nearest sensitive receptor would be below levels expected to result in impacts.

Havant Borough Council concludes that the proposed turbine situated approximately 25 meters from the boundary of the Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site is not likely to result in unacceptable noise impacts to the qualifying features of the Solent designated sites.

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on ecology
- (v) Impact on the Highway
- (vi) Flood Risk
- (vii) On Shore Wind Turbine policy
- (viii) Habitat Regulations Assessment
- (ix) Public Right of Way
- (x) Biodiversity Net Gain (BNG)

(i) Principle of development

- 7.2 The application site is situated in the non urban area under policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011. Within such areas development will only be permitted if it is consistent with the policies for the countryside set out in national policy. In this case the proposal is on a previously developed area with boat parking and the use serves recreation in the adjacent Langstone Harbour. It is considered that the development is compatible with its non-urban location and supports sport and recreation within the Borough which accords with policy CS1 of the Havant Borough Local Plan (Core Strategy) 2011.

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

- 7.3 The proposal is for temporary planning permission to allow the retention of Portakabin and Container stores for communal use, and yard for boat and trailer parking following the expiry of temporary planning permission dated 31st December 2021, retention of an existing toilet block and sewage system and to install PV solar panels and wind turbine. To build a workshop and covered area.
- 7.4 The site is screened by bushes and trees to most of the boundary and is surrounded by a 2-metre-high chain link fence reinforced with dense gorse hedging. The trees, bushes and gorse hedging would screen the proposal from the coastal path and surrounding area, which reduces potential for adverse impact on the character and appearance of the area. Whilst the wind turbine would have a total height of 7m (including the container that it would be positioned on) this is a narrow pole with small rotor head which would minimise visual impact.

(iii) Impact upon residential amenity

- 7.5 There are no residential dwellings that the proposal would adversely effect.

(iv) Impact on ecology and notable and protected species

- 7.6 The Council's Ecologist was consulted on the application and initially raised concern regarding impact on bird species as a result of noise from the proposed wind turbine. Data was produced regarding the likely noise emission that would result from the proposal, and following this the Ecologist was re-consulted on the application following the noise report and raised no objection in terms of impact on ecology.

- 7.7 It is noted that the site is within 10m of Wader and Brent Geese Secondary Support Area, as well as within 50m of a low use site, within 50m of Langstone Harbour SSSI and Solent Maritime habitat, and within 100m of multiple native birds and flowering plants. The development is also close to a located close to Solent Waders and Brent Goose low use and Secondary Support Areas. As neither the Council's Ecologist or Natural England have raised concern over ecological matters in relation to the development, any impact on the above is considered to be limited and acceptable.

(v) Impact on the Highway

- 7.8 The Highway Authority were consulted on the application and raised no objection due to there being no concern regarding adverse impact on the highway.

(vi) Flood Risk

- 7.9 The application site is partly within flood zones 2 and 3. Flood risk has been considered within the Design and Access statement, wherein the following has been stated; *'There may be some localised flooding from surface water runoff, but this is secondary. The existing ground levels of the site range from 3 to 4 meters AOD. Using the environment agency guidance for zone 3, the likelihood of flooding each year on the site without defences is a 1 in <200 storm surge/tide event. The site benefits from a 1.5 x 1-meter-high earth bund outside of the southern boundary. There are no habitable spaces on the site, therefore the overall impact from any flooding is minimal. It is worth noting that the recent April 2024 storm tide event which was the highest recorded in the harbour, did not flood the site.'*

- 7.10 The Environment Agency were consulted on the application and advised the following; *'As the existing structures and new wind turbine are located within flood zones 2 and 3 and will be subject to tidal flooding, we advise that the applicant considers flood resistance and resilience measures. In addition, the applicant should sign up to flood warnings and consider developing a flood response plan, which will benefit the users of the site in the event of flooding in the area. The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.'*

o Adequacy of rescue or evacuation arrangements

o Details and adequacy of an emergency plan

o Details and adequacy of flood proofing and other building level resistance and resilience measures

- 7.11 With regards to the above recommendations, the proposal would come under 'water compatible development', 'less vulnerable' as well as 'essential infrastructure' due to the wind turbine. This means that it is not considered to be development that is highly vulnerable in terms of flooding. Considering this, further details have not been required within the assessment of the application, however, informatives regarding flood risk and signing up for flood risk warning systems have been added to the decision notice as an advisory.
- 7.12 The Coastal Partners team have advised that *'According to the PfSH SFRA, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3 mAOD, increasing to a predicted 4.4 mAOD by the year 2115 (design de level), due to the effects of climate change. However, the SFRA is in the process of being updated to be in line with current climate change guidance. The latest guidance for calculating climate change sea level allowances can be found here: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances'*. They also highlight in their response the vulnerability category of the proposal as categorised within the NPPF Flood risk vulnerability classification annex.
- 7.13 The development is for an improvement to facilities for an existing angling and boat storage uses together with some sustainable micro-generation on the site. Given that the angling club/boat storage uses already exists on site and that the development requires a waterside location to fulfil its function it is considered that the sequential test would be passed in this case. In terms of the Exception test the single wind turbine would represent essential infrastructure in terms of the NPPF Annex 3 Flood risk vulnerability classification. The proposal would generate small scale sustainable energy to serve the angling club and boat site and its members. Given the location and form of the development this is considered to outweigh any flood risk. The development would not include any overnight accommodation and the main use is less vulnerable. It is not considered that the development would increase flood risk elsewhere. It is therefore considered that the Exception Test can be passed.
- 7.14 Considering the above, in terms of flood risk, it is considered that the proposal is acceptable.

(vii) On Shore Wind Turbine policy

- 7.15 The Government published a Policy statement on onshore wind on the 8th July 2024 this states that:
- 1. Delivering our clean power mission will help boost Britain's energy independence, save money on energy bills, support high-skilled jobs and tackle the climate crisis. We are therefore committed to doubling onshore wind energy by 2030. That means immediately removing the de facto ban on onshore wind in England, in place since 2015. We are revising planning policy to place onshore wind on the same footing as other energy development in the National Planning Policy Framework (NPPF).*
- 2. Currently, planning policy includes two tests, set out in footnotes 57 and 58 to paragraph 163 of the NPPF, that apply only to onshore wind. Together they say that development can only be considered acceptable:*
- a. In areas either allocated in a development plan or through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. This sets a higher bar than is set for other forms of development.*

b. With the narrow exception of proposals brought forward by Neighbourhood Development Orders and Community Right to Build Orders, where the proposal has proved community support. In practice this has often been interpreted to mean that any opposition means the proposal cannot be considered acceptable.

3. These policy tests no longer apply. The removal of these tests from planning policy means that onshore wind applications will be treated in the same way as other energy development proposals.

4. These changes take effect today (8 July 2024). The government will confirm this position to Parliament on 18 July, following the State Opening. These changes will also be reflected in the forthcoming NPPF update.

The principle of on shore wind turbines are therefore acceptable and given the very small turbine proposed this proposal is considered acceptable.

(viii) Habitat Regulations Assessment

- 7.14 A Habitat regulations Assessment was completed in relation to the proposal. Natural England were consulted on the assessment and have not raised an objection.

(ix) Impact on the Public Right of Way

- 7.15 The Countryside Access Team raised no objection to the proposal but have recommended informatives for the applicant's information. The appropriate informatives have been added to the decision notice as an advisory.

(x) Biodiversity Net Gain (BNG)

- 7.16 A Biodiversity Metric Calculation was submitted with the application and it is considered that the trading rules are satisfied and that no additional habitat, hedgerow or watercourse units are required to meet the target.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties, public right of way, the highway network flood risk and local ecology. The development is acceptable in terms of flood risk, and a Habitat Regulations Assessment has been completed and agreed with Natural England. On this basis it is recommended for approval.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT TEMPORARY PERMISSION** for application APP/24/00439 subject to the following conditions

- 1 This permission shall be for a limited period expiring on 1st January 2032, on or before which date the buildings, containers, wind turbine, ancillary tanks, boats and trailers kept on site shall be permanently removed from the site and the land shall be restored to hardstanding unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The buildings and containers are of a type not considered suitable for permanent retention and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

LOCATION PLAN

SITE / BLOCK PLAN Drawing No. SL1001 REV 1

WORKSHOP ELEVATIONS drawing No. SL1002 REV 1

WIND TURBINE ELEVATIONS Drawing No. SL1003-1

NOISE REPORT MARLEC ENG CO LTD

PLANNING DESIGN, STATEMENTS AND ASSESSMENTS

DATASHEET - HYUNDAI SOLAR MODULE

DATASHEET - RUTLAND 1200 TERRAIN WINDCHARGER

Reason: To ensure provision of a satisfactory development.

- 3 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter continue in accordance with the approved contamination strategy.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.