
Site Address: 71 Eastoke Avenue, Hayling Island, PO11 9QP
Proposal: Installation of replacement gazebo, installation of new decking in existing dock, repairs to existing dock.
Application Type: Full Planning Permission
Application No: APP/23/00892 Expiry Date: 19/12/2023
Applicant: Chris Hutton & Monique Van Meurs
Agent: Dr Paul Tosswell Case Officer: Denise Sheath
Lymington Technical Services Ltd
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

71 Eastoke Avenue, Hayling Island, is a two storey property constructed with white render and red clay tiles to the roof. The property benefits from an attached single storey pitched roof garage to the front eastern elevation. The rear garden is laid to lawn with a mix of shrubbery. The rear of the garden to which the application relates contains a dock leading into Fishery Creek.

The application site is predominantly within the Solent Maritime Special Area of Conservation (SAC), Chichester Harbour AONB & Langstone Harbours Special Protection Area (SPA) and Chichester Harbour Site of Special Scientific Interest (SSSI). It is also within flood zone 2 and 3.

2 Planning History

None relevant

3 Proposal

Installation of replacement gazebo, installation of new decking in existing dock, repairs to existing dock.

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 Erosion Risk)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in Coastal Zone)
DM10	(Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Recommendation – No objection, subject to –

- strict observance of the methods of working set out in Section 4 of the Lymington Technical Services Ltd CEMP dated 2 January 2024;
- work not to be carried out between 1 October and 1 March in the following year;
- Working hours to be those set out in the Lymington Technical Services Ltd CEMP dated 2 January 2024; and,
- no permanent structures being placed on the new decked area, without the further written planning permission of the local planning authority.

A site visit was made on 9-1-2024 and regard had to the policy framework* below in making these comments. Some shots taken from the opposite side of the creek are attached to these comments for the determining case officer's information.

This site is just within the AONB on the southern side of Fishery Creek. Beyond the shoreline are the Ramsar, SPA, SAC and SSSI ecological designations.

The application property already enjoys a 'dock' comprising an extensive concrete sided slipway, partly shielded with a quay wall, flanked by slender 'fingers' of land at the plot's garden level. A small, dilapidated summerhouse sits on the most westerly of these 'fingers'.

A number of other jetties/pontons and slipways exist close to the site. The CEMP suggests that a long slipway running into the creek is part of the application property. The site is clearly visible from the north side of Fishery Creek where a public footpath follows the shoreline. The proposed development would not be seen from the street. The applicant proposes to replace the timber summerhouse with a new, somewhat larger open-sided gazebo. A timber bridge across the dock is also being replaced and this would be in the form an arch. So there would be some additional visual impact, but overall is not adjudged to be harmful to the AONB landscape, in its immediate context and would not therefore harm the purposes of its designation.

It is not really clear why part of the 'dock' is being decked over on a metal framework, albeit it would give easier access to a berthed vessel at high tide. Sitting behind the quay wall, at a lower level this would have little visual impact. Whereas the CEMP indicates the eastern quay wall is being raised up to the height of an existing boundary fence, this should have no greater visual impact.

What is more important though is how the works are to be executed. If works are below the Mean High Water Springs mark, a works licence will be required from The Conservancy and Marine Licence from the MMO in addition to needing planning permission.

This is where the Construction Environment Management Plan (CEMP) is of utmost importance. Section 4 of the submitted CEMP gives those assurances and the CEMP measures should be conditioned, also ensuring no access is taken from the waterside of the site and all detritus which cannot be recycled be taken away from the site to a registered disposal site. In, particular, no burning of waste materials arising from the project should take place on the site.

Coastal Engineering

No comments received

Developer Services, Southern Water

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Officer Comment: *if permission is granted Southern Water's comments would be an informative on the decision notice.*

Ecologist, Planning Policy Team - Initial comments

Thank you for consulting me on this application. I have reviewed the submitted

Supporting Statement,

WaFD and WFD Assessments for Proposed Works (Lymington Technical Services Ltd, October 2023).

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

mapping. The application site is predominantly within the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Chichester Harbour Site of Special Scientific Interest (SSI), although it is clear that there are no natural habitats located within the proposed working area, which comprises concrete and brickwork with no vegetation. On that basis I cannot foresee any obvious ecological constraints in respect to SAC, SPA and SSSI interest features. That said, the applicant will need to obtain the necessary permissions from statutory bodies to undertake works within designated sites – these are separate to planning.

If you are minded to grant permission, I would suggest that a Construction Environment Management Plan (CEMP) is secured by condition. This document should include full details of all proposed measures required to avoid impacts to the adjacent designated sites. This will include working methods and details of the storage and use of substances and materials with potential to result in impacts to the marine environment.

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning

Authority. The CEMP shall include (but not necessarily be restricted to): full details of waterborne and airborne pollution control measures. Reason: to protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Ecologist, Planning Policy Team - Final Comments

Thank you for consulting me on this application. I have reviewed the submitted Construction Environment Management Plan (Lymington Technical Services Ltd, January 2024). I can confirm that the CEMP contains details of impact avoidance and mitigating measures and is acceptable. The applicant should implement works in strict accordance with the CEMP.

Environment Agency

Environment Agency position

We have no objection to the proposal as submitted.

Advice to the Applicant

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 requires a permit

(called a 'Flood Risk Activity 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; and/or
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance, please visit

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

To enquire about the permit application process, the Applicant should contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

If you have any queries regarding the above information, please do not hesitate to contact the advisor identified below.

Officer Comment: *if permission is granted the EA's comments would be an informative on the decision notice.*

Langstone Harbour Board

No comments received

Marine Management Organisation

Please be aware that any works within the Marine area require a licence from the

Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government.

The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species. The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is

against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore

Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Officer Comment: *if permission is granted the MMO's comments, where relevant, would be an informative on the decision notice.*

Natural England Government Team

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have potential indirect impacts on the following designated sites:

- Chichester Harbour Special Protection Area

- Solent Maritime Special Area of Conservation
- Chichester Harbour Site of Special Scientific Interest

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- A Construction Environmental Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

If piling or works with heavy machinery are to be carried out we recommend securing the following planning condition;

'Percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive).' The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Natural England Government Team - Final Comments

Thank you for your consultation on the above dated 01 March 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 1 st March 2024, 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.

The Construction Environmental Management Plan should be submitted to and approved in writing by your authority's ecologist. The CEMP should be adequately secured with any permission and adhered to at all times.

Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28(1) (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. 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.

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 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 the proposed works have potential to result in impacts to the Solent European Sites and the species they support via noise and visual disturbance, and airborne and waterborne pollution, on the basis of the following:

Recreational Pressure

- 7.2 The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. However, the application in question does not represent a net increase in population as the development consists of a replacement gazebo, repairs to existing dock, installation of new decking in existing dock area, which is neither connected to nor necessary to the management of any European site. As a result, there would be no likely significant effect to the Chichester & Langstone Harbours SPA due to recreation.

Water Quality

- 7.3 The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA/Ramsar and Solent Maritime SAC. However, as the proposal would not result in an increase in residential housing or overnight accommodation there will be no likely significant effect as a result of an increase in nutrients entering the Solent's European sites.

Construction Impact

- 7.4 The proposed works have potential to result in construction phase impacts to the interest features of Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar. The potential impact pathways are: noise and visual disturbance, and airborne and waterborne pollution.
- 7.5 The planning application was then subject to Appropriate Assessment under Regulation 63. This included consideration of a Construction Environmental Management Plan (CEMP) submitted in respect of the proposals, and setting out a range of measure to avoid and mitigate environmental impacts.
- 7.5 The Council's Ecologist has confirmed that the CEMP is acceptable, and the Appropriate Assessment therefore concluded that this avoidance and mitigation package is sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment providing that all mitigation measures are appropriately secured in any permission given.
- 7.6 In other respects, 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) Appropriateness of design and impact on the character of the area
 - (iii) Effect on neighbouring properties
 - (iv) Flood risk
- (i) Principle of development
- 7.7 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.
- (ii) Appropriateness of design and impact on the character of the area and impact on the AONB
- 7.8 Under the Countryside & Rights of Way Act 2000 (CROW 2000), when determining planning applications, a local planning authority must have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Policy CS11 of the Core Strategy seeks to protect and enhance the special environment of the Borough.
- 7.9 Having regard to the various elements of the proposal:

Replacement Gazebo

At present there is an existing dilapidated wooden gazebo located to the rear north west elevation of the site. The proposal is to remove the existing gazebo and replace with a timber gazebo within the same footprint albeit slightly larger with a height of 3.3m and a width of 5.8m.

Proposed Decking Area:

Decking is proposed to be constructed to the north and north east area over the existing dock. The decking would be supported on vertical members bolted to the existing concrete dock base. The top level of the decking is set at 0.1m below the repaired finish level of the outer wall. This will prevent any visual intrusion from the water side.

Repairs to the existing dock and general repairs:

It is proposed to carry out repairs to the inside of the dock using suitable stone or blockwork. The top of the wall is uneven and will be finished at 2.9m AOD, which would match the existing wall height to the west of the tidal gate. As the repairs would be on the inside face, there will be no visual change from the water.

The walls on the west side of the dock are also failing and these will be repaired using suitable stone or blockwork. The top level will match the existing levels.

The blockwork boundary wall to the rear east side of the site will be raised to match the existing border fence.

- 7.10 Chichester Harbour Conservancy; the Council's Ecologist; The Environment Agency; Marine Management Organisation and Natural England were consulted as part of the application due to the sensitive areas in which this section of the application sites lies and is directly adjacent to. No objections have been raised following the submission of a Construction Environmental Management Plan (CEMP). If planning permission is to be granted it is recommended conditions are included within the Decision Notice to ensure the development is carried out in strict accordance with the CEMP submitted, as well as including further conditions relating to the months in which development can be undertaken; the removal of waste; and that no other structures are to be installed upon the decked area without the permission of the Local Planning Authority. Informatives would also be included advising of the licenses required from the relevant statutory bodies.
- 7.11 It is considered that the proposal before the LPA would improve the overall appearance of the site and would therefore enhance the appearance of the AONB in accordance with the duty imposed on the LPA as set out in CROW 2000 and in accordance with the aims of Policy CS11 in the Core Strategy.

(iii) Effect on neighbouring properties

- 7.12 Given the limited scale of the works proposed, which include a replacement for an existing gazebo and modest alterations to the existing dock area, the proposals are not considered to have a harmful impact upon the adjacent neighbouring properties. Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Flood risk

- 7.13 The application site lies with Flood Zones 2 and 3 as defined by the Environment Agency, and national guidance requires that a site-specific flood risk assessment be submitted in respect of householder proposals in such locations. That guidance sets out that "*...A pragmatic approach should be taken to the scope and level of detail of the assessment – a shorter, simpler assessment is likely to be sufficient in most such cases. As a minimum, the assessment needs to show that the development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.*"

7.14 The applicants have submitted a simple flood risk assessment which describes the proposals as water compatible and analyses the following:

"i. Would the works have an adverse effect on the watercourse, floodplain or its flood defences? *There is no possible impact on river flow. There is no impact on the floodplain nor any flood defences.*

ii. Would the works impede access to flood defence and management facilities? *There are no such facilities in the locality and full access to the area remains.*

iii. Would the cumulative impact of the development have a significant effect on local flood storage capacity or flood flows? *No, the impact of the works is insignificant."*

7.15 The Environment Agency, having reviewed the submitted information, have raised no objection to the proposals, and on this basis the proposal is considered to have adequately addressed flood risk issues and meet the objectives of Policy CS15 of the Core Strategy.

8 Conclusion

8.1 In conclusion the proposals are considered acceptable in principle and in terms of their impact on the character and appearance of the SPA, SSSI, AONB and nature conservation interests, as well as nearby properties and flood risk. The proposals are therefore considered to be appropriate subject to conditions and recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00892 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:

Application Form - Received 17 November 2023

Supporting Statement - Received 17 November 2023

Construction Environmental Management Plan - Received 17 January 2024

Location Plan - Received 17 November 2023

Proposed Plan - Drawing No.11013/2 - Received 17 November 2023

Reason: - To ensure provision of a satisfactory development.

3 The external materials used shall be as indicated on the submitted forms and hereby approved plans.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy)

2011 and the National Planning Policy Framework.

- 4 The proposed development shall be carried out in strict accordance with the Construction Environmental Management Plan dated 02 January 2024.
Reason: In the interests of the environmental and ecological importance of the site and its surroundings and accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, Natural Environment and Rural Communities Act 2006 and Policy CS11, CS12, DM8, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.
- 5 No burning of waste materials arising from the project shall take place on the site at any time; all waste and debris materials which cannot be recycled shall be taken away from the site to a registered disposal site.
Reason: In the interests of the environmental and ecological importance of the site and its surroundings and accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, Natural Environment and Rural Communities Act 2006 and Policy CS11, CS12, DM8, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.
- 6 No development including percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) shall be carried out during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the Special Protection Area or any Special Protection Area supporting habitat (e.g. high tide roosting site).
Reason: In the interests of the environmental and ecological importance of the site and its surroundings and accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, Natural Environment and Rural Communities Act 2006 and Policy CS11, CS12, DM8, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.
- 7 No permanent structures shall be placed on the new decked area, without first obtaining planning permission from the Local Planning Authority.
Reason: In the interests of the environmental and ecological importance of the site and its surroundings and accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, Natural Environment and Rural Communities Act 2006 and Policy CS11, CS12, DM8, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.