

Local Planning Authority planning application reference: APP/22/00822

Site: (Wilson's) Boatyard, Marine Walk, Hayling Island, PO11 9PG

Proposals: Extension to existing pontoon

RECOMMENDATION

That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy makes a **holding objection** to the proposed development, subject to clarification of the location of the swing moorings being surrendered and the basis on which the number of surrendered moorings has been calculated.

Once these matters have been clarified, The Conservancy is likely to be supportive, subject the mitigation set out in the preliminary ecological appraisal and a legal agreement to secure surrender of specified swing moorings within My Lord's Pond in Chichester Harbour and implementation with the specified building materials.

Conservancy Officers' comments and reasoned justification

1.0 Site and its context

- 1.1 Wilson's Boatyard is located in the southwest part of Chichester Harbour, onto My Lord's Pond on Hayling Island (a recent drone, aerial photograph is attached, which may assist in the Council's determination). The site lies within the AONB. An existing pontoon is said to be 60.5m long.
- 1.2 The site is within the defined 'Urban Area' (Policy AL2, where new development is to be focused – Policy CS17) and sits just in the B1, Chichester Harbour Basin Landscape character area, as defined by the CBA 2005 Landscape Character assessment for the Conservancy (recently updated), exhibiting the following relevant key characteristics:-
 - A large uniform expanse of open water at high tide. Colours vary from grey to blue-green, depending on weather conditions.
 - Dramatic change at low tide when extensive mudflats, beaches, sandbanks, and saltmarsh, are exposed.
 - Network of straight, and many small winding channels.
 - Big skies give a keen sense of the weather
 - Smooth horizontal lines of the water and the low coastal edge, occasionally broken by vertical yacht masts
 - Distinctive low growing shingle and saltmarsh vegetation
 - Mudflats provide rich feeding grounds for large flocks of wading birds
 - Popular sailing area
 - Largely undisturbed character with a sense of remoteness and tranquillity
 - Impressive panoramic views of the harbour and its peninsulas with the backdrop of the South Downs.

- 1.3 The quay wall of the boatyard directly abuts the Harbour, with its SPA/SAC/SSSI/Ramsar protected ecological designations of international importance. The site sits in EA flood zones 2 and 3.

2.0 Relevant planning history

- 2.1 05/51187/005: Construction Erection of a Pontoon adjacent to and east of the existing slipway. Approved by the LPA on 2 August 2005. No details are available on the LPA public access webpage.
- 2.2 APP/10/00953: Construction of Sea Defence Works. (Retrospective). There is no record of CHC commenting. Approved by the LPA on 7 March 2010.
- 2.3 APP/20/00725 - Proposed extension to an existing pontoon. Conditionally approved by LPA on 26 January 2021.

3.0 Proposed development

- 3.1 Construct a new pontoon 112m long and 2.43m wide, albeit the submitted drawing states 240m (although that might include the five, 1.92m wide 'fingers' set at 90 degrees to the pontoon. The new pontoon will improve the safety of boarding and alighting boat crews at peak times and improve the berthing times of arriving and departing boats, decreasing the time diesel powered boats are idling in the channel, improving the carbon footprint of boatyard operations. 4 piles are indicated to anchor the pontoon, which would rise up and down with the tide and sit on 'float cages', although the number of such parts of the pontoon is not specified. As such only the 'float cages' will rest on intertidal mud at low tide, not the whole pontoon. Each 'float' cage looks to be about 500-600mm deep/high and is said to be manufactured from preformed marine grade polyethylene.
- 3.2 The applicant proposed to give up 14 concrete blocks in the mud which support 7 moorings to compensate for the extra intertidal mudland affected and the following is state at paragraph 6.1 of the agent's statement – "*An existing single pontoon providing access to the swinging moorings will be removed*". Paragraph 2.3 also says '2 x photographs' in an Appendix indicate these moorings. However there is only one photograph in the Appendix and no map showing the location of these 7 moorings and the 'single pontoon' being removed is provided, so it is unclear whether that being surrendered is within either the red line or blue line as submitted. The agent merely confirms they are outside the ownership of the applicant and that Notice has been served on the owner. The new pontoon is to be dedicated for the mooring of catamarans.
- 3.3 The agent says The Conservancy has been approached about these works but no Officer spoken to is identified. It has since been discovered that the applicant spoke with The Harbour Master – Richard Craven - in 2019 about slightly different proposals.
- 3.4 Members of The Conservancy's Planning Committee comments include –

“...looking at the plan from Solent Marine, it appears the length of the pontoon itself is 78.075 metres and the pontoon is 2.5 m wide, with the fingers 9 by 1 metre and a hammerhead of 15.05 by 1.635 metres. However, this only gives me a square meterage of 220 rather than the 240 m2 that they quote”

&

“...the 7 moorings to be surrendered must be identified; we can guess them but need to be reassured. The area of the cages upon which the pontoon will rest need to be better quantified for their displacement upon the mud.”

4.0 Key issues and related Policy framework*

***NPPF** – 1-3, 6-12, 17, 28, 38-43, 47, 55-58, 81, 92-93, 98, 119, 126, 130, 134, 152-154, 159, 167, 174-176, 179-182, 185, 218-219; **NPPG** – ID’s 6-8, 21a, 21b, 26, 37; **HBLP** – CS11-CS12, CS16-CS17, DM8-DM10; **HBSADPD** – AL1-AL2; **CHMP** – 1-6, 10; **PP** - 01-02, 10-11; **SPD**.

4.1 Safeguarding intrinsic character and beauty of Chichester Harbour AONB/biodiversity/navigational safety from inappropriate development –

4.1.1 The applicant has yet to apply to the Conservancy for a works licence from The Harbour Master. A licence may be granted, subject to the applicant demonstrating compensatory mitigation for the amount of sea bed that will be lost from the pontoon floats resting on intertidal mudland.

4.1.2 Whilst the applicant’s agent has made a reasoned case as to why they believe an EIA is not needed, it is for the Council to first be able to carry out an appropriate assessment of the environmental effects of the development, which The Conservancy considers to be significant. The Council should certainly not determine application APP/22/00822 until it has concluded that an EIA was not necessary.

4.1.3 The Conservancy’s Planning Principle 11 states the following about new/extended intertidal structures –

“PP11: Intertidal Structures Planning applications for intertidal structures will be assessed for their impact on the visual land/seascape, nature conservation and navigational safety.

The Conservancy will only support new intertidal structures where:

- It is demonstrated they are for essential public use or it is demonstrated the development is necessary to ensure the continued viability of a marine related enterprise; and*
- Any nature conservation impact can be mitigated; and*
- There is no adverse land/seascape or visual amenity impact; and*
- The safety of navigation on the water is maintained.”*

5.0 Conclusions

- 5.1 The applicant has not so far offered categoric details of what is being surrendered on a map base to compensate for the new pontton.
- 5.2 No overall increased visual impact per se would occur at the shoreline, owing to the existing character of the boatyard shore line.
- 5.3 The applicant has currently failed with sufficient clarity, overall, to demonstrate that the proposals would constitute 'sustainable development' and so a holding objection is the only response The Conservancy can make at this time, where no legal agreement would be in place to secure the surrendering of any existing swing moorings. It is of the utmost importance that the international ecological designations of Chichester Harbour must first be protected, before support for marine enterprise can be sanctioned.

SRL - For CHC - Consulted delegated protocol

Comments requested by: 26 September 2022.

***Abbreviations used:**

NPPF – National Planning Policy Framework – (July 2021)

NPPG – National Planning Practice Guidance – (March 2014 onwards)

HBLP – Havant Borough Local Plan: Core Strategy (2011)

HBSADPD – Havant Borough Local Plan: Site Allocations DPD (2014)

CHMP – Chichester Harbour AONB Management Plan (2019-2024)

PP – Planning Principles (first adopted by Conservancy 17.10.16, with some later revisions)

SPG/SPD – Planning guidance published by Chichester District Council relating to:-

- Joint CHAONB SPD
- Havant Borough Design Guide (2011)

Yours sincerely

Steve Lawrence MRTPI

Principal Planning Officer

