

Town and Country Planning Act 1990 (As Amended) - Sections 78, 174 and 195 Appeals against –

(a) to (c) - The service of a Planning Enforcement Notice by Havant Borough Council dated 17/1/2020. The Notice specified without planning permission and within the last 10 years, a material change of use of the land from agriculture and a dwellinghouse used for holiday lettings to the use of the land for agriculture, a dwellinghouse used for holiday lettings, camping, holding of weddings and other commercial events. The requirements of the Notice are - (1) cease the use of the land for weddings and other commercial events; (2) cease the use of the land for camping associated with weddings and other commercial events; (3) cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events; and, (4) remove from the land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events. The specified time for compliance is 3 months.

(d) - The refusal (2.6.2021) to grant a lawful development certificate by Havant Borough Council in respect of existing use or development relating to (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses; (2) erection of log cabin and adjoining deck; (3) erection of Victorian style gazebo structure; and (4) erection of marquee structure as described in the written particulars, plans and other documents submitted with your application received on 24 December 2019, and subsequent submissions during the course of consideration of the application.

(e) – The refusal (25/6/2021) to grant (retrospective) planning permission by Havant Borough Council for a material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.

PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournurbury Estate)
- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
- (d) APP/X1735/X/21/3278706 (Appellants - Mr C Snell & Mrs A Snell)
- (e) APP/X1735/W/21/3278661 (Appellant - Mr C Snell)

Local Planning Authority (LPA)

REFERENCES:

- (a) APP/21/00006 & 18/00051/CMP/UNCU
- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury Lane
Hayling Island PO11 9DL

INQUIRY DATE:

Commencing 1 March 2022

Pre-Inquiry Statement of case of Chichester Harbour Conservancy (Rule 6 Statement)

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Section 174 Appeals

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Section 195 Appeal related to the refusal to grant a Lawful Development Certificate

- 08. To be covered under the 06 Ground (d) Appeal above.

Section 78 Appeal related to the refusal of retrospective planning permission for the current use of the site for a wedding and events venue and ancillary operational development to the material change of use

- 09. To be covered under the 06 Ground (a) Appeal and section 07. above.
- 10. Response to the Appellant's case
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1.0 The Enforcement Notice the subject of three of the Appeals

- 1.1 The Enforcement Notice, dated 17 January 2020, will be referred to in Chichester Harbour Conservancy's submissions. (**Appendix 1**).
- 1.2 Havant Borough Council reached its decision to serve the Enforcement Notice being satisfied that the material change of use of the land and its related ancillary structures had occurred within 10 years of the Notice being served. The reasons for serving the Notice will be referred to, including Development Plan policies supporting its service and additional submission will be made as to the likely ecological impact such use has had on the land designated as SPA, SSSI and part of the Chichester Harbour AONB also affecting a SAC.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1 The Conservancy will state that the Appeal site relates to an open clearing made within Tournerbury Woods, adjacent to Woods Cottage. Historic 'Google Earth' aerial photography will be referred to suggest when the clearing was made (**Appendix 2**). This is also corroborated by evidence received by the Council in giving publicity to application APP/19/01262 (Page 11 of the Council Officer report, 4th bullet point down). The relative remoteness of the events 'arena' to other built form at the end of Tournerbury Lane on Hayling Island will be emphasized.
- 2.2 The wider land in the ownership of the Appellants will be described and the various policy designations indicated on the Proposals Map of the adopted Development Plan for Havant Borough will be referred to (**Appendix 3**).
- 2.3 The significant features of the SSSI will be referred to and species on Natural England's 'traffic light' list of notable bird species will be set out.
- 2.4 The part of the woods which is considered to be ancient woodland and its immediate proximity to the wedding and commercial events 'arena' and the location of a Scheduled Ancient Monument through which vehicular traffic passes to reach the 'arena' will be described.
- 2.5 Reference to the character of the access serving the wedding and commercial events 'arena' will be referred to and how others' evidence of general disturbance from use of this access at unsocial hours can impact the ancient woodland where a heronry exists, will be set out.

3.0 PLANNING HISTORY

- 3.1 A list of other recent relevant applications submitted at the site identified in both the Enforcement Notice and also in respect of the application site for the other two linked Appeals and their extant outcomes will be referred to by the Conservancy (**Appendix 4**).
- 3.2 In respect of the Ground (d) Appeal and S.195 Appeal against the refusal of the Lawful Development Certificate, reference may also be made to the evidence of third parties in this regard.
- 3.3 Reference will be made to planning applications seeking to create an alternative point of vehicular access to the Tournerbury Woods Estate (**Appendix 5**) and the environmental benefits which could flow from the use of such an alternative point of access.

- 3.4 Reference is made in the Council Officer report on APP/18/00943, at paragraph 3.2 and 7.26, to a temporary jetty structure forming part of the proposals. This appears to have crept into the altered description of development under the words '*ancillary operational development*'. The Conservancy will wish to have this matter clarified, as the pontoon – when deployed and with the tide out, rests on intertidal mud which is part of the Chichester and Langstone Harbours SPA. The Appellants' June 2020 ecological report at paragraph 5.5.1 does not cover such impacts and no Works Licence/Marine Licence has been sought from Chichester Harbour Conservancy/The Marine Management Organisation respectively. It is acknowledged that such impact is considered in the 'shadow' HRA. The Conservancy has a strict policy to oppose new jetties of this nature. If the Inspector is minded to dismiss the Appeals and uphold the planning Enforcement Notice served, The Conservancy would appreciate the Inspector clarifying whether the terms and requirements of the Notice are binding and also relate to the periodic deployment of this jetty structure.

4.0 PLANNING AND OTHER POLICY

- 4.1 In terms of the Ground (a) S174 Appeal and the S78 Appeal against the refusal of (retrospective) planning permission, the relevance of various parts of the National Planning Policy Framework (NPPF, July 2021), NPPG, policies from the Havant Borough Local Plan 2012 & 2014) and proposed submission version of the Havant Borough Local Plan (2018) (**Appendix 6**) will be set out in support of the Borough Council's stated reasons for serving the Enforcement Notice/refusal, as justification for these decisions.
- 4.2 Reference will be made to The Conservancy's commissioned and updated Landscape Character Assessment for Chichester Harbour AONB, its Management Plan and Planning Principles (**Appendix 7**) as to the impact of the development for which planning permission is sought retrospectively.
- 4.3 The issue of recreational disturbance to the over-wintering bird populations using the Solent Special Protection Area's (SPA) including Chichester and Langstone Harbours SPA has been investigated through the Solent Disturbance and Mitigation Project (SDMP). The project has concluded that without mitigation that a likely significant effect cannot be ruled out for increases in residential development within a 5.6km zone of influence. Natural England have endorsed these conclusions and an Avoidance and Mitigation Strategy has now been adopted (**Appendix 8**). The Appellants' shadow habitats regulations assessment will be scrutinised.
- 4.4 Reference will be made to relevant provisions of the Wildlife and Countryside Act 1981 (as amended) and Natural Environment and Rural Communities Act 2006, in particular the special duty placed on decision takers to conserve and enhance the natural beauty of AONB's, also reflected under paragraph 176 of the NPPF, where the proposed development is also considered by the Conservancy to constitute 'major' development within the AONB under paragraph 177 of the NPPF. The Conservancy will also refer to a Strategic Site Management Statement (**Appendix 9**) between the Appellant and Natural England as to what operations might be carried out without licence in a SSSI at the land. Comments will also be made on the difficulty of managing the use, whereby patrons are not actively 'policed' by the Appellants and event organisers in terms of access to the Harbour foreshore, nor wandering into sensitive areas outside the wedding and events 'arena'. The significance of the likely ecological impact of such unsupervised access will be set out.

5.0 REPRESENTATIONS AND RESPONSES

- 5.1 The relevance of third party evidence objections received from giving publicity to APP/18/00943, APP/19/00889 and APP19/01262, as may be expanded upon by giving publicity to these Appeals will be set out by the Conservancy.
- 5.2 The Conservancy will refer to its own comments made on applications APP/18/00943, APP/19/00889 and APP/19/01262 as part of its case (reproduced as part of **Appendix 4**. In particular, the legal opinion it sought from RP Law dated 5 December 2019 will be referenced.

6.0 PLANNING CONSIDERATIONS

6.1 The S.174 (2)(b) Appeal

- 6.1.1 The Conservancy's advocate will set out that this Appeal should fail, as the Appellant has already acknowledged that those matters set out in the Enforcement Notice were occurring on the date the Notice was served.

6.2 & 8.0 The S.174 (2)(d) & S.195 Appeals

- 6.2.1 The Conservancy will make observations on the veracity of the evidence presented by the Appellant, in terms of the balance of probabilities test governing such matters. The Conservancy supports the very thorough and diligent Officer report assessment undertaken by the Council's Planning Officer in close liaison with Officers in the Council's Legal Service Department, with clear reference to established caselaw to support its position.

6.3 & 9.0 The S.174 (2)(a) & S.78 Appeals

- 6.3.1 The Conservancy will point to the importance of the ecological policy designations relating to the Appeal land and how the number of breeding herons within the ancient woodland has declined and the most likely cause of that. The relative importance of the Chichester and Langstone Harbours SPA/Ramsar/SAC designation will be set out including notable bird species overwintering in the Harbour, of which part of the Appellants' land holding forms a part of. The impact of recreational disturbance to overwintering birds will be explained by The Conservancy's Ecologist.
- 6.3.2 The Conservancy will comment on the evolution of the unauthorised use of the land and how of recent time – using the Appellant's own figures and evidence – how such use has escalated and that a material change of use of the land has occurred. Comment will be made on the number of people attending events at the site and that for large numbers of people it is not possible for the Appellants and/or other organisers to effectively 'police' patrons, who might freely wander around the wider site potentially disturbing wildlife. Evidence of those living at Tournerbury Farm will also be referred to, to illustrate the unsocial hours disturbance they experience when persons are leaving the Tournerbury Woods Estate, driving through their farmyard to reach Tournerbury Lane.
- 6.4.2 Reference will be made to the traffic count figures used and acoustic reports submitted to support planning application APP/18/00943 to illustrate the relative levels of

disturbance possible, where the Council's own Ecologist has concerns about impacts of noise to birds in the Officer report at page 9.

- 6.4.3 The Conservancy will refer to the significance of its 'dark skies' agenda and Planning Principle 09, in terms of artificial light installations associated with the use, as referred to in the submitted particulars for planning application APP/18/00943.

6.4 The S.174 (2)(f) Appeal

- 6.4.1 The Conservancy will argue that the requirements of the Enforcement Notice are not excessive and most necessary to protect the natural beauty of this land within the Chichester Harbour AONB.
- 6.4.2 The Conservancy will express its disappointment that Havant Borough Council as Local Planning Authority has not sought to also serve a Stop Notice, given the impacts from the development within a SSSI and SPA/Ramsar also affecting a SAC. Notwithstanding the service of the Planning Enforcement Notice, the refusal of APP/18/00943 and APP/19/01262 and effects of the Covid 19 virus pandemic on staging wedding and other events, the Appellant has continued to take bookings at the site. This has been done at the Appellants' own risk. Whether the planning status of the land has been explained to those making bookings with a guaranteed refund of monies if an event is unable to take place is not known. The Conservancy is supportive of appropriate enterprise to improve the social and economic conditions of those living in the AONB, but only where this is consistent with conserving and enhancing natural beauty.
- 6.4.3 The Conservancy's priority is to protect natural beauty and safeguard wildlife within the AONB as part of that objective. Whilst having sympathy for those who have booked what is perhaps the most special day in their life, the Conservancy would not wish to see the period of compliance extended to allow all currently booked events to be able to take place, especially where that is not known at this time.

6.5 The S.174 (2)(g) Appeal

- 6.5.1 It will be argued that it is entirely possible to deconstruct the large marquee and transport the Victorian metal ceremony gazebo off the site within the 3 month period for compliance specified within the Enforcement Notice.
- 6.5.2 De-construction of the decking and 'Swiss Cottage' structure just north of Woods Cottage and removing all said materials from the land may perhaps take more than 3 months to achieve. The Conservancy will state that a period of 5 months may be more reasonable.

7.0 Planning conditions if the Inspector is minded to allow the S.174 (a)/S.78 Appeals and grant retrospective planning permission

- 7.1 The Conservancy will set out that is the number of events and intensity of use of the site which has created most concern. Arguments will be put forward as to whether Class B, Part 4 (GPDO 2015 as amended) permitted development rights exist at the Appeal land, given that Woods Cottage is no longer in pure Class C3 usage (UCO

1987 as amended) and whether any scale of event is or should be permissible, given the ecological designations covering the site.

- 7.2 The Conservancy is mindful of the test of enforceability of a planning condition and the relative remoteness of the site, which is likely to make policing and investigation of compliance with planning conditions very difficult, placing an undue burden of supervision on the local planning authority.
- 7.3 The Conservancy reserves the right to comment on any planning conditions suggested by the local planning authority, in terms of the tests of NPPF paragraph 56. In particular any conditions limiting the number of events that might be held, mitigation measures and the control of noise and external lighting will form a focus for The Conservancy.

10.0 Response to the Appellants' case

- 10.1 The Conservancy will provide a full response to the appellant's grounds of appeal. These grounds are indicated in the appellant's Planning Appeal Form, as expanded upon within the appellant's statement of case (Rule 6) and any subsequent proof of evidence. Paragraphs under Sections 10.2 and 10.3 below provide a response to the Appellants' statement in respect of the S.174 Appeal. Paragraphs 10.4 provide a response to the July 2021 statement prepared in respect of the S.195 Appeal, where not covered in Section 10.3. Lastly, Section 10.5 provides a response to the separate S.78 Appeal statement dated July 2021, by Mr C Snell, where not already covered in Section 10.2. All comments refer to the Appellant's relevant paragraph numbering (in brackets) in each statement.

- 10.2 In terms of the S.174 and S. 195 Appeals the following observations are made using the Appellant's statement paragraph numbering (in brackets) –

- 10.2.1 (2.1) The Conservancy will ask why no application for planning permission made before commencing the use and otherwise why was no CLOPED application made to have the LPA confirm that the use did not constitute development for which planning permission was required?

(2.2) If the Appellant is arguing that permitted development rights existed to hold a certain number of events per year on open land not forming the curtilage of any building as a fall back position for the Inspector to consider, The Conservancy would expect the Appellant to have set this out.

(2.3 & 2.12) The significance of the alternative vehicular access may have a bearing on the Appeal outcome and The Conservancy reserve the right to comment further on this matter during cross-examination, once the Appellants' evidence has been presented and heard at the Inquiry. To date, the applicant is not offering this as the sole means of access to the Tournurbury Woods Estate and relinquishing any access rights through the farmyard of Tournurbury Farm and the ancient woodland beyond, where the breeding birds exist as a feature of the SSSI. The Conservancy is particularly concerned about the heronry in the SSSI citation, being as a colonial species there are only a few sites around Chichester Harbour where herons breed.

(2.4 & 2.17) The use of the phrase 'ad hoc' is noted. Whilst the character of usage is asserted not to have changed, The Conservancy considers that elements of the use have changed over time (for example camping at the site) and that the intensity of attendees and frequency of events has increased over time, with increasing potential

to impact the SSSI and SPA/Ramsar, also affecting a SAC. It is important to establish the moment when what was undertaken constituted development requiring planning permission. The Council considers that was within a period less than 10 years and that it became proportionate - (given ecological designations applying to the Appeal land) - expedient and in the public interest to serve a planning enforcement notice for the reasoning it has given. The Conservancy is supportive of that approach. That the Council did not take action sooner is regrettable but does not excuse the Appellants from having sought the necessary planning permission or lawful determination from the Council at the outset. The Council has been more than generous in extending the time it allowed the Appellants to submit further supporting information for APP/18/00943, when it might have easily refused the application at an earlier juncture on grounds of supplying insufficient information to assess the proposals.

(2.5) The Conservancy has made its own Freedom of Information request to the 'local authority for civil marriages' to understand when registration first took place and may introduce the responses received into its evidence. The words '*when required*' imply that the marquee - (noting that from the Appellants' own photographic evidence that a smaller marquee was previously used to that now in use) – was taken down and packed away after each wedding. This has been verbally corroborated with the farmer at Tournerbury Farm, who has legal access to the Appeal land.

(2.7) The Appellants seem to distinguish between civil marriages (paragraph 2.5) and marriages in this paragraph first licenced 27.1.2016 by Hampshire County Council. This date does not demonstrate a 10 year period of such usage to the time the planning enforcement notice was served on 17 January 2020.

(2.29-2.30, 3.31 & 3.36) It is now the Conservancy's position - (having taken advice from Counsel) - that the structures are integral to the use of the land and that therefore the appropriate time period to be proven is 10 years, recognised by the withdrawal of application APP/19/00889.

(Section 5) The Conservancy fully understands that the only way a S.174 (d) Appeal can be heard is by way of a Public Inquiry and that it has been prudent and necessary for The Inspectorate to link the 5 Appeals now made at the Appeal land.

(3.7 & 3.30) It is wrong to say that no breach of planning control has occurred, when paragraphs 3.5 and 3.30 acknowledge that the use of the land is unauthorised under planning legislation. The S.174 (b) Appeals should therefore fail. It will be for the Inspector to determine whether, on the balance of probabilities, if such use has become immune from planning enforcement action (the ground (d) Appeals).

(3.33) The Conservancy has commented on the S.174 (f) Appeal above but understands the arguments made in paragraph 3.37 regarding a garage structure. Provided this is identified on an Ordnance Survey map to a recognised scale, The Conservancy has no objection to the Inspector allowing the Ground (f) Appeal in respect of this garage and varying the terms of the planning enforcement notice accordingly.

(3.35) The Conservancy will ask the Inspector to consider whether the permitted development rights - under Class B to Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) - actually subsist, or whether the Appeal land is within the residential curtilage of Woods Cottage under its lawful Class C3 use and therefore do not apply.

(3.38-3.40) The Conservancy has made its observations in Section 6.5 above.

10.3 In terms of the S.78 Appeal the following observations are made using the Appellant's statement paragraph numbering (in brackets) –

10.3.1 (2.9 & 3.26) The means by which those attending events are 'controlled' and prevented from straying into sensitive areas is not set out and the The Conservancy does not consider planning conditions could be properly enforced to this effect, involving an intolerable level of supervision. If the Appellants consider the Site Management Statement (SMS) agreed with Natural England to be relevant, it should have produced it as part of its evidence as a supporting Appendix. The Conservancy will refer to correspondence with Natural England where it will be set out that Natural England sought to vary the terms of the SMS, but that the Tournerbury Woods Estate would not agree to that.

(2.14) Whereas the Appellant may use the phrase 'very limited beneficial use', it is asserted this is expressed purely in terms of financial return to the Appellants. The Conservancy will set out that the site has substantial natural capital of great benefit to nature conservation and clearly those designating the land as AONB, SPA/Ramsar, SAC and SSSI obviously thought so too. The Appellants approach throughout has been to devalue the land in this respect, seeking to argue that the SSSI designation should not apply to the site, yet not going through the correct administrative process to substantiate that.

(2.18) Whereas the Appellant may use the word 'proven', it is asserted that the only categoric way this can be substantiated is when no events were occurring at Tournerbury Woods, such that the noise source complained about was indeed being caused by another. The Conservancy waits to see if the Council will present evidence and call a specialist witness on such matters from the Council's Environmental Health Service. The adequacy of the internal measures installed in the Marquee will no doubt be closely examined and considered by the Inspector.

(2.24) On reading the Council's Officer report related to APP/17/00207, it is clear that the Council were aware of weddings being held at the Tournerbury Woods Estate. Rightly or wrongly it reasoned that the number of weddings being held in any calendar year at that time was within the realms of permitted development. The prime reason for the Appellant, Mr Snell having made that application was to appease the farmer at Tournerbury Farm in terms of the disturbance incurred from vehicles travelling to such events passing through to farmyard on arrival and particularly at departure at unsocial hours.

(3.8) The Conservancy will reference the Appellants' own bird count data to show the number of breeding herons and heron population at the site has declined. The Conservancy will assert the reason for that decline is the increasing disturbance that has been caused from the increasing number of events and the growing average number of people attending such events.

(3.12) That a local planning authority invites a retrospective planning application in no way fetters Officers in support such an application, if when tested against the Development Plan and having regard to all other material planning considerations, it determines there are grounds to refuse. That has now occurred in respect of application APP/18/00943. The Conservancy still considers there to be strong ecological grounds for resisting this form and character of development at the site. At the earliest juncture, Conservancy Officers were suggesting to the local planning authority that it

ought to carry out an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') as part of determining the planning application.

(3.14, 3.16 & 3.21) The Conservancy is not aware of any 'changed management practices' detailed as part of APP/18/00943 and in particular, the issue of recreational disturbance on the SPA and overwintering birds will be presented in The Conservancy's evidence. It is asserted that the 'shadow' HRA has not properly taken such matters into account.

(4.2) The applications APP/18/00943 and APP/19/01262 have now been determined and the Inspector will now no doubt weigh those considerations into their decision in terms of similar evidence to be heard under the Section 174 Appeals.

10.4 Section 195 Appeal matters not covered in Section 10.2 above.

10.4.1 (2) Chronologically, the CLUED application APP/19/01262 was submitted before the Council served its planning enforcement notice, not after it.

(7) The Conservancy considered and commented on the evidence submitted under applications APP/19/00889 and then APP/19/01262 on the basis of fact and whether each piece of evidence corroborated the other as well as evidence supplied by others which appeared to contradict the Appellants' versions of chronology.

(10 iv to xi) These matters relate to the merits of the S.174 (a) and S.78 Appeals, not the S.195 Appeal.

(Appendices dated 6 January 2021, 24 March 2021 and 27 April 2021) The Conservancy may offer comment on these three letters, where considered to be relevant and relating to the S.195 Appeal evidence.

10.5 Section 78 Appeal matters not covered in Section 10.3 above.

10.5.1 (6) The Conservancy asserts that the environmental and ecological impact of the unauthorised development was underestimated by Natural England and ought to have also featured as an additional reason for refusal and will provide evidence to this effect.

(7/12-14) The Conservancy is sure that those living at Tournurbury Farm will vigorously contest the Appellants' downplaying of the seriousness of impact to their residential amenity and health and safety considerations within the farmyard during the Inquiry. The Conservancy will set out this disturbance and activity also adversely impacts wildlife within the ancient woodland and wider SSSI designation of the Appeal land.

(16) The Conservancy will closely scrutinise the suggested environmental benefits purported to flow from the proposals if the Appeal were to be allowed. The offer of 6 bird boxes on pages 45-46/Table 5.8.1 of a 187 page ecological impact assessment dated June 2020, is not considered to mitigate the harm caused by the frequency and level of activity associated with the use in this sensitive area. This report says that no vegetation is to be removed - (3rd paragraph up from base of page 45) – but by the importation of large quantities of stone to form car parking areas, a significant understorey to the woodland has already been covered over, eroding such habitat within a SSSI. That cannot be considered to be an environmental benefit. The offer

to temporarily restrict access to the shoreline between autumn and early spring - (last paragraph page 45) – is very vague with no detail as to how this would be achieved. The assumptions supporting the conclusions as to impact to the heronry in the ancient woodland will be contested.

11.0 Conclusions

- 11.1 The Conservancy will submit proofs of evidence to expand upon this Statement of case prior to the scheduled Inquiry.
- 11.2 The Conservancy will conclude that insufficient evidence has been provided to discharge the burden of proof on the applicant to demonstrate that the requisite 10 year period of usage with associated structures. Also that the refusal of planning permission is justified on the basis of the reasons stated in the Decision Notices / Enforcement Notice and that the Inspector will be also able to conclude that the environmental and ecologic impact on the area is unacceptable.
- 11.3 Although the site is not overly exposed in the wider AONB landscape, the large white marquee is visible from parts of the Harbour and represents an incongruous feature within an area of woodland. The Conservancy will say this does not fit well with the semi-rural, tranquil character of this part of the AONB. Photographic analysis will be produced to illustrate the Conservancy's position.
- 11.4 This character of the Appeal land has been significantly affected as a result of developing the wedding and events business, which has escalated in scale in recent years and may yet become more intensified and difficult to make acceptable through the use of planning conditions, which in any event would be hard for the local planning authority to 'police', especially at weekends. The use has affected the amenities of local residents in terms of noise disturbance, reflected in the Council's refusal of APP/18/00943. The Conservancy states that such disturbance affects the tranquillity of this relatively remote, rural part of the AONB and disturbs wildlife.
- 11.5 The proposed development would not conserve and enhance the natural beauty of the AONB as required by statutory local and national planning policies, or accord with the duty of regard for the purposes of designation as set out in Section 85 of the Countryside and Rights of Way Act 2000.
- 11.6 The Appeal land is not an appropriate place to accommodate major development in respect of the intensity and frequency of usage intended by the Appellants.
- 11.7 Prohibited operations have occurred at the Appeal land, which is part of a SSSI. Principally the importation of lorry-loads of stone scalpings, witnessed by the adjoining farmer as these lorries passed laden through his farmyard and returned unburdened. These stone scalpings have been used to create the car parking surfaces associated with the wedding and other events business and of themselves probably constitute an engineering operation requiring planning permission. Part of the woodland understorey has therefore been affected, in terms of its usefulness as habitat for wildlife, contrary to the intentions of national and local Policy causing a net reduction in biodiversity at the Appeal land.
- 11.8 The Conservancy will assert that development of this scale without appropriate mitigation is posing and has caused a likely significant effect under the Habitat regulations due to increased recreational disturbance to the nearby Chichester and

Langstone Harbours SPA. It is therefore imperative that an appropriate mechanism to secure 'at coast' mitigation is found.

- 11.9 For the reasoning given by the Council, as expanded upon in this Statement of Case and as to be amplified in the Proof of Evidence and at the Public Inquiry, the Inspector will be respectfully requested to dismiss the Appeals.

Copies of all documents identified in this statement may be inspected during normal office hours (Monday to Friday 9.00am to 5.00pm at the Conservancy offices at Itchenor. Please give 48 hours notice so that the documents may be assembled.

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LIST OF DOCUMENTS

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| Appendix 1 – | Enforcement Notice dated 17 January 2020 subject of these Appeals |
| Appendix 2 – | Historic 'Google Earth' satellite photography showing the changes in tree cover at the events 'arena' subject of these Appeals |
| Appendix 3 – | Extracts from the Havant Borough Development Plan Proposals Map in relation to the Appeal site |
| Appendix 4 – | Relevant planning applications made at the Appeal sites |
| Appendix 5 – | Applications made at Tournerbury Farm to create an alternative access into the Tournerbury Woods Estate |
| Appendix 6 – | Relevant national and local planning policy extracts |
| Appendix 7 – | Relevant documents relied upon by Chichester Harbour Conservancy |
| Appendix 8 – | Solent Disturbance Mitigation Project/Bird Aware Solent documentation |
| Appendix 9 – | Strategic Site Management Statement between the Appellants and Natural England 1997. |

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- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: HAVANT BOROUGH COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Tournerbury Woods, Tournerbury Lane, Hayling Island shown edged red on attached plan ("the Land").

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission and within the last 10 years, a material change of use of the land from agriculture and a dwellinghouse used for holiday letting's, to the use of the land for agriculture, a dwellinghouse used for holiday letting's, camping, holding of weddings and other commercial events.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The development is in the countryside and the use of the land causes significant harm to this sensitive rural location and to the amenity of occupiers of the area by reason of noise and disturbance contrary to Policy AL1 of the Havant Borough Local Plan (Allocations) and Policies CS16, CS17 and M10 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The development falls within the Chichester Area of Outstanding Natural Beauty, a Special Protection Area, a Site of Special Scientific Interest and a Special Area of Conservation and an appropriate assessment to assess the

development on these sensitive areas in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has not been undertaken to ascertain whether it is likely the development would have a significant effect on these important nature conservation areas designated under UK and European Law and of International importance. Therefore, due to insufficient information and applying the precautionary principle, it has not been shown through appropriate assessment that the development would not adversely affect the integrity of these sites. The development is therefore contrary to the requirements in The Conservation of Habitats and Species Regulations 2017, Policies CS11, CS12 and DM8 and DM9 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

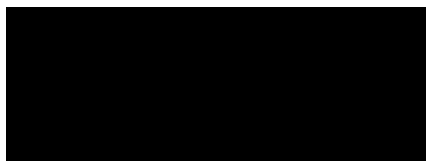
- 1 Cease the use of the Land for weddings and other commercial events.
- 2 Cease the use of the Land for camping associated with weddings and other commercial events.
- 3 Cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events.
- 4 Remove from the Land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events.

6. TIME FOR COMPLIANCE: 3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13 March 2020 unless an appeal is made against it beforehand.

Dated: 17 January 2020

A large black rectangular box redacting the signature of the Head of Neighbourhood Support.

Signed:

Head of Neighbourhood Support

On behalf of:
Havant Borough Council
Civic Centre Road
Havant
Hants
PO9 2AX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the Notice. Please read the enclosed Planning Inspectorate advice note on how to appeal.

If you appeal and are pleading ground (a) and asking for the deemed planning application to be considered as part of your appeal you must pay a fee of £924.00 to the Council (made payable to "Havant Borough Council") and this should be sent with a copy of the appeal form.

Your attention is drawn to the attached extracts of the Town & Country Planning Act 1990.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

SUBMISSION TO SECRETARY OF STATE

If you appeal against this Notice you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring you, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

PERSONS SERVED

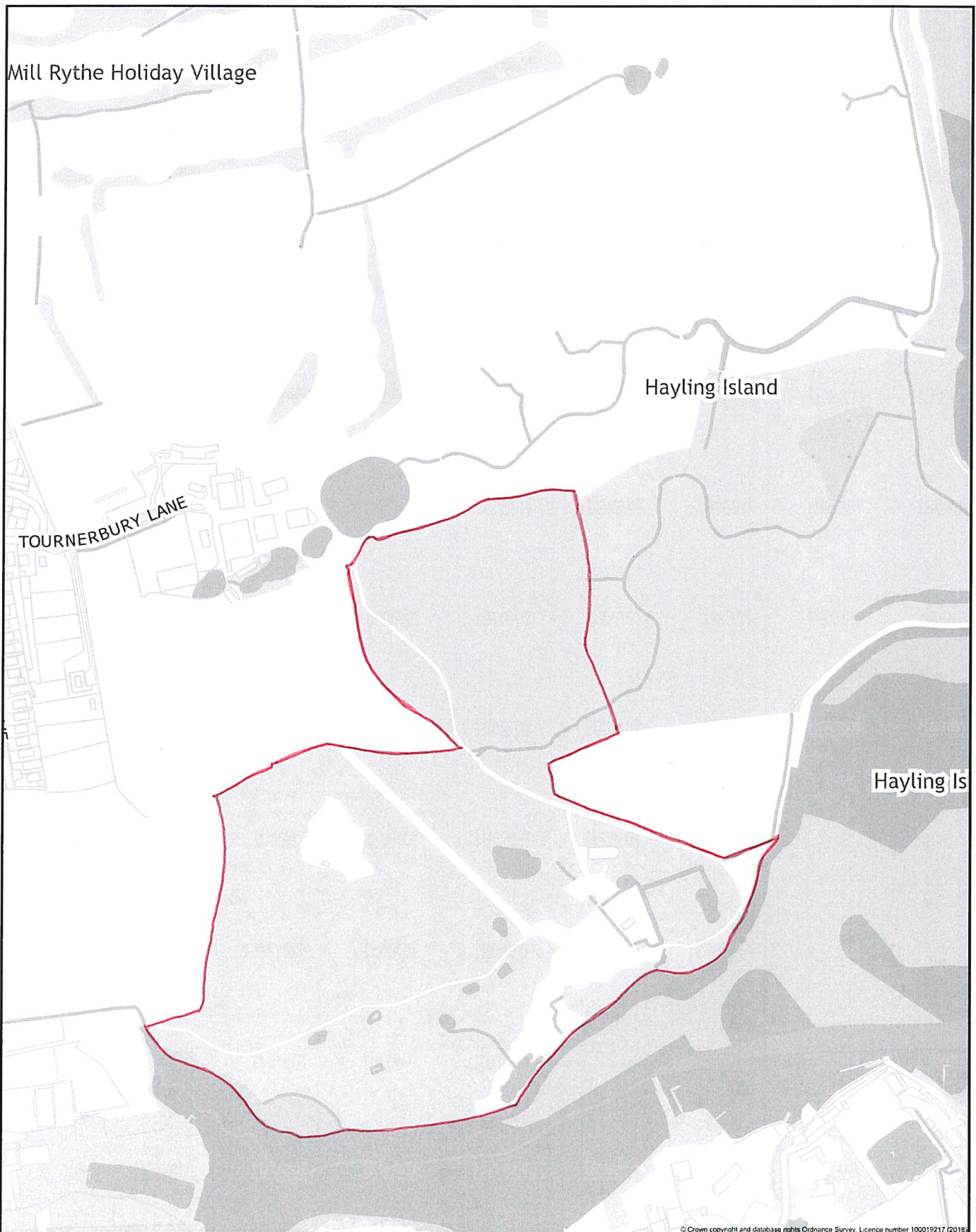
The following persons have been served with copies of this Enforcement Notice:

Mr CMV Snell, 196-198 Sea Front, Hayling Island, PO11 9HR

Ms AL De Pury Snell, 196-198 Sea Front, Hayling Island, PO11 9HR

The Owner, Tournerbury Woods, Tournerbury Lane, Hayling Island

The Occupier, Tournerbury Woods, Tournerbury Lane, Hayling Island



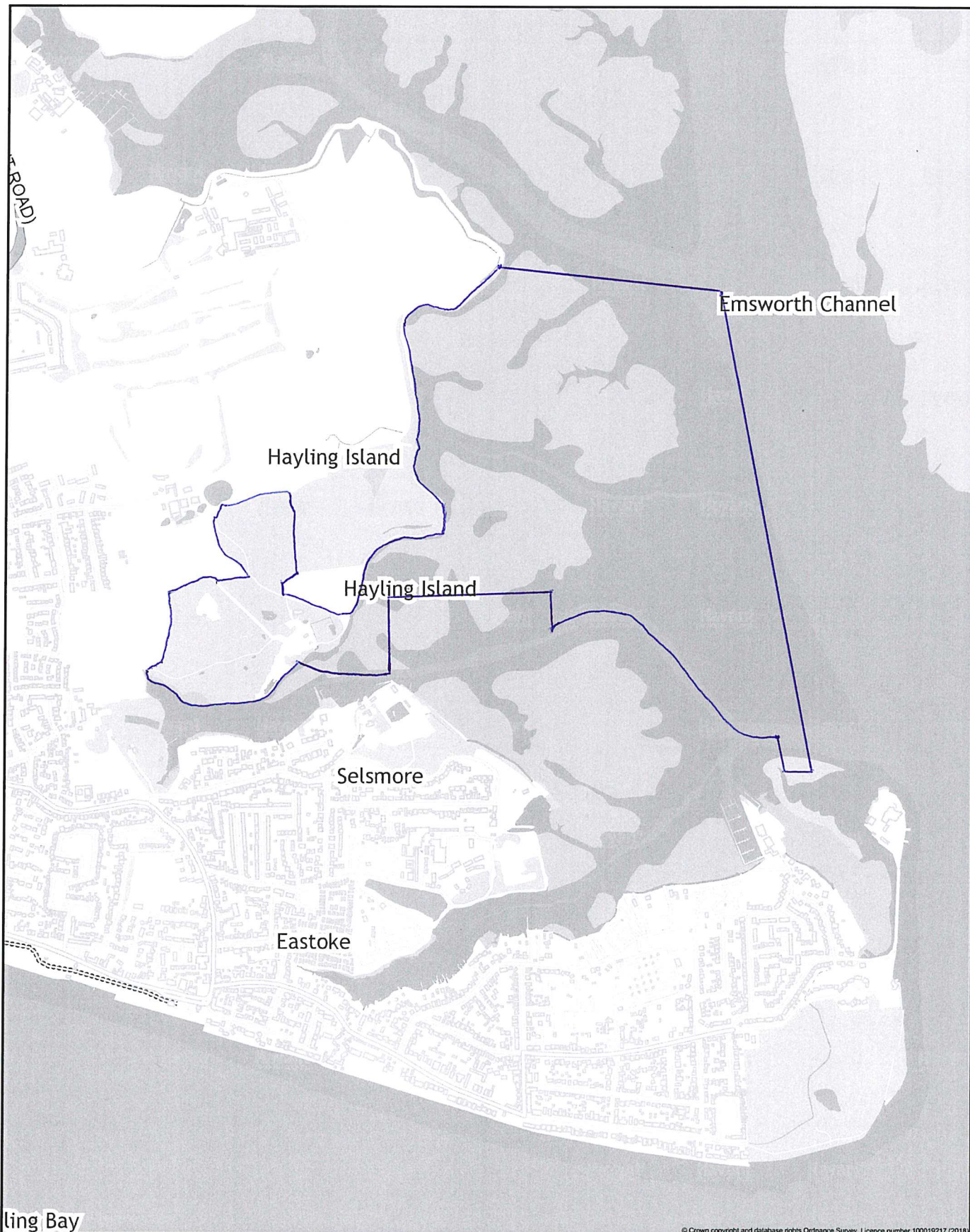
Tournerbury Woods Estate

Havant
BOROUGH COUNCIL

N
Scale: 1:5000

Printed on: 2020-01-15 08:41:35

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Tournerbury Woods Estate

N Scale: 1:15000

Havant
BOROUGH COUNCIL

Printed on: 2020-01-15 08:45:02

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PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
- (d) APP/X1735/X/21/3278706 (Appellants - Mr C Snell & Mrs A Snell)
- (e) APP/X1735/W/21/3278661 (Appellant - Mr C Snell)

**Local Planning Authority (LPA)
REFERENCES:**

- (a) APP/21/00006 & 18/00051/CMP/UNCU
- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

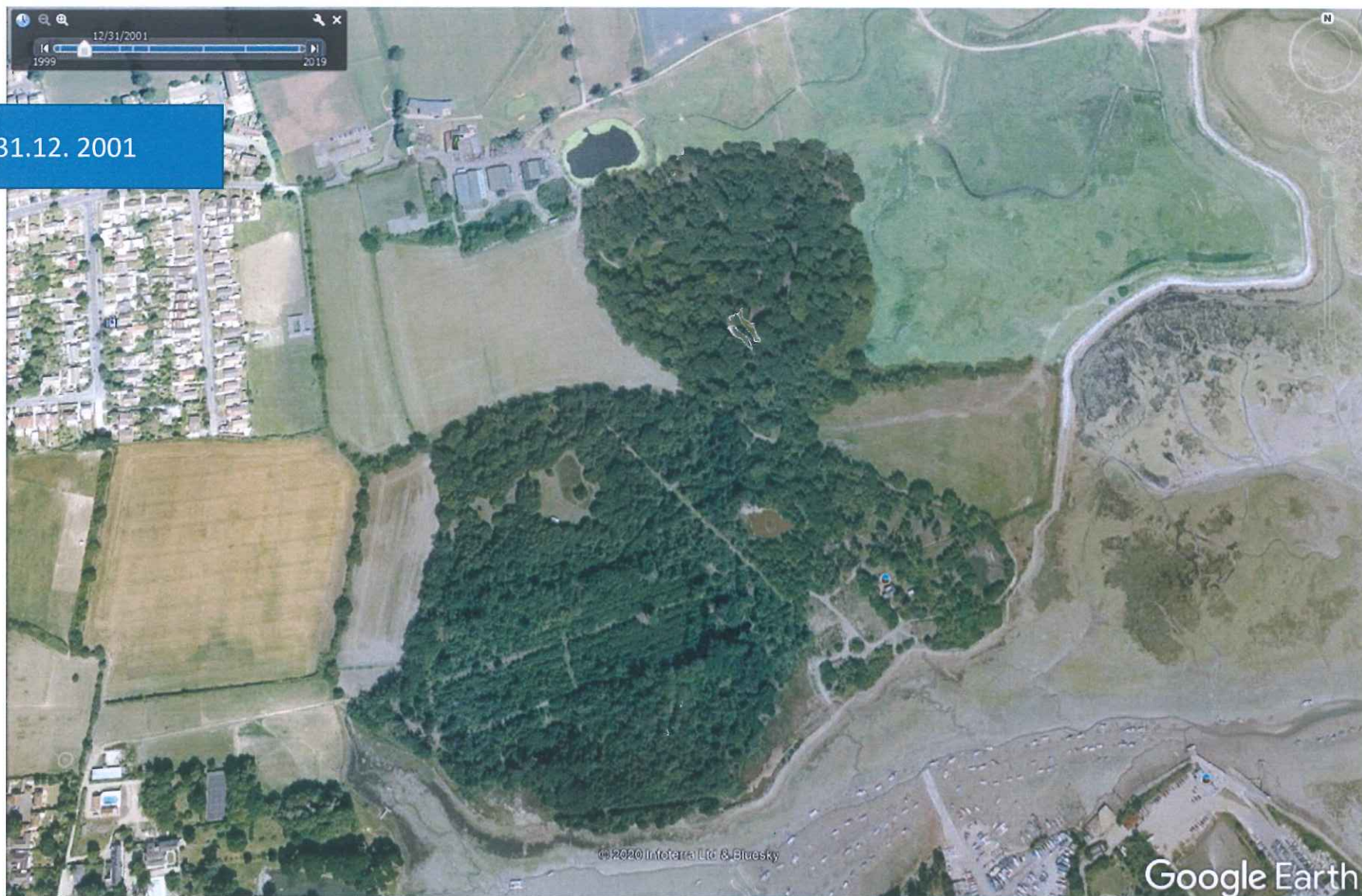
APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

31.12.1999



31.12. 2001



31.12. 2005



21.4. 2007



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Google Earth

19.10. 2011



22.4. 2015



14.9. 2019



Google Earth

PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
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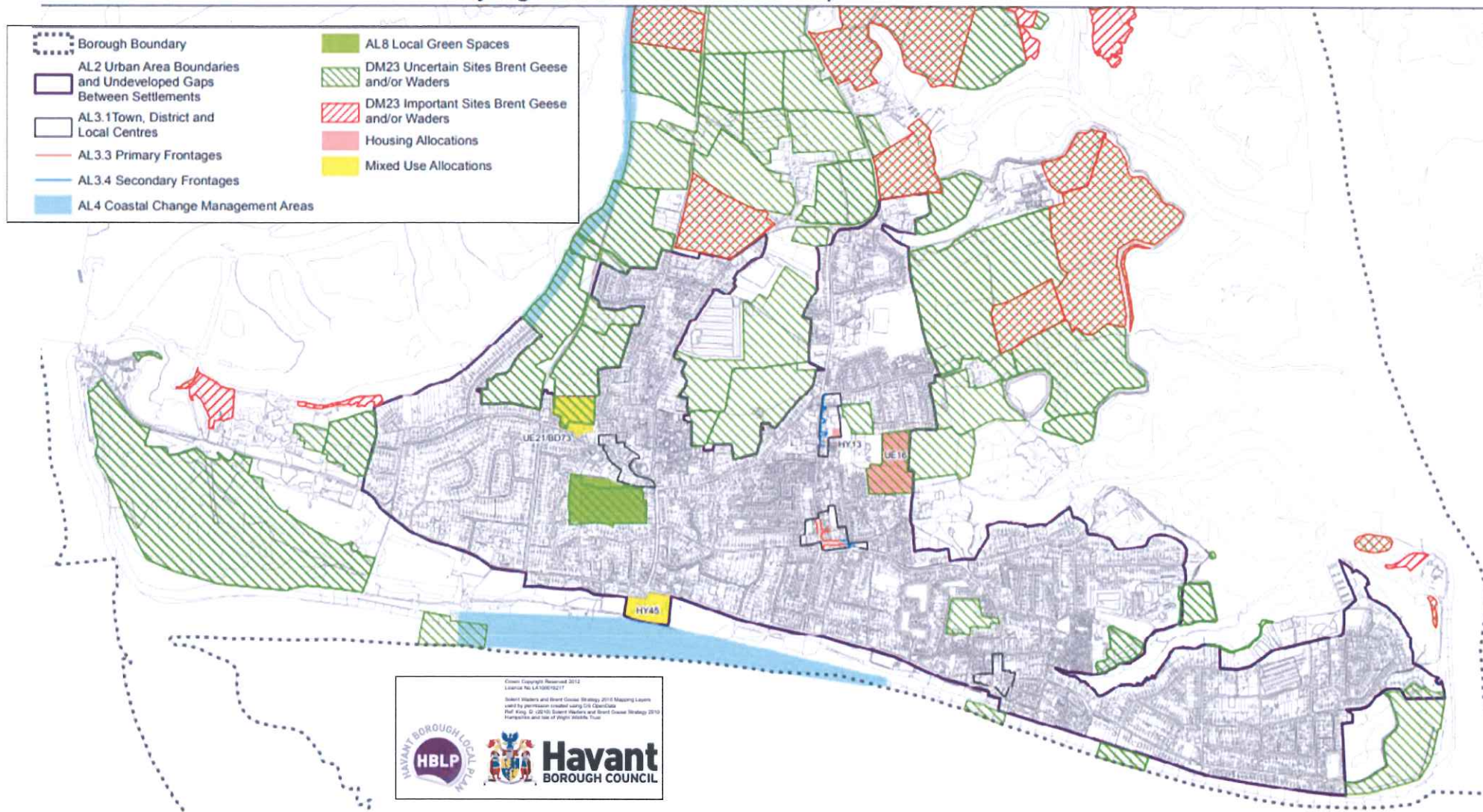
**Local Planning Authority (LPA)
REFERENCES:**

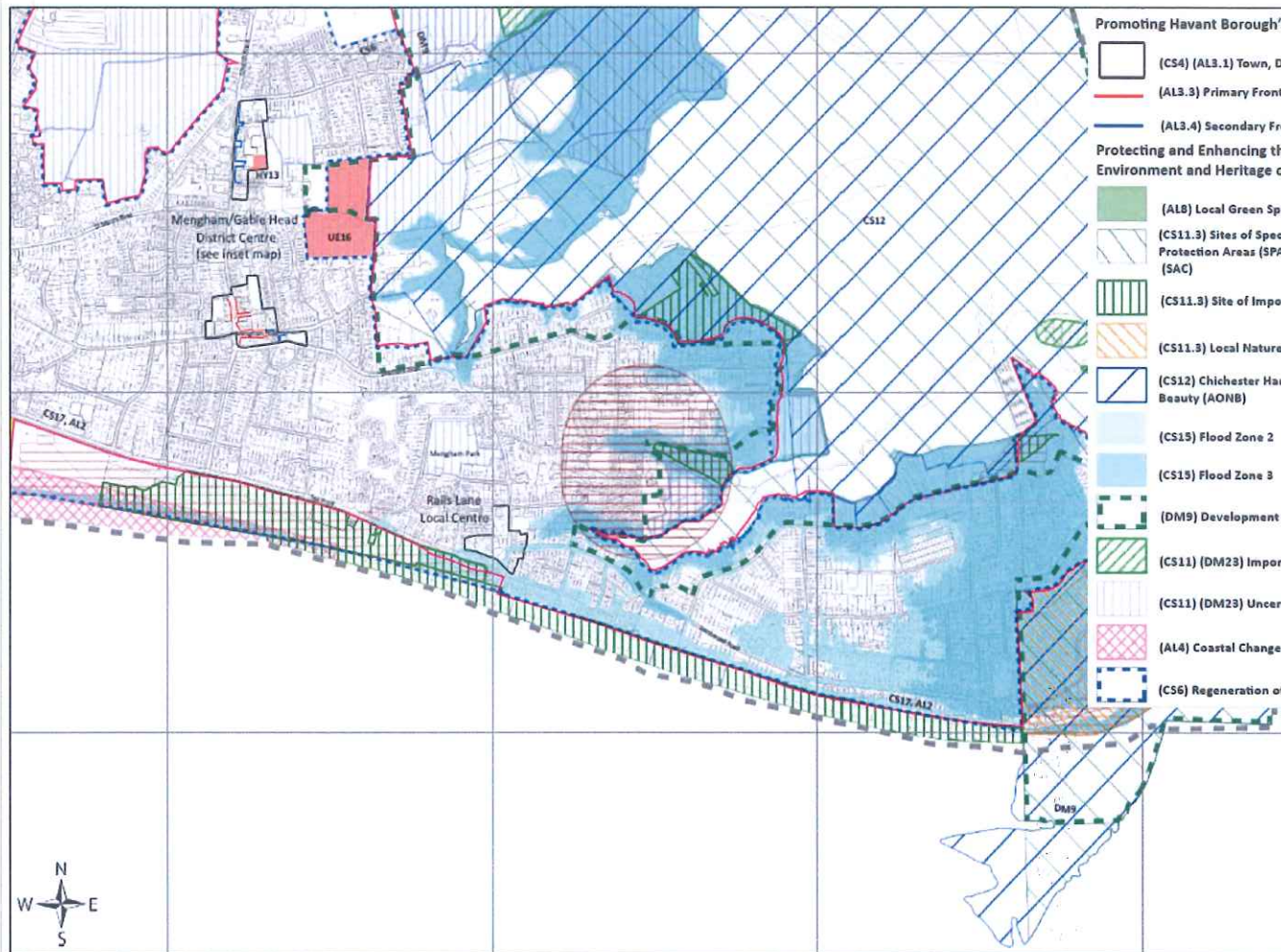
- (a) APP/21/00006 & 18/00051/CMP/UNCU
- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

Hayling Island South Policies Map





Promoting Havant Borough's Economy (CS5)

(CS4) (AL3.1) Town, District and Local Centres

(AL3.3) Primary Frontages

(AL3.4) Secondary Frontages

Protecting and Enhancing the Special Environment and Heritage of Havant Borough (CS11)

(AL8) Local Green Spaces

(CS11.3) Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Ramsar, Special Areas of Conservation (SAC)

(CS11.3) Site of Importance for Nature Conservation (SINC)

(CS11.3) Local Nature Reserve (LNR)

(CS12) Chichester Harbour Area of Outstanding Natural Beauty (AONB)

(CS15) Flood Zone 2

(CS15) Flood Zone 3

(DM9) Development in the Coastal Zone

(CS11) (DM23) Important Sites Brent Geese and/or Waders

(CS11) (DM23) Uncertain Sites Brent Geese and/or Waders

(AL4) Coastal Change Management Areas

(CS6) Regeneration of the Borough

Spatial Distribution and Strategic Sites

(CS17) (AL2) Concentration and Distribution of Development within the Urban Areas/Urban Area Boundaries

(CS18) Strategic Site Delivery

(AL6) Havant Thicket Reservoir Pipeline (Route)

(AL6) Havant Thicket Reservoir Pipeline (Underground Water Storage)

(AL7) Hermitage Stream

Housing

Allocation EM1, HB1, HY1, LP1, LP2, WA1

Mixed Use

Allocations HB3, HY2, LP3, WA2

Employment

Allocations EM2, HB2

Infrastructure, Implementation and Monitoring

(CS19.8) Safeguarding Requirements of Infrastructure Providers

(AL5) Indicative Cross - Borough Bus Rapid Transport Route (BRT)

Hampshire Minerals & Waste Plan (HMWP)

Hampshire Minerals & Waste Plan (HMWP)

Other

Havant Borough Boundary

Note

(CS4)(AL3.1) Town, District and Local Centres – large scale maps to the rear booklet.
The following designations are at January 2014, this information is regularly updated:-
(CS15) Flood Zones 2 and 3
(CS11.3) Site of Importance for Nature Conservation
(CS11)(DM23) Important and Uncertain Sites Brent Geese and/or Waders are taken from The Solent Waders and Brent Goose Study (2010)



Havant
BOROUGH COUNCIL

PINS REFERENCES:

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- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

Your ref: APP/18/00943
Our ref: SRL/CHC/APP/18/00943

10 December 2018

Chichester Harbour Conservancy

www.conservancy.co.uk

Mrs R McMurray
Planning Service
Havant Borough Council
Public Service Plaza
Civic Centre Road Havant
PO9 2AX
(NB – sent by email only)

Dear Rachael

APP/18/00943 – Tournerbury Woods Tournerbury Lane Hayling Island

Further to its meeting today, the Conservancy's Planning Consultative Committee resolved the following in relation to the above planning application submitted to Havant Borough Council for its determination: -

"That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises a holding objection to the proposed development, subject to the following matters being clarified to demonstrate the AONB would be conserved and enhanced:-

- Assessment of overall ecological impact to the SSSI/SINC, including impacts to bats, preferably through an appropriate assessment under the Habitats Regulations and any mitigation to be offered – not just to the venue areas, but those adjoining them from noise, external lighting impact and vehicular movement to and from the site;
- Better details of all existing external lighting and associated lux/lumens levels and its current visual impact, especially when viewed from the Harbour;
- The tangible environmental benefits which would result from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced;
- What environmentally sustainable upper cap of events per calendar year is being put forward by the applicant and an enforceable regime to allow verification by the local planning authority; and,
- That provision of the alternative road to Tournerbury Woods approved under council decision reference APP/17/00207, with the applicant relinquishing all access rights through the current access through the farmyard of Tournerbury Farm, would be highly desirable."

Yours sincerely

Mr S R Lawrence MRTPI
Principal Planning Officer



Chichester Harbour Conservancy
The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk

Landscapes
for life
.org.uk

CHICHESTER
HARBOUR
One of the
AONB Family

Local Planning Authority planning application reference: APP/18/00943

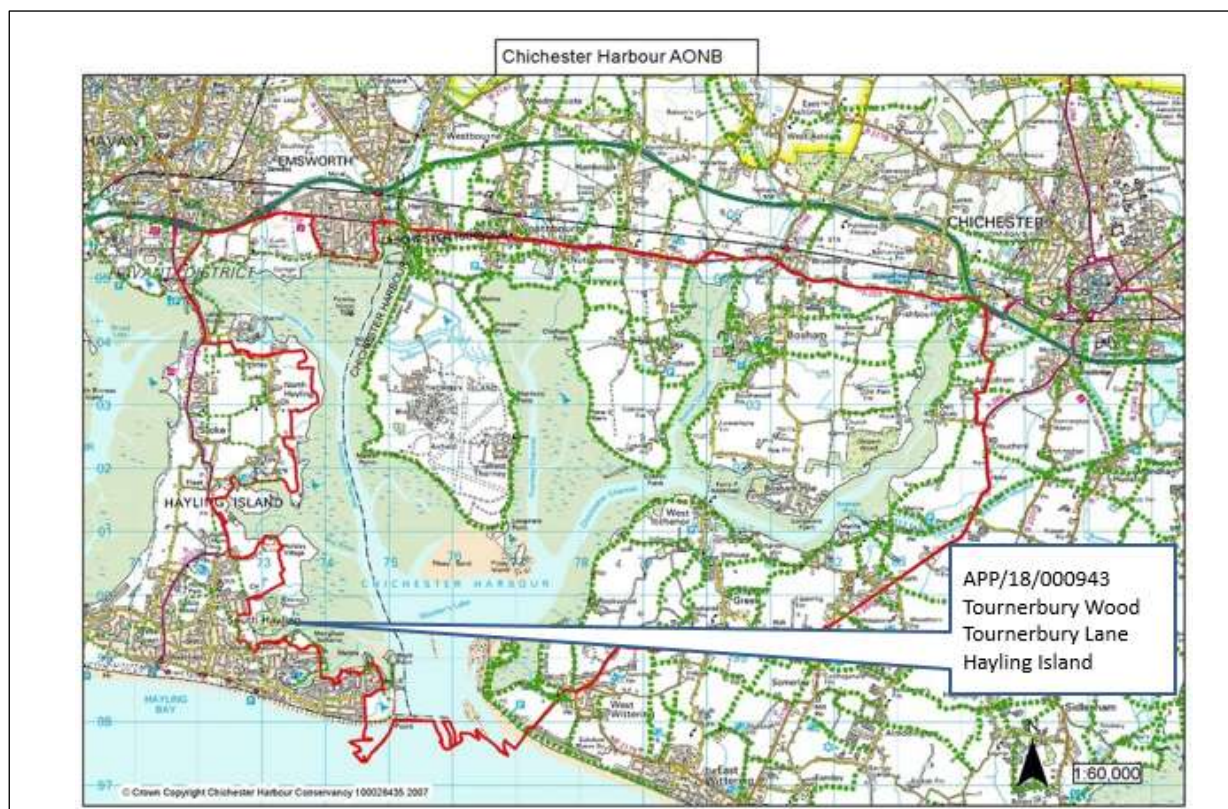
Site: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposals: Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation.

RECOMMENDATION

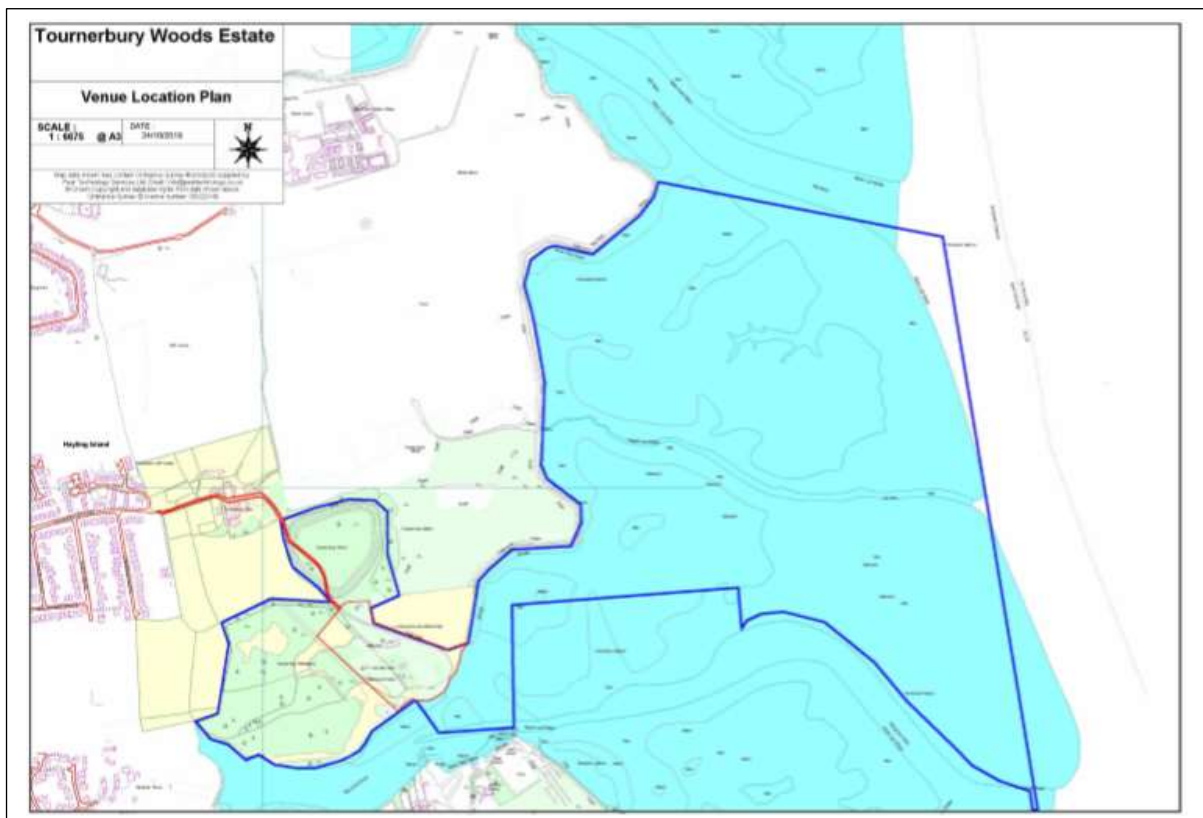
That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises a holding objection to the proposed development, subject to the following matters being clarified to demonstrate the AONB would be conserved and enhanced:-

- Assessment of overall ecological impact to the SSSI/SINC, including impacts to bats, preferably through an appropriate assessment under the Habitats Regulations and any mitigation to be offered – not just to the venue areas , but those adjoining them from noise, external lighting impact and vehicular movement to and from the site;
- Better details of all existing external lighting and associated lux/lumens levels and its current visual impact, especially when viewed from the Harbour;
- The tangible environmental benefits which would result from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced; and,
- What environmentally sustainable upper cap of events per calendar year is being put forward by the applicant and an enforceable regime to allow verification by the local planning authority.



Conservancy Officers' comments and reasoned justification

1.0 Site and its context (aerial photograph below looking west)



- 1.1 This 4.8 ha site is located at the eastern end of Tournembury Lane, which also gives access through Tournembury Farm(yard). Land edged blue above shows the wider estate, purchased in 1931 by the applicant's grandfather and including a substantial proportion of this part of the Harbour.
- 1.2 Whilst not formally recognised as 'Ancient Woodland' on the Development Plan Proposals Map, the submitted phase 1 ecological report suggest that part of the

wood may be considered to be ancient woodland. Paragraph 1.1.3 stating –

"The survey area comprised primarily of broadleaved woodland with Tournerbury Wood (the Bury) situated on a Saxon fort considered to be ancient broadleaved semi-natural woodland. Broadleaved plantation adjoins the ancient woodland and mapping shows this was planted and developed into woodland in the late 19th Century (Tournerbury plantation). The site opens out into amenity grassland and open woodland, and a small area of saltmarsh to the south, and improved grassland to the south east. Small woodland ponds are scattered through the southern woodland and a large duck pond is situated in the centre of the site. A brackish pond and drain exist in the south eastern corner."

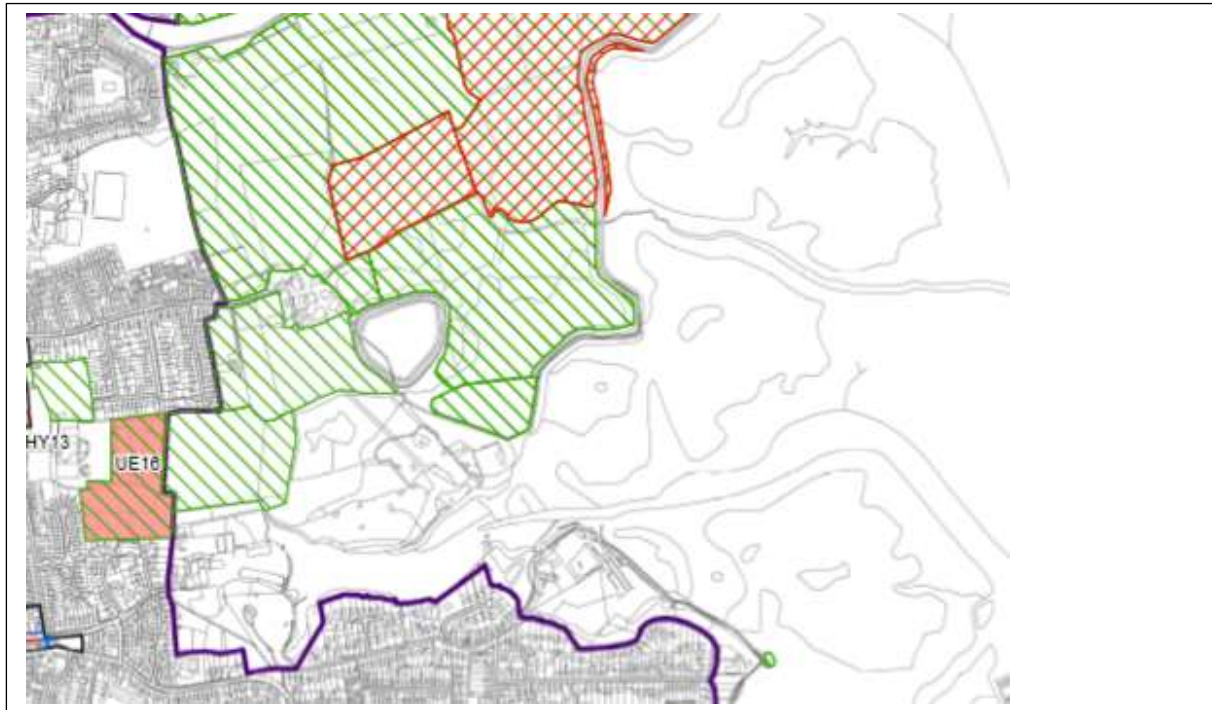
Paragraph 2.1.4 goes on to state –

"The Tournerbury Estate is designated partly as a unit of the Chichester Harbour Site of Special Scientific Interest (SSSI). Tournerbury is noted within the SSSI designation as follows: 'Semi-natural broadleaved woodland associated with the harbour is important for breeding birds and supports two heronries. Oak is the major tree species, usually with hazel coppice, as at Old Park Wood, although Tournerbury Wood has well-spaced oaks with the occasional beech, holly and yew with a fairly dense ground flora of bramble and bracken.' The Chichester Harbour SSSI covers an area of 3695 hectares and Tournerbury forms 0.4% of its total area."

Paragraph 2.1.5 opines –

*"The SSSI falls within the Chichester and Langstone Harbour Special Protection Area (SPA) designated on account of populations of European importance of breeding, passage and over-wintering birds associated with the exposed estuarine sand and mudflats including breeding little tern (*Sterna albifrons*) and sandwich tern (*Sterna sandvicensis*), passage little egret (*Egretta garzetta* and over-wintering waterbirds including dark-bellied Brent Goose (*Branta bernicla bernicla*), black-tailed godwit (*Limosa limosa islandica*) and dunlin (*Calidris alpina alpina*)."*

- 1.3 The northern part of the wood contains the remains of iron age fortifications, which are a scheduled Monument. The single width metalled track leading to the application site passes through those fortifications. The whole would be a Site of Special Scientific Interest (S.S.S.I.) and part of the wider Special Protection Area and Special Area of Conservation for the Harbour. A heronry exists within the estate. Owing to SSSI protection, no Tree Preservation Order exists on the wood.
- 1.4 The application site is shown as being adjacent to an uncertain site from brent geese and/or waders (Policy DM23)/Site of Importance for Nature Conservation (Policy CS11) on the Proposals Map (shown hatched green below) of the Development Plan, with the site in Flood zone 3 (highest risk) and most of the remainder of the landed estate in flood zone 2. The site is within the council's 'coastal zone' (Policy DM9).



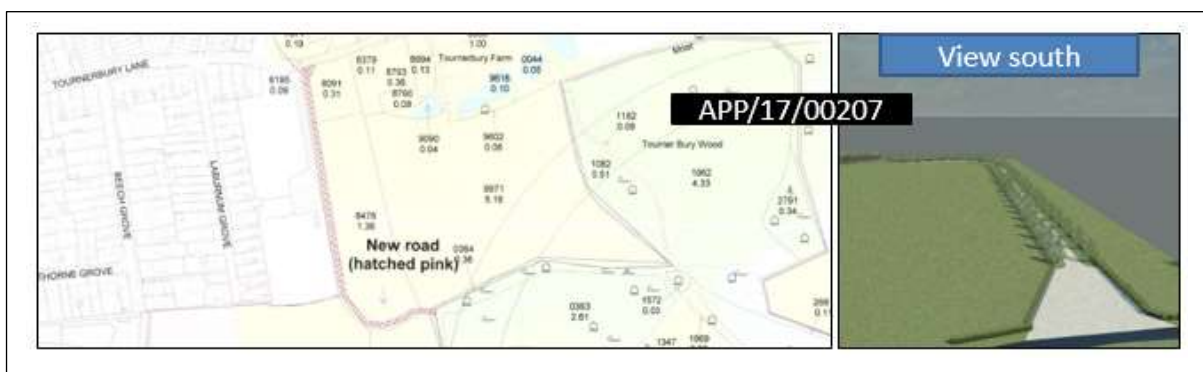
- 1.5 The site currently comprises woodland and open agricultural land/open grassed areas with at least two large ponds, all accessed via the winding end of Tournerbury Lane, where one has to pass through the farmyard of Tournerbury Farm to reach the site.
- 1.6 Wood Cottage is nestled at the end of the 'track', with some glimpsed views of this 4 bed chalet bungalow from My Lords Pond. The Cottage has been used up till 1990 by a local painter (Keith Shackleton) and periodically offered as a holiday let since that time, but now fully serves as an administrative base for the wedding venue/events business. Occasionally a bride and groom will spend the first night of their honeymoon at the cottage.
- 1.7 Other buildings now sought for retention include a white plastic/canvas walled/double pinnacle roofed marquee, the black painted pagoda/gazebo and a covered deck. The highest part of these structures is the double pinacles of the marquee at 8.5m above ground level. However, tree screening and screening from Wood Cottage itself means that these other structures cannot be seen from the water and so not perceived in the wider landscape. Some photographs of these structures/buildings are shown below and on the next page.



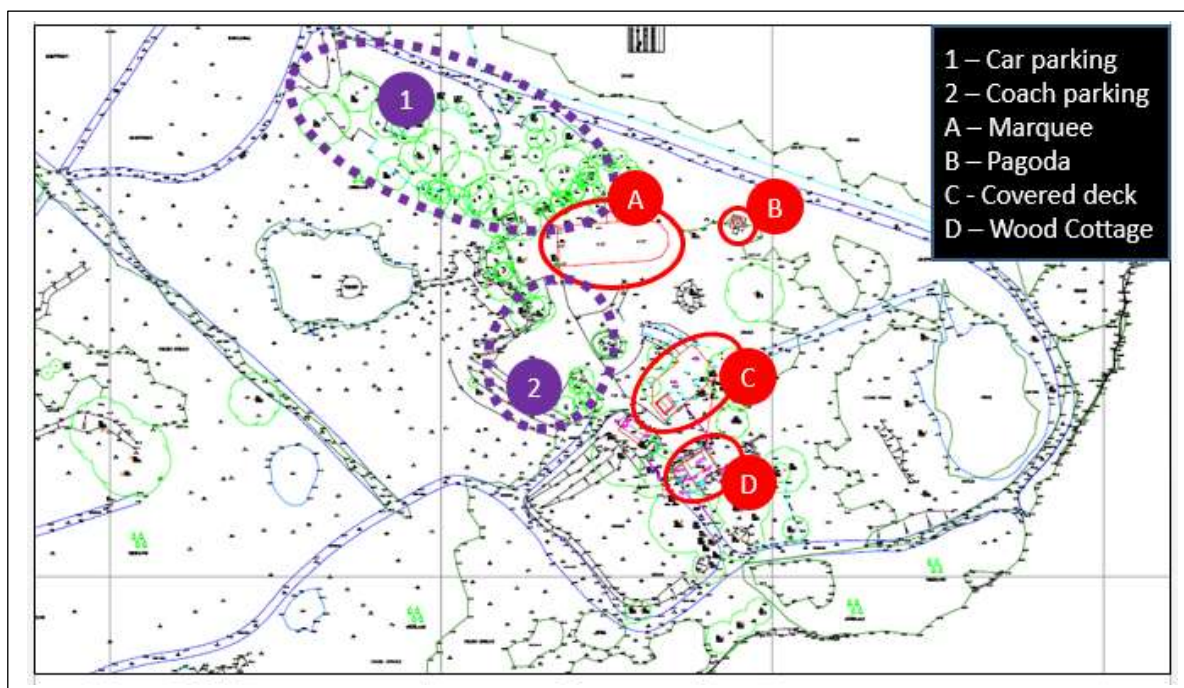


2.0 Planning History

- 2.1 None relevant to the wood itself. Land appears to enjoy historic use for agricultural/forestry purposes with applicant referring to previous industrial uses (brick making from 1800's to 1931) and prior to that 'bottle dump and tip'. Tournurbury Farm used to form part of the estate but was sold off circa 1987, albeit the applicant retained access to and from Tournurbury Lane through the farmyard.
- 2.2 In 2012 an application was made by the current applicant to construct a private way from Tournurbury Lane, parallel to Laburnum Grove, across a field in the ownership of Tournurbury Farm to access the estate, instead of going through the farm yard. It is understood that access rights from that direction were to then be relinquished. This permission (APP/01333) was not implemented. A further similar application was made again under reference APP/17/00207. This too was granted permission, but has so far not been implemented. It is understood the two parties have yet to agree terms. Until the applicant owns the farmland, he will not construct this road, but of course sees the benefits of using that road to avoid conflict with farm activities.



3.0 **Proposed development**



3.1 Apart from 'D' (Wood Cottage), permission is sought to retain A-C and use them with Wood Cottage as the supporting buildings to run a wedding venue. The applicant says other temporary portaloos and caterers tents can also sometimes be brought onto the site, but those are temporary and removed once the related event is over.

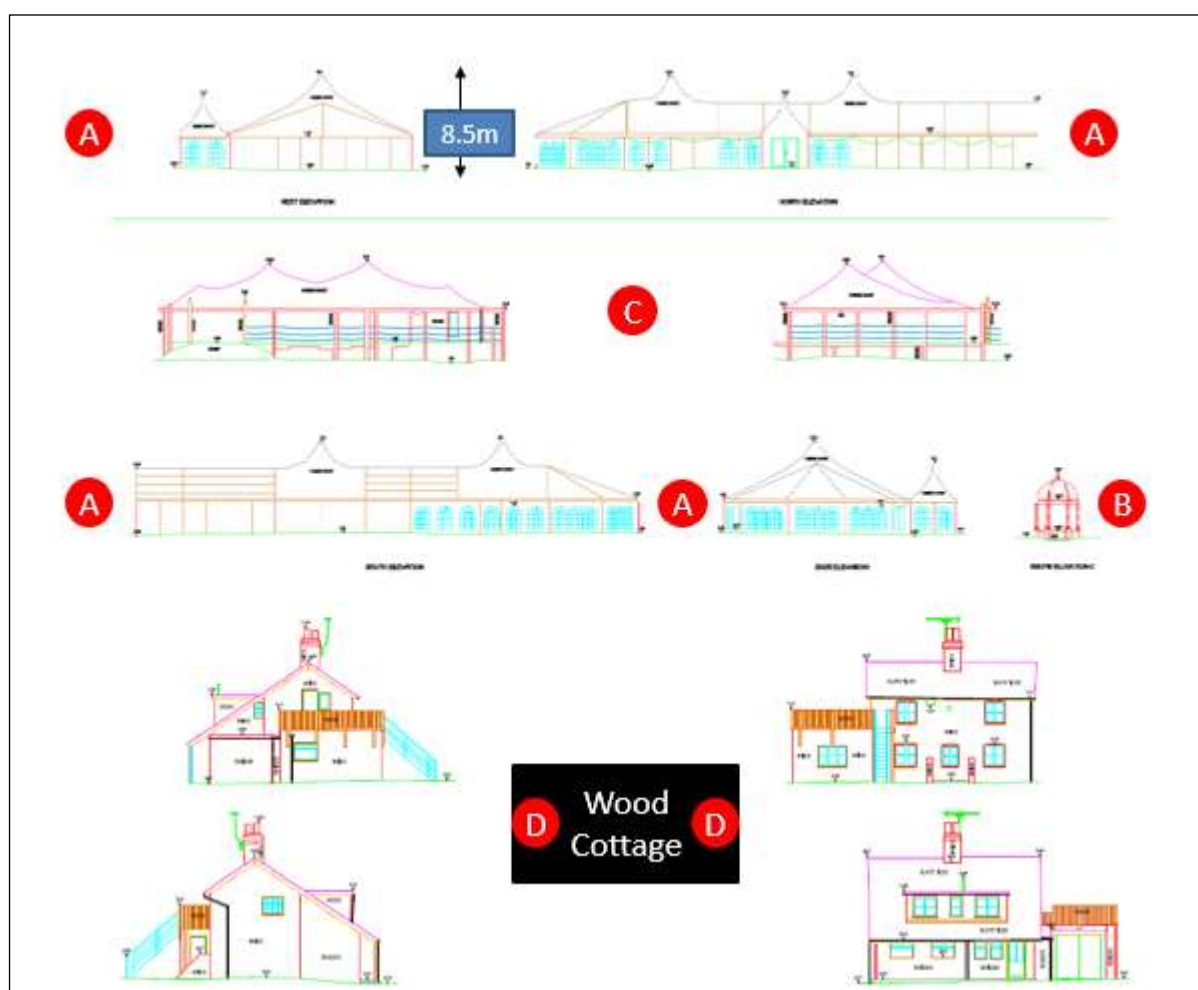
3.2 The application is supported by a number of reports –

- Phase 1 Ecological Report
- Design and Access Statement/Report setting out the Environmental, Economic and Social merits of the proposals
- Topographic survey with parking areas annotated
- Drainage, sewerage and utilities assessment
- Scheduled Ancient Monument impact report
- Tree survey and arboricultural impact statement
- Acoustic Report
- Flood risk assessment

3.3 The applicant is already licenced in a number of ways. Firstly as a venue to conduct civil partnerships which is arranged through Hampshire County Council. That has existed since 27 January 2016. The other two licences are administered by Havant Borough Council and include a liquor licence and public entertainment licence. The latter does allow operation until 01.00 hours in the morning. Live music typically ends at 22.30 hours (under hire contract terms imposed by the applicant), albeit a DJ can operate up to 00.00 hours. The former allows operation until 00.00 hours, but in reality this means last orders at 23.30 and time at the bar 23.45, with patrons asked to leave the site at 00.00 hours. From an operational point of view, the applicant has not traded to 01.00 hours, albeit it is worrying that the submitted acoustic report talks in the executive summary of trading until 02.00 hours and no

intended hours are set out on the submitted application form (question 19). There is a clear sign by the marquee entrance encouraging customers to have had their taxis booked for midnight, so they can depart at that time.

- 3.4 It is permitted development to operate a use of open land (which is not the curtilage of a building) for up to 28 days in any calendar year. There are some exceptions such as clay pigeon shooting and motorcross racing, but those operations are not proposed here. The applicant sets out that in 2009 the number of booked events, which had started modestly first in 1990 as a private school reunion party, had increased to 29, each events season generally running from the Mid-March to the end of November, operating mostly Friday to Sunday. Technically speaking, that is the point at which planning permission ought to have been applied for.
- 3.5 The applicant sets out that some events have attracted as few as 15 people, whereas some have attracted 500 people.
- 3.6 Images of the structures proposed to be retained and the appearance of Wood Cottage as operated as part of the use are shown below.



- 3.7 The marquee (A –purchased in 2006) has a floorspace of 33m x 12m. The circular pagoda/gazebo is circular and 3m in diameter. The decked area (C) is just under 22m long and varies in width from 6.4m to 11.2m.
- 3.8 The applicant has made the following statements in support of the proposals –

- The proposals will not result in any harm to the woodland;
- The site has been used to host events for charities, including of more recent time the charity 'Releasing Potential' with links to the Duke of Edinburgh awards scheme in July and August of this year, in terms of Forest Schools and learning bushcraft;
- During 2018, 10.253 people came to the estate;
- Positive reports of the venue have appeared in the Sunday Times, Daily Express and Open Air magazine;
- Employment levels could rise to 45-50 if the applicant's aspiration to operate 200 events per year/'season' were realised.

4.0 Key issues and related Policy framework*

NPPF – Specifically – 83-84, 91-92, 108, 118, 124, 127, 130, 148-149, 172, 174-175, 180 & 183; Generally – 1-3, 6-12, 15, 19, 28, 38, 40, 42, 47, 54-55, 126, 128, 155, 170 & 212; **NPPG** – ID's 6-8, 21a, 26, 31, 34, 37; **HBLP** – CS1-CS3, CS5-CS6, CS8, CS11-CS17, CS19-CS21, DM1, DM5, DM8-12, DM14; **HBLPSA** – AL1-AL2, DM20, DM23; **PVHBLP 2036** – DR1, IN2, IN3, E1-E2, E6, E8-E13, E15-E18, E20, C8, C10; **CHMP** – LS1-LS4, NC1, NC5, BD1-BD3, EG1, WQ1, WQ4, EL1-EL5, CE3; **PP** – 01, 06-07, 09, 14; **SPD**.

4.1 Safeguarding intrinsic character and beauty of countryside/coast/biodiversity from inappropriate development –

- 4.1.1 The Conservancy's Ecologist is not satisfied with the level of information provided to demonstrate why such impacts should be entertained in a SSSI, nor what mitigation is to be offered for such impact. Indeed, the Phase 1 ecology report even questions the basis of the SSSI designation. He is of the opinion that an appropriate assessment under the Habitats Regulations ought to have been submitted to cover this. For example a general intention to remove dead wood from many of the trees, set out in the arboricultural impact statement is not clearly specified and being as the trees are the major feature of the SSSI and the habitat they provide, this is of clear concern. No bat report has been prepared and the reasoning set out in the design and access statement merely seeks to suggest that Tournurbury Wood is of limited importance percentage wise within the AONB, rather than properly setting out impacts and whether any mitigation is to be offered. **Appendix A** to this report is a set of queries emailed to the agent, the day after a site visit was made. At the time of writing this report, no response has yet been made, but if any is received a verbal update will be given at the meeting.
- 4.1.2 It has to be accepted that a large number of events have occurred since the permitted development tipping point was (probably) passed in 2009. There is a general suggestion that revenue made from the holding of events allows investment in the upkeep of the wood/estate and its coastal sea defences. However, no clear accounting is presented to demonstrate this, such as receipts to contractors carrying out tree management or sea defence repairs/replenishment work. If the applicant truly wishes to demonstrate 'sustainable development', balancing environmental/economic/social planning considerations, then such further evidence ought to be provided. It is perhaps the applicant's aspiration to expand events to 200 every '250 day/year season' - (Mid-March/end of November), which is of most concern, seeming to skew towards the economic end of the 'sustainable development' spectrum, without the council as decision taker truly knowing the likely environmental impact. Those attending events are free to roam into more sensitive parts of the site, albeit this is likely to be limited to health and safety considerations, especially when darkness has fallen and those coming to the site are more focused on enjoying the event. Even so, there is some anecdotal evidence of people 'wandering' and causing disturbance/annoyance immediately

off-site. Implementation of APP/17/00207 could help to eliminate those occurrences.

- 4.1.3 As previously stated, the physical impact of the new structures is not really perceived in the wider AONB landscape, owing to the degree of tree cover. However, there are two other impacts to consider – light (in times of darkness) and noise. I saw a number of external light fittings and strings of decorative lights, placed around the site. It is not clear if these can be seen from the water, in what is a rather dark and remote part of the AONB at night. I also saw at first hand how a specialised ‘zone array sound ceiling’ speaker system has been placed in the roof lining of the marquee and some sound attenuation work carried out by the applicant, who has a degree and training in such matters. I was advised that the Council’s Environmental Health Team has monitored the noise from live/recorded music, as part of assessing the public entertainment licence and is satisfied. The applicant states enquiries are periodically made with the council to understand if noise complaints are made. He says that none have been.

4.2 **Waste management, pollution, flood risk and climate change** –

- 4.2.1 The use is unlikely to exacerbate flooding issues off the site. I am concerned about the fact that some customers attending events camp on site in what is flood zone 3, but ultimately this is a matter the council could control/prevent with conditions, if advised by the Environment Agency on this point. Clearly the Conservancy wants everyone to safely enjoy the AONB. The agent seems to have obtained his flood mapping from a different place obtainable on the EA website and asserts that no camping takes place within an area of flood risk and that although the marquee is in such an area, sea defences on the estate mean that the site has “never flooded” and as such flooding would result from tidal surges, these are highly predictable and necessary pre-alerts can be issued to those using the site.
- 4.2.2 At the time of your Officer’s site visit, the site was very clean and tidy and it is obviously in the applicant’s interest from a business perspective to maintain that condition of the site. Woods Cottage foul sewerage is provisioned by a 1000 gallon underground concrete cesspit. This is pumped throughout the year by licensed waste operators and removed from site by tanker to be taken to a treatment plant. Portable chemical toilets are hired in for events and there is also mention by the applicant of naturally composting W.C.’s being introduced. Ultimately, these are matters likely to be controlled through the public entertainments licence and will no doubt be scrutinised by Southern Water and the Environment Agency, when those bodies comment on this application.

4.3 **Transportation considerations** –

- 4.3.1 Access to the site is restricted by the single width lane/passing points, albeit the events have clearly occurred in the past and been absorbed on the local highway network. Conflict arising from those travelling to the site passing through the adjoining farmyard is clearly not ideal, but apparently legally preserved by a deed, when the farm was sold from the estate.
- 4.3.2 It is disappointing that no transport statement has accompanied/supported the application, especially if the applicant aspires to grow the business from its current 58 events this year. Implementing the extant consent under APP/17/00207, would remove the major point of conflict with farm activities, but does not seem to be deliverable, all the time the two parties cannot agree terms. The noise impact from traffic movements, especially late at night also does not seem to have been

scoped in the acoustic report, which instead focuses on noise from music being played at the wedding receptions.

4.4 Economic and employment considerations –

- 4.4.1 The use has and continues to offer the potential to create a sustainable, enhanced visitor attraction within the AONB, with low key visual impact, but this can only be accepted in the AONB if the maxims of 'conserve and enhance' under paragraph 172 of the NPPF are demonstrated by the applicant.
- 4.4.2 The principle and actuality of multiplier effects to the local economy from visitors spending in the local area and local businesses earning revenue from supplying goods and services to the venue are clearly understood and tangible – applicant estimates this as worth £1.32 million to the local economy, but the Conservancy must be convinced that a net gain to the condition of the AONB and its natural beauty will result, before offering its blessing to such a use.
- 4.4.3 The use currently provides direct employment for 10 part-time and 3 full-time members of staff.

5.0 Conclusions

- 5.1 At present, there is insufficient analysis and assurances offered by the applicant for the Conservancy to support this application. This may be enlightened by the submission of further information by the applicant. Any new information received by close of business 7.12.18 will be reported at the meeting, at which point Members can decide whether to re-visit my recommendation.

SRL – for 10.12.2018 PCC – Comments requested by 5.12.18: extension of time requested to comment.

***Abbreviations used:**

NPPF – National Planning Policy Framework – (Revised 2018)

NPPG – National Planning Practice Guidance – (2014)

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

HBLPSA – Havant Borough Local Plan Allocations (2014)

PVHBLP 2036 – Preferred option version of emerging Havant Borough Local Plan

CHMP – Chichester Harbour AONB Management Plan (2014-2019)

PP – Chichester Harbour Conservancy Planning Principles (adopted by CHC 17.10.2016)

SDP:

- **CHAONB** – Joint AONB SPD
- **HBDG** - Havant Borough Design Guide (2011)
- **HBPS** – Parking standards (2016)

Steve Lawrence

Nov 27, 2018, 5:20 PM (17 hours ago)

to

stevelawrence04@googlemail.com

From: Steve Lawrence

Sent: 27 November 2018 17:20

To: 'haydn.morris@hmpcltd.co.uk' <haydn.morris@hmpcltd.co.uk>

Cc: 'McMurray, Rachael' <Rachael.McMurray@havant.gov.uk>; Richard Austin

<Richard.Austin@conservancy.co.uk>; Peter Hughes

<peter.hughes@conservancy.co.uk>; David Rothery

<David.Rothery@conservancy.co.uk>; 'Rachel.Jones2@naturalengland.org.uk'

<Rachel.Jones2@naturalengland.org.uk>

Subject: Wedding and events venue regularisation - APP/18/00943 - Tournerbury Woods Tournerbury Lane Hayling Island Hampshire

Dear Mr Morris,

I met your clients, Chris and Alice Snell yesterday on site, who showed me around the site. I said I would have a number of queries for them following the meeting, hence I am writing to you as agent as I do not have Chris' email.

I am copying this to the case officer at the council, so she is aware of our request for additional information.

Whilst on-site, Chris said he would be happy for Peter Hughes to come to site. Peter is the Conservancy's ecologist. This would assist in clarifying a number of points and enable me to complete my report as much as is possible for the Conservancy's 10.12.18 Planning Consultative Committee meeting.

Taking the design and access statement page by page, I make the following observations –

Page 1

It would be useful for the 4 bullet pointed areas to be identified on a separate plan;

Page 2

The slow increase in events at the site is noted, in the context of permitted development rights in respect of open land being a tipping point of 28 days in any one calendar year. This represents some sort of base datum of 'general disturbance', from which to make an assessment;

I am having some difficulty in understanding the environmental benefits flowing from the proposed use. Do you just generally mean a means of raising monies to fund management of Tournerbury Woods Estate as a S.S.S.I./SPA woodland?

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Is the site registered with the Camping and Caravanning Club of Great Britain?

Can you roughly say what % of events thus far have been charity related?

From my estimation, turnover of TWE seems to be £180,000. Is this something I could confirm with Companies House?

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Under heading of 'data', the arguments made, whilst noted, do not really address the impact to the S.S.S.I./SPA. Use of the phrase 'surrounding the harbour' is also rather nebulous. Use of a map/diagram to show the catchment referred to would have helped our assessment. Whilst it would be for the local planning authority to determine this advised by Natural England, the Conservancy was expecting to see an appropriate assessment carried out under the Habitats Regulations.

The difference between Alcohol and Entertainments Licence terminal hours was explained to me by Chris and I was able to see a sign on site alerting people to have departed by 00.00 hours.

Page 5

I had some difficulty seeing where each structure was on the block plan. Although Chris explained this was because of the scale/need to show blue line land separately, an additional block plan of the general events area would help others understand the location of the 4 main structures, 3 of which permission is being sought retrospectively.

Now I have fully read the Design and Access Statement, I must confess I am rather concerned about the aspiration to expand to 200 events a year, especially without an Appropriate Assessment (principally to overwintering birds in the SPA) having been carried out and if 500 were to turn up to each and every event.

Page 6

A site plan showing the general location of 'designated camping sites' would be useful, as would the current location of external lighting, to understand what is there at the present and the general lux levels emitted. Again, this should feature as part of an Appropriate Assessment so impact of such lighting to wildlife (particularly bats) can be understood.

Whilst I was able to see the two main parking areas for myself, which are unmarked in terms of bays, has Chris ever done a quick headcount in the past to

know the upper limit of cars and coaches requiring to park? I was rather surprised that no transport statement accompanied the application, especially with some events attracting up to 500 persons. The Conservancy's interest here is the promotion of tranquillity in this relatively remote part of the AONB.

Page 7

Would well-being retreat activities typically take place in the marquee and deck, or might the grassed area in-between be also used? The Conservancy's concern would be to avoid the wooded areas outside the events area here.

Page 8

Lighting has been referred to above in terms of additional information that might be supplied. It may also be useful to illuminate all the lights and then take some photography from the harbour/My Lords Pond/Wilson's Boatyard to illustrate the point you are making about tree cover screening at the site.

Whilst Chris referred to some local businesses benefiting from the use trading, the statement refers to a list, which I could not find.

Generally

No bat report has been submitted to support the application.

No assessment of 'fit' with national and local planning policy has been undertaken to allow others to weigh the 'planning balance', especially impact to the AONB and ecological features of interest within it.

Trusting the above with help Chris to provide some further information to aid the Conservancy's assessment.

Yours sincerely

Steve Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy

Steve Weaver
Planning Services
Public Service Plaza
Civic Centre Road
Havant PO9 2AX

N.B. - By email only

13 July 2020

Dear Steve,

Tournerbury Woods, Tournerbury Lane, Hayling Island

APP/18/00943 – A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use

Thank you for re-consulting The Conservancy.

At the meeting of its Planning Committee today, the following was resolved in terms of the above planning application –

“That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises an objection to the proposed development.

It is suggested that the application be refused for insufficient information as soon as possible.

The applicant has failed to demonstrate how disturbance from visitors could be effectively managed so as to avoid harm to the Chichester Harbour SSSI, in terms of the key features of the SSSI and how its condition is to be enhanced. Harm may also be likely to the Chichester and Langstone Harbour SPA/Ramsar/SAC from disturbance at the shoreline. Without bat surveys (requested over a year ago) it is not possible to conclude that there would be no adverse impact to bats.

The uncontrolled escalation of the number of events to up to 200 per year would not constitute sustainable development and would not conserve nor enhance the Chichester Harbour AONB.

These impacts do not just create impact to the venue areas, but also those areas adjoining them, from noise, external lighting impact and vehicular movement to and from the site.”

If you wish to see a copy of the Conservancy's report, please go to –

https://www.conservancy.co.uk/assets/files/cms_item/447/d-13_July_2020_Planning_Committee_Agenda_and_Papers-98X0jzODb0.pdf

- for the 13 July 2020 Committee papers.



Yours sincerely,

S Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy

APPENDIX 'A'

Steve Lawrence

Nov 27, 2018, 5:20 PM (17 hours ago)

to

From: Steve Lawrence
Sent: 27 November 2018 17:20
To: 'haydn.morris@hmpcltd.co.uk' <haydn.morris@hmpcltd.co.uk>
Cc: 'McMurray, Rachael' <Rachael.McMurray@havant.gov.uk>; Richard Austin <Richard.Austin@conservancy.co.uk>; Peter Hughes <peter.hughes@conservancy.co.uk>; David Rothery <David.Rothery@conservancy.co.uk>; 'Rachel.Jones2@naturalengland.org.uk' <Rachel.Jones2@naturalengland.org.uk>
Subject: Wedding and events venue regularisation - APP/18/00943 - Tournurbury Woods Tournurbury Lane Hayling Island Hampshire

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Yours sincerely

Steve Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy



The Tournerbury Woods Estate Office,
Seacourt House,
198 Seafront Road,
Hayling Island,
Hants,
PO11 9HR

06/12/2018

Mr Stephen Lawrence,
Planning Officer,
Chichester Harbour Conservancy,
Harbour office,
Itchenor,
Chichester,
West Sussex,
PO20 7AW
By email.

Dear Steve,

Ref: HBC Planning Application - APP/18/00943. Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation. Tournerbury Woods, Tournerbury Lane, Hayling Island.

Response to your email of Wednesday 28th November – 06:20hrs – request for further information.

Further to your above email please see our responses below and where described, attached to this email.

Design & Access Statement – response to your observations & request for further information.

Page 1 –

As requested, the 4 bullet pointed areas are on the attached map – 'Tournerbury Woods Primary Areas map for CHC Dec 2018.pdf'. They are - The Bury, outlined in Pink. The Plantations, outlined in lime green, The Field, outlined in red and Woods Cottage and surrounds outlined in light brown and cross hatched.

Page 2 –

We are concerned by your phrase “*base datum of general disturbance*” – Could you please clarify for us exactly what you mean by this?

In answer to your question posed - “*I am having some difficulty in understanding the environmental benefits flowing from the proposed use. Do you just generally mean a means of raising monies to fund management of Tournerbury Woods Estate as a S.S.S.I./SPA woodland*”.

In the most binary of terms the answer to that question is simply - yes - we do mean that exactly.

However, we feel strongly that the phraseology of your question beggars an answer which is too narrow and seeks to avoid a true and representative answer in regard to the holistic picture of Chichester Harbour as a whole and how the use of Tournerbury as a wedding and event venue mirrors the overriding principles of the AONB designation and protection of ‘the environment’.

Therefore in order to adequately expand on the above ‘Yes’ – please see below -

Up to 1987 (when my late father reluctantly sold Tournerbury Farm due to his failing health), all sea wall repairs, maintenance of roads / tracks, arboriculture management, cutting back of weeds and brambles to allow ground fauna and flora to flourish in Tournerbury Woods was funded by the economic going concern of Tournerbury Farm.

After the sale of Tournerbury Farm, this left us holding a relatively small woodland with no access to resources to maintain and conserve it on a sustainable basis. This is the reason why we started holding events in Tournerbury in August 1990, to pay for the upkeep of the Woods, sea wall maintenance, management of flora and fauna etc. If Tournerbury Woods cannot stand alone as an economically viable landholding then that predicates a natural decline which has corrosive environmental effects, not only on the visual aspects of the harbour and its environs, but also on wildlife, birdlife, the overall wellbeing and beauty of the AONB and the ‘natural capital’ that is enjoyed by so many human residents and visitors alike.

For the great many water users in the harbour, (and walkers around Thorney Island, as well as members of HISC and MRSC and walkers around Eastern Hayling), Tournerbury Woods is an essential part of the AONB Aesthetic from the moment one passes HISC when entering the harbour or from Longmere point when travelling south down the Itchenor Channel. This visual landscape amenity is only still there because as a family we have looked after Tournerbury for 3 generations over nearly 100 years. By way of example, after the 1987 Great Storm, Tournerbury was decimated with the vast majority of its Oaks and Beech trees flattened. It was heartbreaking. Instead of using that mass tree felling as an opportunity to develop the land, my late father, my late aunt and I (aged 16) replanted thousands of trees, which after 30 years of growth and careful management are now thriving.

If all climate change reports are to be believed then we will only face more large storms in the decades ahead and again Tournerbury will need to be replanted and conserved to maintain its natural capital in the harbour.

Each year we spend tens of thousands of pounds on conserving Tournerbury. This is wholly funded from the events and wedding business. It is a considerable challenge to maintain the natural beauty of a place whilst marrying that with making it economically sustainable for its preservation.

By way of a 'real world' and 'close to home' example, it is very telling to compare the empirical data on the ecological conditions of the two largest woodlands in the AONB – Old Park Wood and Tournerbury, and their Natural England Condition Assessment reports over the last few years. They are as follow –

Old Park Wood

11/03/2004 – Unfavourable – No change.

10/09/2007 – Unfavourable, recovering.

22/06/2009 – Favourable

28/05/2013 – Unfavourable – Declining.

Tournerbury Wood

19/06/1997 - Favourable

26/04/2004 - Favourable

09/07/2010 – Favourable

29/04/2015 - Favourable

(Source: Natural England)

In taking on board the above assessments made by Natural England professional ecologists, it is most interesting to note that Tournerbury has been maintained and cherished by the same family who have been able to generate the necessary funds to manage and look after 'the environment' of Tournerbury and vis-a-vis it's impact on the wider harbour landscape by running Tournerbury as a successful weddings and events and holiday cottage business, whilst Old Park Wood has no such means of economic preservation and self-sustainability.

Furthermore, if you look at the condition assessments for all 45 units in the Chichester Harbour SSSI, you will see that only 16 units are condition 'Favourable' (including Tournerbury), 22 are 'Unfavourable – Recovering', 4 are 'Unfavourable – No change' and 1 is 'Unfavourable – Declining'. This is Old Park Wood.

If Tournerbury can not generate substantial sums to pay for sea defence works over the next decade then it will not be long before the southern part of the woods will be inundated by storm surges. Once this happens and the trees in the southern part of the wood die due to salt water incursion then the view from the harbour coming up past Mengeham Rythe Sailing Club will actually be the Halyards modern housing estate recently & rather sadly built on fields south of Hawthorne Grove on

Hayling. In fact that housing estate would then be visible from as far away as HISC and the wider harbour.

We believe the Conservancy Planning Committee should fully back this application because maintaining the visual & natural capital of the AONB, 'the environment', is of primary interest to the Conservancy and the Conservancy should adhere to the general principle of the AONB designation which was succinctly summarised in the press notice issued by the Government on the 5th February 1964, the day after Chichester Harbour was designated AONB status. The Government's press noticed stated –

"The primary purpose of the AONB designation is to conserve and enhance the natural beauty. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses."

(Source: Chichester Harbour Management Plan draft 2019 – 2024, italics own).

We hope that the above more detailed explanation and Natural England data sets help you to understand how the proposed (& existing) use, benefits 'the environment' in the widest possible terms.

Page 3 -

"Is the site registered with the camping & caravanning Club of Great Britain?"

We are unsure of the planning reason for this question, could you please elaborate?

"Can you roughly say what % of events thus far have been charity related?"

We normally do at least a couple a year so the yearly average is probably around 5%. This is something we would like to grow over time; where possible, commercially attainable and realistic so that Tournerbury becomes a community resource, not just a sustainable business.

"From my estimation, turnover of TWE seems to be £180,000. Is this something I could confirm with Companies House?"

We are unsure of the planning reason for this question, could you please elaborate on why this is important to know? In any event, we are subject to English company law and submit returns and pay corporation tax and VAT. All of our financial data as required by law is available and fully searchable on the Public Register at Companies House.

“Use of the phrase ‘surrounding the harbour’ is also rather nebulous. Use of a map / diagram to show the catchment referred to would have helped our assessment.”

We are sorry that you found this to be “nebulous”, mainly because we assumed that the Conservancy would already have this data to hand and stating such data would only be corroborative to what was already known by the Conservancy.

To give you some background to the ‘Chichester Harbour Wooded areas’ data sets that we hold and reference in the Design and Access statement, we have worked closely and extensively with Natural England throughout 2012, 13, 14 and 15 so that both parties could fully understand the relative ecological importance of Tournembury both from a SSSI perspective and in the wider harbour AONB context. This exercise was fully paid for by Tournembury with bird counts and NVC studies undertaken (and funded solely by weddings and events at Tournembury). Part of this exercise was to garner a full understanding of Tournembury’s relative importance (or not) as a wooded area within the SSSI / AONB and its borders. One of the outputs of this substantial piece of work was an extensive geo-mapping exercise showing all wooded areas surrounding the harbour. We won’t go into details here as to all of the parameters and metrics used, suffice to say that very small tree cover areas e.g. a handful of trees in a residential garden or a singular line of trees along roads were excluded as being of limited habitat / ecological importance.

We have attached to the email two documents in regard to the above in order to ‘de-nebulise’ the data for you. The first is a spreadsheet of the wooded areas ‘Chi Harbour Wooded areas analysis Nov 2014.xl’ which lists all 143 areas, their size and other pieces of data. The second attachment ‘CH Wooded Areas Geo Ref Terrain Image.jpeg’ is a screenshot of the Google Earth Polygonation of these areas which are outlined in red. Unfortunately due to the sheer size of the area, it only really gives you a true sense of the wooded area around the harbour if you print this off on A1 or A0, whereby it becomes really quite fascinating. However, for your and the Planning committee’s purpose we hope that the screenshot will suffice and will “help your assessment” as requested.

“Whilst it would be for the local planning authority to determine this advised by Natural England, the Conservancy was expecting to see an appropriate assessment carried out under the habitats Regulations”

As stated above we work closely with Natural England on an ongoing basis and over the decades have worked with their predecessor body ‘English Nature’ and before that the ‘Nature Conservancy Council’. We have not been asked, to date, to undertake an Appropriate Assessment as part of the application paperwork, and in any case we are due to meet Natural England shortly as part of this planning process to discuss a suitable way forward and to continue our excellent working relationship with them.

It is maybe worth noting that at the end of the work we had undertaken with Natural England throughout 2012, 13, 14 and 15, the lead advisor who had been especially resourced by Hannah Thacker (then Head of Hampshire and Isle of Wight Natural England Team) to work with us, stated

on his ISA (Integrated Site Assessment) visit on Wednesday 29th April 2015, that "What you are doing with Tournerbury as a wedding and event venue is a wonderful thing to bring many people into the SSSI and allow them to enjoy it on a short term sustainable basis".

"The difference between Alcohol and Entertainments Licence hours was explained to me by Chris and I was able to see a sign on site alerting people to have departed by 00:00 hours"

Thank you for making note of this. We think it is worth going into some more detail for the benefit of the committee. Tournerbury is a licensed premise for the sale of Alcohol and performance of live music by Havant Borough Council. Despite having a licence to operate until 1am in the morning we are incredibly cognisant of our neighbours on the south side of My Lord's Pond and as such our hire contract with our guests states that the party finishes at midnight without exception. We expect all guests to leave quietly straightaway afterwards (as you noted from the sign in the marquee on your visit). It is also part of our hire contract that all live music (bands / solo musicians) must finish their performances by 10:30pm, after that only DJ's and laptop / tablet play lists may be played until midnight. The purpose of this is to dramatically reduce 'acoustic bleed' into the neighbourhood after 10:30pm at night. As you witnessed on your visit we have invested over £40,000 (at our own discretion) into a Direct Acoustics Solutions directional Sound Ceiling Zone Array which hugely reduces acoustic energy travelling from the marquee and having an environmental impact in the wider area. We have also carried out substantial acoustic testing, the report of which you should already have as part of the planning documents. As part of our hire contract we categorically do not allow performers to use their own PA speaker systems at Tournerbury. As discussed on site I have a BSC degree in Sound Engineering and as a third generation Islander I am very aware of the increasing noise that development and urban life has on our natural environment and human communities and we do everything in our power to try to limit noise spill from the venue. As also discussed on site, if Tournerbury is granted planning permission then we envisage overtime being able to invest considerably more in fully sound proofing the marquee so that we can reach our goal of zero acoustic energy emitted from the marquee. However, this is a six figure investment and cannot be undertaken without certainty of planning permission.

Further and purely for the committee's information please note that we strictly do not allow the use of fireworks or Chinese Lanterns at Tournerbury under any circumstances, for all of the obvious reasons; noise disturbance to both wildlife and human residents, pollution and litter, fire risk, light pollution etc. It is not wholly unusual for us to turn away bookings for events or weddings where the (potential) guests try to negotiate on booking that they can either party later than midnight, or have a band playing later than 10:30pm or have fireworks or Chinese lanterns. Whilst it is obviously commercially frustrating to turn custom away, these are red lines for us that we will not move on.

Page 5 –

Thank you for bringing to our attention that a smaller plan would be helpful, given the LPA's requirement for a block plan which covered all of the Estate's 300 acres making the scale somewhat difficult to use. We have attached a new topo' plan which shows the siting of the marquee, Woods Cottage, the Victorian Gazebo and the deck and hope this is helpful for both you and the committee.

It is attached to this email and is labelled 'Venue Area Large Scale for CHC'. In advance, please accept our apologies for the rather unprofessional crudity of marking the structures by handwriting; but unfortunately we don't have editing access at short notice to the original topographical map undertaken by our surveyors. Nonetheless, we hope the attached will assist you and the Committee as requested.

"Now I have fully read the Design and Access Statement, I must confess I am rather concerned about the aspiration to expand to 200 events a year, especially without an Appropriate Assessment (principally to overwintering birds in the SPA) having been carried out and if 500 were to turn up to each and every event."

Thank you for bringing this concern to light. We think it is absolutely right to address the issue of potential bird disturbance, especially to the winter migratory wading bird population, for which the harbour is SSSI notified.

Our position is that we do not believe the overarching presumption of 'potential disturbance to overwintering birds' has a material weight to this application, or for that matter to any of our activities in Tournerbury. There are several reasons for our thinking and analysis on this important matter, and for the sake of brevity, the two primary reasons are as laid out below -

1) Tournerbury is predominantly a wedding venue. The prime UK wedding season is very heavily concentrated across spring and summer - April / May / June / July / August & September, tailing off in October and November and really quietening down in December, January, February & March. This is especially true of a rural seaside and woodland venue like Tournerbury. The obvious question to ask oneself is, who wants to get married in a marquee, in a woodland, when there are no leaves on the trees and it is cold and wet outside? The answer is not surprisingly, very few people. Even long established solid building venues such as the Tithe Barn at Petersfield mirror this. If you look online at their availability you will see that they are closed for January and February and then their current bookings are as follows – March 5 bookings, April 8 bookings, May 12 bookings, June 12 bookings, July 11 bookings, August 15 bookings, September 10 bookings, October 5 bookings, November 5 bookings, December 9 bookings (Christmas weddings and parties are the slight exception to the above rule but couples wanting a winter wedding tend to want the solid building of a country house with fires roaring or a solid barn with decent heating, not a marquee being buffeted by a winter storm!). To give you a better idea of this, we have never yet had a wedding at Tournerbury in December, January, February or in March apart from on the last weekend of March. You will obviously note from the above that our predominant season of most activity very neatly avoids the overwintering migratory avian residents of the harbour.

2) The above aside, it has been interesting to note the views of both our Ornithological & Ecological consultants and Natural England's advisers that we have worked with over the last few years. Without going into onerous detail here, the key findings from this work were -

a) Wading birds aren't woodland birds and so Tournerbury doesn't attract any useful numbers of migratory wading birds because it is just quite simply, the wrong habitat.

b) Most wading birds including the Brent geese prefer to have long undisturbed sight lines to avoid threat and predation and therefore My Lord's Pond and the foreshore around Tournerbury is of limited attractiveness compared to more expansive areas of the harbour and large open fields of winter crops around the harbour. This is borne out when you see sizeable flocks of Brent Geese on the fields either side of West Lane in Hayling, who don't seem to mind the motor bikes, cars and vans travelling along West Lane, often noisily and at high speed, because they have a safe separation distance between themselves and the disturbance or 'potential threat' of the traffic. Last year we took a number of photos of this which we are happy to share with you if requested.

c) There is already localised noise and human disturbance directly opposite the venue from Wilson's boatyard, Mengeham Rythe Sailing Club, walkers with and without dogs along the coastal footpath by MRSC and the relatively dense urban population in residential dwellings to the south of Tournerbury with associated car alarms, dogs barking, traffic noise, private parties (for which we often seem to get blamed even when we have nothing going on at Tournerbury!) and the general melee of urban life. This noise is more often than not carried across My Lord's Pond to Tournerbury and its environs because of the prevailing wind direction.

Further to the above, we believe that the assumed negative scenario *"the aspiration to expand to 200 events a year.....and if 500 were to turn up to each and every event"* is just not realistic. We do a lot of weddings that are 50, 60, 70 or 80 guests and an average wedding at Tournerbury numbers between 120 to 150 guests. Within the aspiration of reaching 200 events we include corporate meetings and lunches, wakes, anniversary lunch parties (we have done a couple of diamond anniversary lunches), afternoon tea dances (which we believe would potentially be very popular with a large part of Hayling's older demographic), christenings etc. With respect, we feel that the assumption predicates a negative future scenario of day in, day out huge raucous weddings, which simply isn't factual. We normally do only 1 wedding a year of this sort of size and they are almost exclusively Asian weddings. Most Asian couples want the grandeur and splendour of a large country house or an urban setting and so Tournerbury doesn't really get much exposure to this market.

Page 6 –

"A site plan showing the general location of 'designated camping sites' would be useful, as would the current location of external lighting, to understand what is there at the present and the general lux levels emitted."

Please see attached a general location map of where we allow guests to camp – hatched green, and the positioning of outside lights (stars in circles) on the attached map named 'Camping areas within the venue area for CHC Dec 2018.pdf'. We do not have the lux information to hand however we are endeavouring to get out in a boat during darkness hours to take geo referenced photographs for you of any light spill when all the lights are on at this time of year with little leaf cover on the trees as

requested on your notes on page 8 of the D & A statement. As soon as we have completed this task we will forward them to you. However you should note that we purposefully slightly angle the external lights towards the ground so as to minimise light spill from Tournerbury. The biggest light pollution in our immediate vicinity is from the arc lights on high poles at Wilson's boatyard across the creek from us and also the harbour facing lights of MRSC.

"Whilst I was able to see the two main parking areas for myself, which are unmarked in terms of bays, has Chris ever done a quick headcount in the past to know the upper limit of cars and coaches requiring to park? I was rather surprised that no transport statement accompanied the application, especially with some events attracting up to 500 persons. The Conservancy's interest here is the promotion of tranquillity in this relatively remote part of the AONB."

Yes – we very closely monitor the traffic situation at the majority of our events. Within our 'pre-event' literature we urge couples / event organisers to lay on either coaches or buses to bring groups of their guests to the venue in one go. We are keen that the travel footprint to and from Tournerbury is as low as possible, both from a carbon footprint and a disturbance point of view. Because we attract guests from all over the UK and the world, we often see couples block booking hotel rooms at local hotels like The Langstone Hotel and therefore provisioning a whole group (50 or 60 persons) to come in one go on a coach makes sense for both us, our guests and their guests. Our guest number per car to date is currently at 3.7 guests per motor vehicle and is symptomatic of ride sharing / designated driver culture amongst 'millennial' guests who form a large part of our guest demographic. This takes into account guests who cycle or even walk if they are local, come by taxi, minibus or coach. Therefore at an 'average' Tournerbury wedding (guest numbers 120 to 150) we expect to see between 32 and 41 cars parked in our parking areas. Tournerbury has room for approximately 124 parked vehicles. For larger weddings and events – those over 250 guests we stipulate that they must lay on coaches or minibuses for the majority of their guests. This is also incredibly helpful to us in getting guests off site in an orderly and expedient manner at midnight. Our most joyful (from a traffic point of view) weddings are where we have a wedding of 120 or so guests and the happy couple have heeded our advice and laid on 2 coaches to ferry virtually all guests both to the venue and back to their hotel. Again, if planning permission is granted we envisage a time in the future whereby we could invest in running our own small fleet of electric minibuses powered by a renewable energy source on the Estate that would allow us to ferry guests from and back to local accommodation providers and so further increasing the sustainability of Tournerbury as part of the AONB.

In regard to the above, you are right in saying we do not have marked bays. We do this because we do not wish to 'urbanise' the natural beauty of Tournerbury, as in our view, car parks are generally highly unsightly. You may have noticed on your visit that we use fallen silver birch stems as our car parking defining barriers. We do this because as they rot down they provide a fantastic environment for all sorts of woodland fungi and bugs to thrive and visually they are in keeping with the woodland environment. As we always have some silver birch winter windfall they are easy to replace as and when needed. On wedding and event days our grounds staff oversee parking so that guests don't drive onto areas that they shouldn't and that parking takes place in an orderly and safe fashion.

We are concerned by the description of Tournerbury in your email as *"in this relatively remote part of the AONB"*. As described above in Page 5 – Point 2) point c) – Tournerbury is actually abutted by high levels of noise and disturbance from urban and marine activity right along its southern border. There is many a night that we have been trying to get to sleep in Woods Cottage and have been disturbed by car alarms, fishing boats coming into Wilsons boat yard, car doors slamming, loud voices, dogs barking, wind carrying traffic noise and ironically enough, private parties in houses to the south of us. We therefore feel, with the greatest of respect to yourself, that your description rather romanticises the reality. That is not to say that it isn't often quiet at night time, but it rarely feels 'remote' unfortunately.

Page 7 –

"Would well-being retreat activities typically take place in the marquee and deck, or might the grassed area in-between be also used? The Conservancy's concern would be to avoid the wooded areas outside the events area here."

We believe that if this goes ahead then yes primarily the deck space would be used for this, however we can see also that meditating or undertaking Pilates or Yoga under the trees in the plantation area would be attractive. We apologise for being vague but this is at an early stage. If it does go ahead then we envisage these retreats would be limited to very small groups of guests.

Page 8 –

"Lighting" –

As referred to above, we will take photographs at night with all of the external lights on, both from a boat in the wider harbour area and My Lord's Pond and Wilson's boat yard & HISC to address the potential of light spill.

"List of local businesses that benefit from Tournerbury visitors"

Apologies but we hadn't realised just how long this was until we started canvassing previous guests as to which businesses they have used when visiting Tournerbury or in the days surrounding their visit when they have been staying on Hayling Island or in the Borough. We are in the process of compiling this to submit to Havant and we will share this with you accordingly.

Your "Generally" comments –

Bat report –

We will take advice on this from Haydn.

Assessment 'fit' with National & Local Planning Policy –

As above.

In summary:

We sincerely hope that the above information will prove genuinely helpful in assisting yourself and the Conservancy's planning committee when addressing this application in your role of consultee to the planning process.

Before we received your forwarded email and request for information we were in the process of compiling a general response for the committee and we hope to be able to have that finalised before the committee's meeting next Monday.

Just on a minor house-keeping matter Steve, I rang the Conservancy office yesterday to touch base with your ecologist Peter Hughes with a view to setting up a meeting on site, as we discussed, and was somewhat surprised to be advised by your reception staff that I couldn't speak to Peter as he is currently in Sri Lanka and will continue to be so until the New Year – I presume this information is correct?

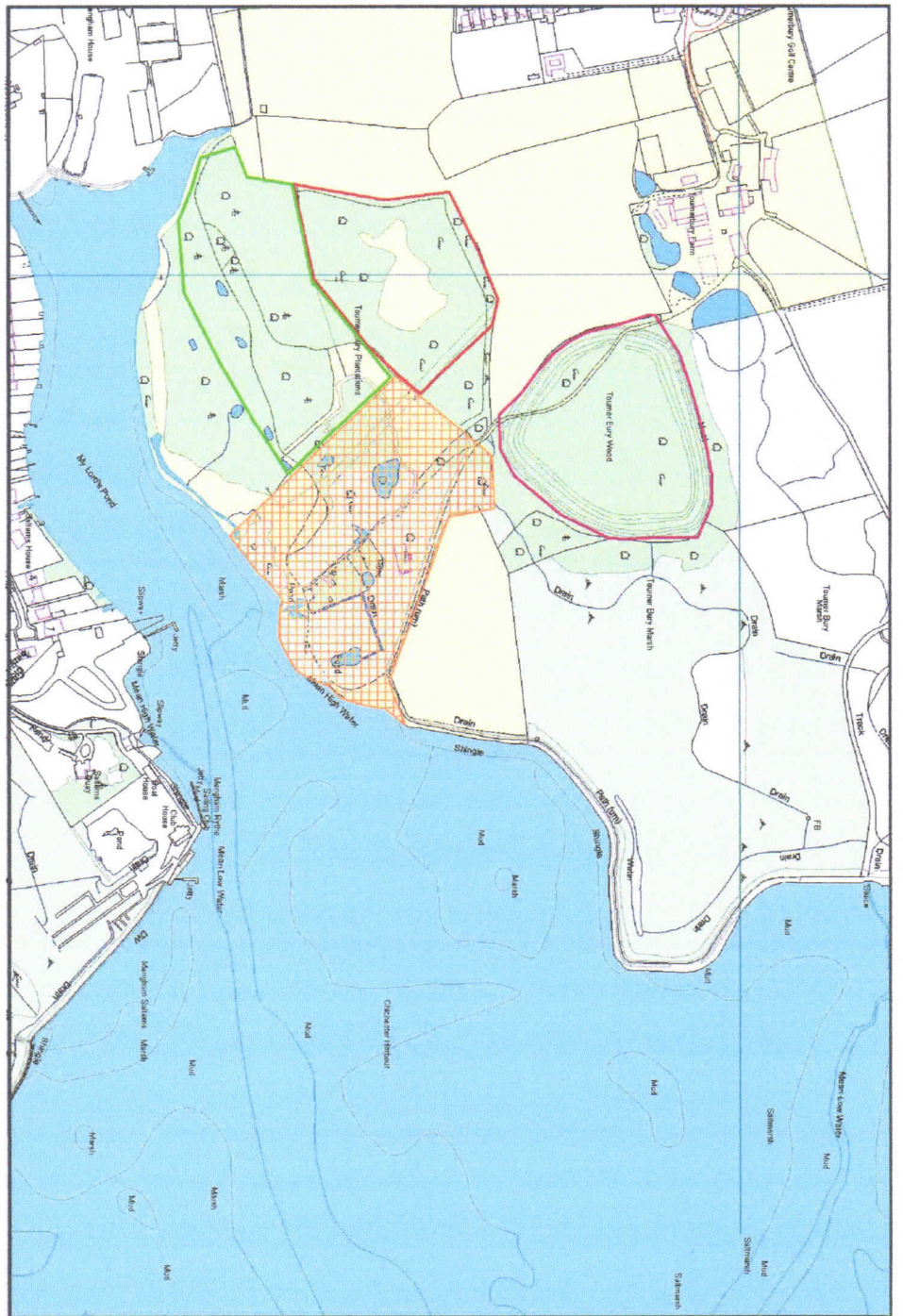
We look forward to seeing you at the meeting on Monday regardless,

Best wishes,

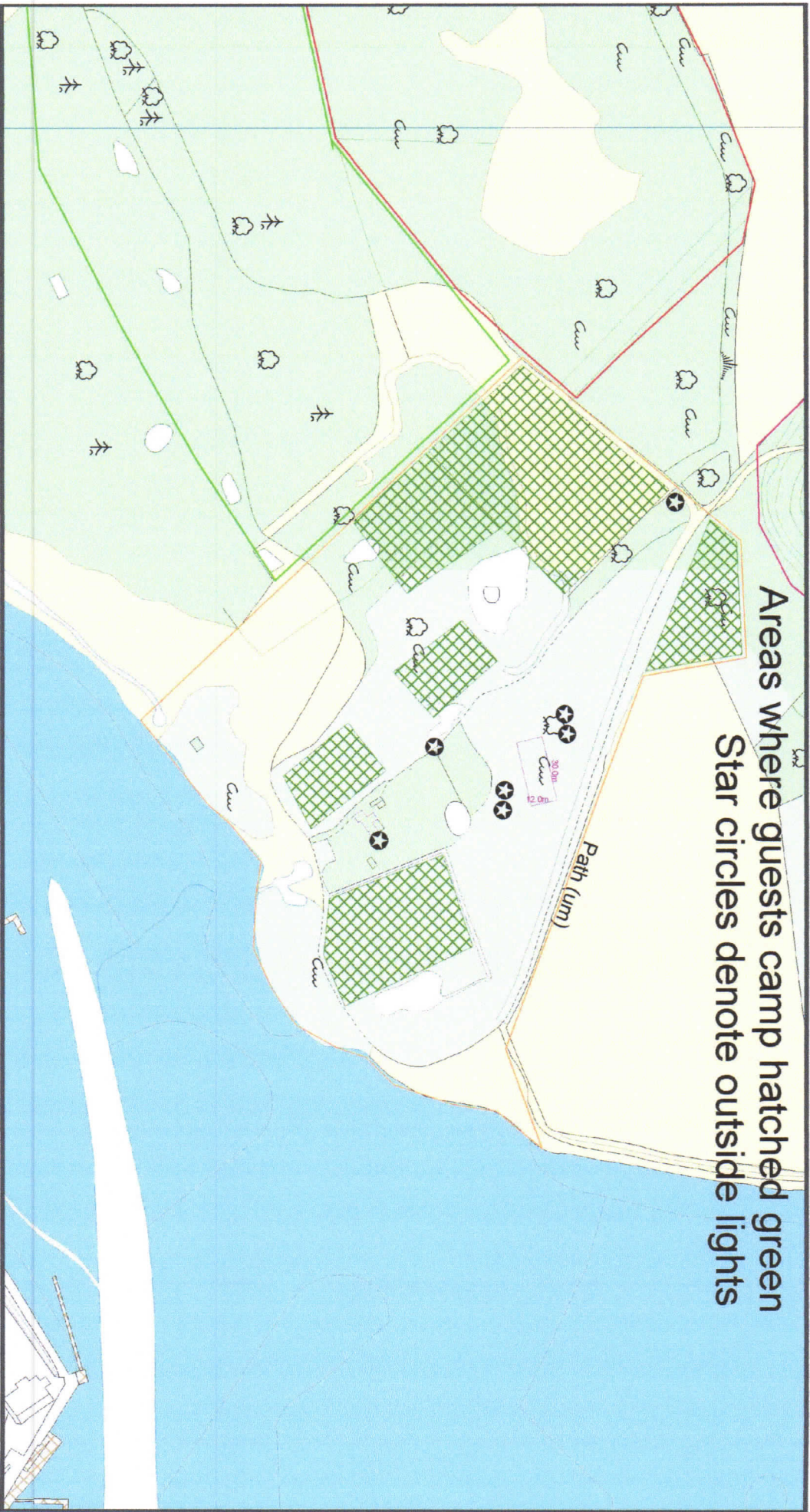
Chris and Alice Snell

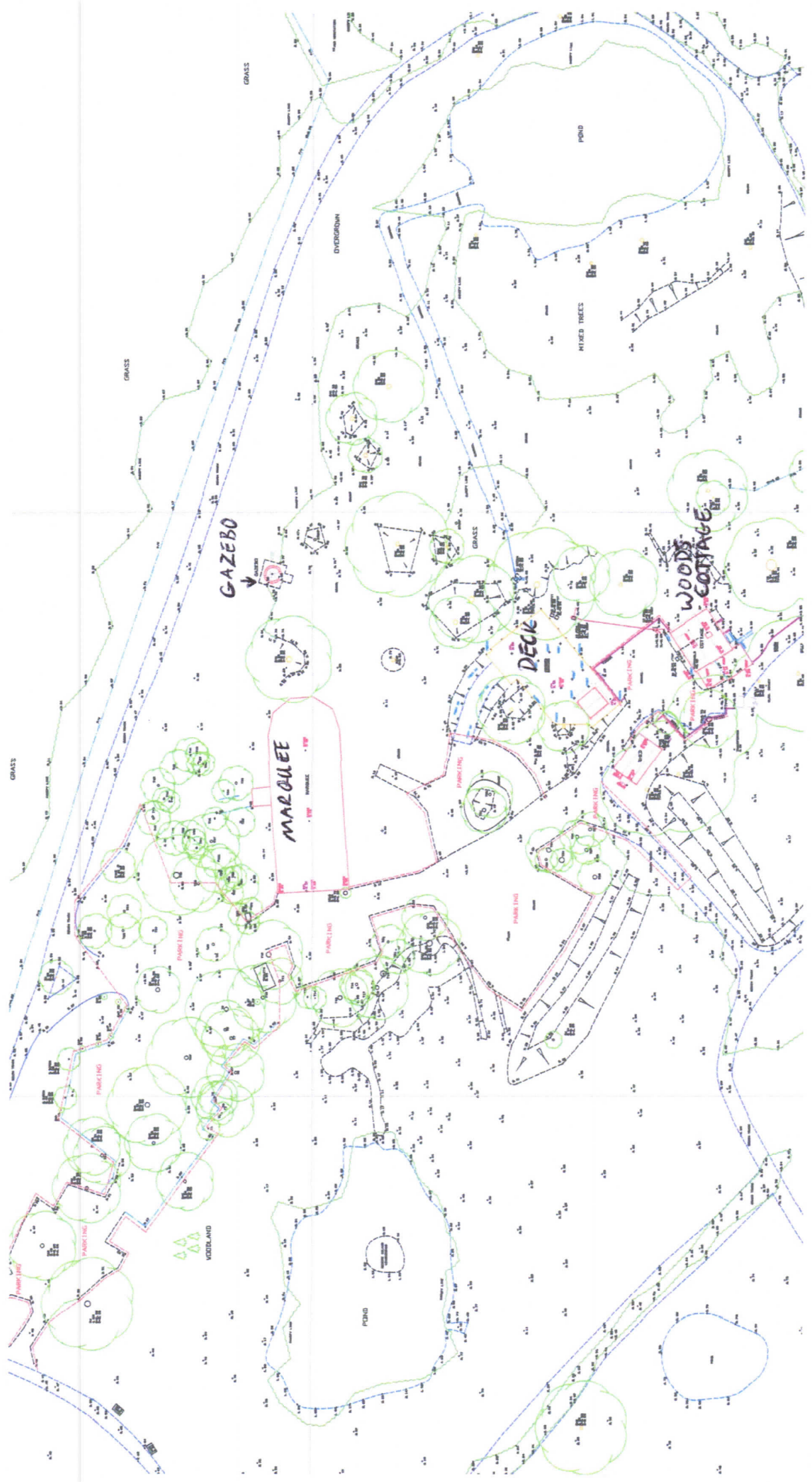
CC by email -

Rachael McMurray – HBC
Haydn Morris – HMPC Ltd
Richard Austin – CHC
Peter Hughes – CHC
David Rothery – CHC
Rachel Jones – NE
Simon Curzon – NE
Keith Martin – CHC PCC Chairman
Steven Schrier – CHC PCC Vice Chairman
Ann Briggs – CHC PCC
Tim Calloway – CHC PCC
John Connor – CHC PCC
Nick Fox – CHC PCC
Pieter Montyn – CHC PCC
Ken Smith – CHC PCC
Alison Wakelin – CHC PCC



Areas where guests camp hatched green
Star circles denote outside lights



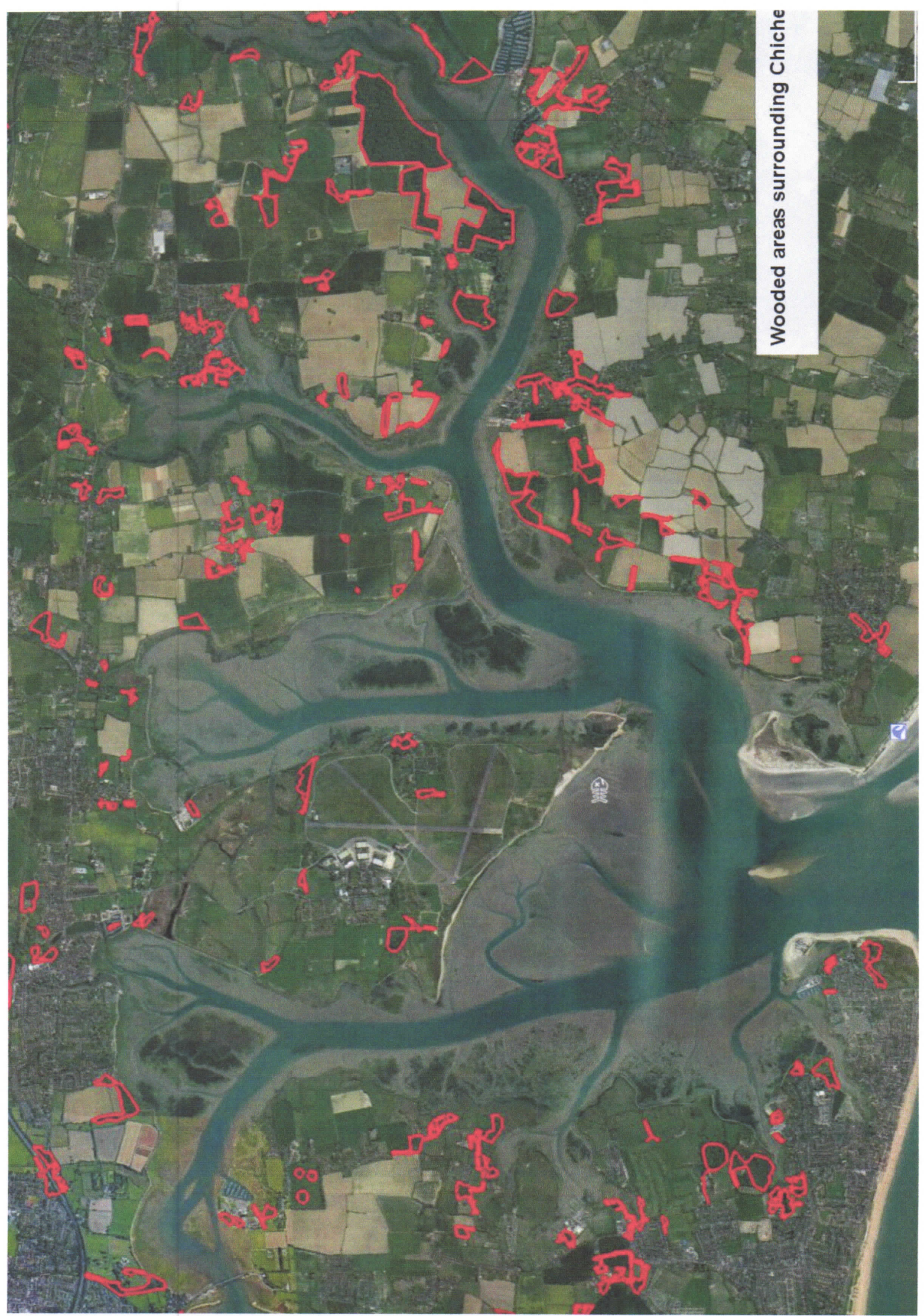


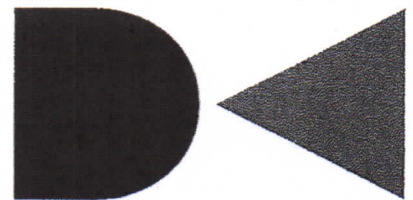
Chichester Harbour& Hayling Island Woodland areas						
Unit No	Name	Size (Acres)	Size (Hect's)	Abutts Harbour	SSSI Status	On HI
1	Mengeham House South HI	4.66	1.89	Yes	No	Yes
2	Mengeham House North HI	2.60	1.05	Yes	No	Yes
3	Copse Lane North HI	2.39	0.97		No	Yes
4	Northney HI	4.90	1.98		No	Yes
5	Gutner Lane HI	8.39	3.40		No	Yes
6	Langstone	11.00	4.45		No	No
7	Warblington	13.60	5.50	Yes	No	No
8	Thorney	7.35	2.97		No	No
9	North Thorney	1.77	0.72		No	No
10	West Chidham	5.74	2.32		No	No
11	South West Chidham	1.36	0.55		No	No
12	South Chidham	2.29	0.93		No	No
13	South East Chidham	7.21	2.92		No	No
14	North Bosham	2.20	0.89		No	No
15	South Bosham	2.75	1.11		No	No
16	South Bosham	4.12	1.67		No	No
17	Bosham Hoe West	17.00	6.88	Yes	No	No
18	Bosham Hoe East	39.30	15.90	Yes	No	No
19	Blackhouse Copse	23.30	9.43		No	No
20	Salterns Copse	9.38	3.80		No	No
21	West Birdham Pool	5.18	2.10		No	No
22	East Itchenor	9.44	3.82		No	No
23	West Itchenor	20.22	8.18		No	No
24	Mill Rithe	2.47	1.00		No	Yes
25	Lakeside HI	6.41	2.59	Yes	No	Yes
26	North East Emsworth	8.28	3.35		No	No
27	North Emsworth	4.90	1.98		No	No
28	East Langstone	1.58	0.64		No	No
29	North Emsworth Pond	1.13	0.46		No	No
30	North Billy Trail Langstone	2.67	1.08		No	No
31	North West Thorney	1.22	0.49		No	No
32	West Thorney	2.28	0.92		No	No
33	Mid Thorney	1.58	0.64		No	No
34	Nutborne	2.97	1.20		No	No
35	Cobnor Center	1.12	0.45		No	No
36	Cobnor Center North	1.30	0.53		No	No
37	Chidmere Pond	7.28	2.95		No	No
38	St Nicholas Thorney	3.21	1.30		No	No
39	South East Nutborne	3.89	1.57		No	No
40	North West Chidham	3.59	1.45		No	No
41	West Chidham	1.16	0.47		No	No
42	Chidham	1.71	0.69		No	No
43	Chidham North	1.05	0.42		No	No
44	The Bosham Inn	2.33	0.94		No	No
45	West of Cobnor	0.55	0.22		No	No
46	Culimers Point	0.56	0.23		No	No
47	South East Cobnor	0.76	0.31		No	No
48	East Thorney	7.72	3.12		No	No
49	Thorney SBS Hut	1.56	0.63		No	No
50	Emsworth Marina South	1.01	0.41		No	No
51	Emsworth Marina	0.63	0.25		No	No
52	South Nutborne	0.51	0.21		No	No
53	West Nutborne	0.71	0.29		No	No
54	Prinstead	0.96	0.39		No	No
55	South Nutborne	1.15	0.47		No	No
56	East Prinstead	0.78	0.32		No	No
57	North Prinstead	0.40	0.16		No	No

58	South Prinstead	0.68	0.28		No	No
59	South East Prinstead	0.40	0.16		No	No
60	South West Chidham	0.20	0.08		No	No
61	North East Chidham	6.93	2.80		No	No
62	West Broadbridge	3.63	1.47		No	No
63	North Bosham	2.18	0.88		No	No
64	Broadbridge Trading	0.68	0.28		No	No
65	North West Bosham	1.18	0.48		No	No
66	Bosham West	2.40	0.97		No	No
67	Bosham West Boat Park	0.31	0.13		No	No
68	Bosham West and Church	5.56	2.25		No	No
69	Bosham Central East	5.34	2.16		No	No
70	Bosham East	2.28	0.92		No	No
71	South Brinkmans Nurseries	4.78	1.93		No	No
72	Fishborne West	9.71	3.93		No	No
73	Fishborne East	11.21	4.54		No	No
74	Bosham South East	1.01	0.41		No	No
75	Itchenor Channel A	0.77	0.31		No	No
76	Itchenor Ferry North	3.63	1.47		No	No
77	Itchenor Ferry North & East	1.01	0.41		No	No
78	Smugglers Lane	0.87	0.35		No	No
79	North West of Bosham Hoe	1.20	0.49		No	No
80	Dunmere Pond	2.69	1.09		No	No
81	Fletcher Lane	4.08	1.65		No	No
82	Old Park Lane West	10.40	4.21		No	No
83	Old Park Lane East	3.37	1.36		No	No
84	Beggars Roost	3.17	1.28		No	No
85	Hook Lane North	1.64	0.66		No	No
86	Hook Lane South	2.50	1.01		No	No
87	Old Park Wood	104.00	42.09	Yes	Yes	No
88	Fishborne Channel West	2.54	1.03		No	No
89	Appledram Lane South	12.50	5.06		No	No
90	Dell Quay North	1.46	0.59		No	No
91	Dell Quay South	3.45	1.40		No	No
92	Chichester Marina Entrance	7.36	2.98		No	No
93	Appledram , Black Horse	1.92	0.78		No	No
94	Birdham Road South	2.50	1.01		No	No
95	South Dell Quay Foreshore	2.21	0.89		No	No
96	Birdham Pool South	18.72	7.58		No	No
97	Birdham Pool West	8.19	3.31		No	No
98	Westlands Lane	16.46	6.66		No	No
99	Itchenor central	22.02	8.91		No	No
100	Northshore Yachts Itchenor	2.84	1.15		No	No
101	Itchenor Cricket Pitch	9.70	3.93		No	No
102	Itchenor Cricket Pitch South West	1.95	0.79		No	No
103	Horse Pond	5.05	2.04		No	No
104	Rookwood Lane	16.01	6.48		No	No
105	Sheepwash Lane	2.53	1.02		No	No
106	The Wad West Wittering	6.57	2.66		No	No
107	Snowhill Creek	0.45	0.18		No	No
108	North of Rookwood Lane	2.25	0.91		No	No
109	St Mary's Chidham	1.93	0.78		No	No
110	The Durbar Chidham	2.04	0.83		No	No
111	Mid Chidham	0.35	0.14		No	No
112	Northney Field HI No 1	2.12	0.86	No	No	Yes
113	Northney Field HI No 2	1.07	0.43	No	No	Yes
114	Northney Field HI No 3	1.21	0.49	No	No	Yes
115	Blakes Yard HI	5.19	2.10	Yes	No	Yes
116	Woodgaston Lane West HI	5.15	2.08		No	Yes
117	Littlemead HI	9.02	3.65	No	No	Yes

118	South of Manor farm HI	3.82	1.55	No	No	Yes
119	The Pound HI	3.32	1.34	No	No	Yes
120	Manor Farm HI	3.89	1.57	No	No	Yes
121	Itchenor Channel	1.24	0.50	Yes	No	No
122	Pond Head HI	2.83	1.15	Yes	No	Yes
123	Billy Trail HI	3.92	1.59	Yes	No	Yes
124	Marine Walk HI	1.28	0.52	Yes	No	Yes
125	Sandy Point NR HI	6.56	2.65	Yes	No	Yes
126	Wittering Road HI	1.00	0.40	Yes	No	Yes
127	Hollies HI	0.35	0.14	Yes	No	Yes
128	Salterns Quay HI	1.01	0.41	Yes	No	Yes
129	West Wilsons Boat Yard HI	0.50	0.20	Yes	No	Yes
130	Mill Rithe Sch HI	4.75	1.92	Yes	No	Yes
131	Tbury Golf Course HI	0.75	0.30	No	No	Yes
132	Tbury Golf Course West HI	0.79	0.32	No	No	Yes
133	North Billy Trail Langstone	9.30	3.76	Yes	No	No
134	Tournerbury Wood HI	9.59	3.88	No	Yes	Yes
135	Tournerbury Plantation HI	15.60	6.31	Yes	Yes	Yes
136	Itchenor Channel North East	1.09	0.44	No	No	No
137	Daw Lane HI	1.59	0.64	No	No	Yes
138	North Nutbourne	8.69	3.52	No	No	No
139	Pleasant Lane Thorney	2.66	1.08	No	No	No
140	Emsworth Station	15.30	6.19	No	No	No
141	Warblington roundabout	13.30	5.38	No	No	No
142	Northney Marina	2.79	1.13	Yes	No	No
143	Langstone Hotel	3.30	1.34	Yes	No	Yes
		777.37	314.59			

Wooded areas surrounding Chicopee





DIRECT ACOUSTICS

Soundproof Marquees - Mitigation Strategy

Project. The Tournerbury Woods Estate DRAFT

Proposal No. 388/001

Proposal For: The Tournerbury Woods Estate

Tournerbury Lane

Hayling Island

PO11 9DL

Email: info@tournerbury.com
Tel: 02392 461978

Date: 12/06/2019
Code: TOURPROP001

Prepared by:

Direct Acoustic Solutions Limited
Unit 4 Crawfold Business Park
Balls Cross
West Sussex
GU28 9JT

These are as follows:

- Drum kit – non amplified;
- Guitar amplifiers – amplifies signal from guitars;
- Stage wedge monitors - speakers pointing at the musicians.

All of the above emit sound like a conventional point source system, and the volume these operate at are at the sole control of band members. Due to these speakers emitting sound omnidirectionally, each individual piece of equipment could cause disturbance if played at an excessive level.

To contain the on stage noise generated by visiting live music acts, reduce the impact of patron noise and contain the minimal residual sound emitted from the directional array, Direct Acoustics have employed traditional soundproofing techniques in the form of a 12m x 6m mass acoustic enclosure. Further details on the attenuation composites that were utilised can be seen below.

Mitigation - Soundproof Enclosure

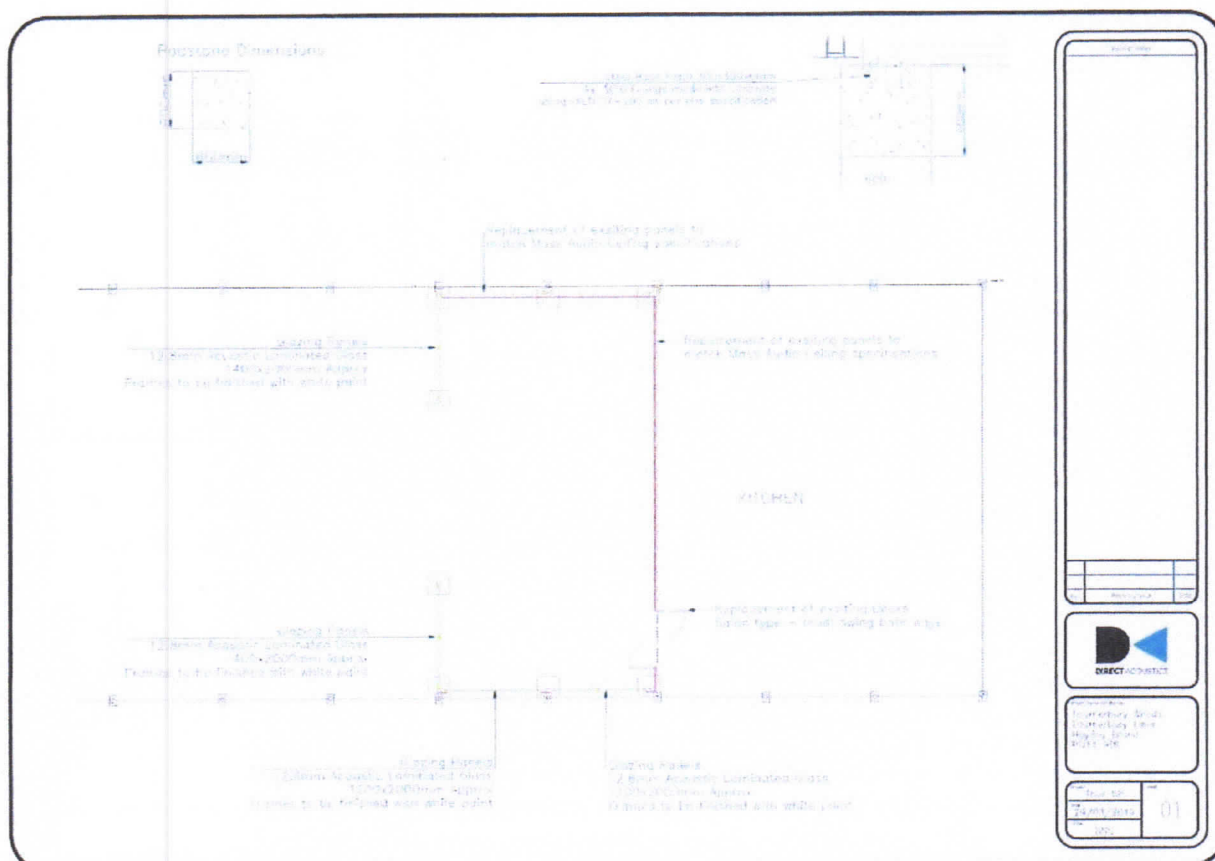


Figure 2

One gable wall was constructed between the catering area and main marquee, with Rw30 doors installed to allow for ingress and egress of staff.

The other gable wall was erected 6m away from the existing with an open frontage to encourage guests into the dance floor area, as detailed in figure 3.

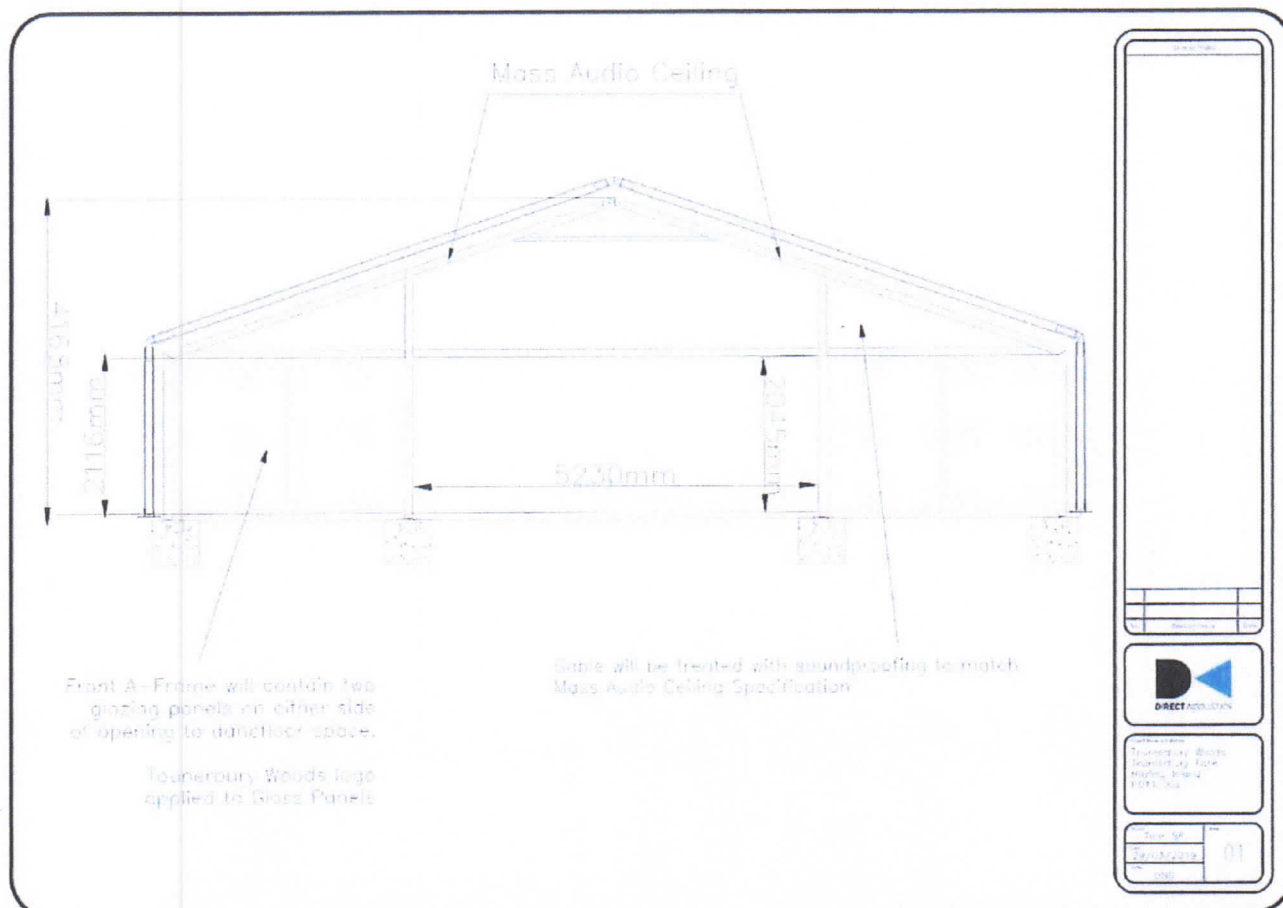


Figure 3

Mass Audio Ceiling/Wall constructions, that are detailed in figures 2 and 3, differ depending on location and access beyond the existing marquee.

Attenuation Composites:

Rear Gable Wall (small aperture)

- 1x 15mm Soundcheck;
- 1 x 3mm acoustic vinyl;
- 1x 15mm Soundcheck;
- 100mm stud - cavity infill - Rw3 60kg/m³ Rockwool;
- 1x 15mm Soundcheck;
- 1 x 3mm acoustic vinyl;
- 1x 15mm Soundcheck;
- 25mm profiled foam.

Using sound reduction computer modelling software, the overall attenuation of the installed



**Tournierbury Woods Estate,
Hayling Island**

**Highway Review of Right of Way
Through Tournierbury Farm**

on behalf of

Tournierbury Woods Estate

November 2019

INTERMODAL TRANSPORTATION

IT2073

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA Tel: 01799 529529 Fax: 01799 529530 e-mail: enquiries@inter-modal.co.uk



due to the fact that the unopposed driver only has to travel a few metres to clear the opposed vehicle.

The characteristics of the wedding & event business

- 18 Weddings & events have reasonably predictable traits in terms of the influx and departure of attendees.
- 19 Typically marriages are late morning to early afternoon. A select number of family and invited guests would attend the ceremony (day guests). Also, the wedding management team and catering personnel would arrive too. There would be a short break after the wedding breakfast while other support personnel (the band or disc jockey and bar staff) set up for the evening reception. During the early evening a second tranche of invited guests would arrive (evening guests). Typically, from early evening guests would begin to dribble out with a final flush from the venue when the bar, music and venue itself closes down at midnight.
- 20 These typical trends apply to any day of the week; however, there can be variations on the theme with a handful of weddings ceremonies being off site, occasional weddings taking place earlier in the day and some weddings without an evening reception or additional evening guests.
- 21 Most weddings take place on a Friday or Saturday and this trait is unlikely to change much as weddings during the week are not so popular for obvious reasons. Some weekday weddings and events do take place, but it is not the norm.

Likely maximum traffic movement and types of vehicles

- 22 In order to place traffic matters into context, the Applicant has provided ITL with a breakdown of guest numbers for the wedding and evening events in 2019. This is attached at Appendix 1.
 - 23 The maximum number of attendees at a wedding event (both day and evening guests) was on 10th August 2019 where 150 day guests attended the ceremony and 65 evening guests attended the evening reception; a total of 215 guests. This, however, needs to be placed in context when reviewed against the average attendance of 107 guests for the ceremony and an average of 31 guests attending in the evening, i.e. a total of 138 guests.
 - 24 ITL arranged for an automatic traffic counter (ATC) to be placed on the private access road immediately before vehicles turned off into the venue car parks. This data is shown in Appendix 2. This data shows the build-up and decay of arrivals and departures to the various events recorded.
-



- 25 As the number of day guests and evening guests are known and the count information is recorded on an hourly basis, then it is possible to derive the highest two-way peak hour for each day over the 4 events recorded. Table 1 below sets out the calculations for the four events that took place whilst the ATC was recording vehicle movements.

Table 1: Data used for Traffic Flow Estimates

Date	21.09.19	26.09.19	28.09.19	05.10.19	Average
Inbound Daily Flow	108	131	112	80	108
Outbound Daily Flow	99	126	97	72	99
Highest Combined Peak Hour & Time	74 1300-1400	54 1500-1600	38 1900-2000	27 2200-2300	48 N/A
Highest Peak as % of Daily Flow	36%	21%	18%	18%	23%

- 26 Clearly, the event that took place on 21st September (150 day guests but no evening guests) showed the highest two-way peak hour as a percentage of all flows in and out (summed) over the day. The 36% figure is the highest ratio recorded for any one hour period compared to all other hours on that day and is considered to be a reliable indicator of the highest flows to any event. As mentioned previously the highest number of total guests occurred on 10th August but coincidentally the number of day guests is exactly the same as that which was recorded on 21st September. There was one other event held on 26th September which had the highest number of day guests for the whole of 2019 which was 180 guests. However, on this day, the highest recorded peak hour flow was only 21% of the daily two-way flow. This shows there are variations in the arrival and departure profiles.
- 27 Occasionally, a bus or coach will be laid on by some guests, in which case the average number of cars arriving or departing would be less than the worst case tested below.
- 28 As the evening progresses, it can be expected that family and friends would start to leave from about 8.00pm as evidenced from the survey results.
- 29 Within the vehicle movements recorded there would be some arrivals and departures of staff and catering /music providers during the run up to the ceremony and in the last hour when most people will leave. Moreover, the traffic counts will have included any taxis that dropped off or, picked up guests.



- 30 The wedding events held on 28th September and 5th October 2019 had a very similar number of evening guests as for the busiest 10th August event. For these wedding events the survey results revealed the highest peak hour flow occurred between 1900 to 2000hrs and 2200 to 2300 hrs respectively. Coincidentally they showed the same 18% of total two-way daily flows occurring during these different evening periods.
- 31 The arrival hour, before the ceremony, is therefore the worst-case hour to base any capacity judgements upon and the period between 2200 hrs and 2300hrs is likely to be the worst-case hour to review with regard to the evening flow peak. Also, it is worthy to note that the traffic flows to and from any event venue is heavily biased either inwards or outwards depending on the time of day.

Adequacy of Access (the private right of way)

- 32 To be robust ITL has therefore adopted the same percentage trips inbound and outbound on the run up to the wedding (day guests) as recorded for the 21st September 2019 wedding which, shows 50 inbound vehicle movements and 24 vehicle departures in that hour. ITL have taken the survey results of 28th September 2019 where 70 evening guest attended to be a good proxy for a high evening peak hour for the year which resulted in 23 inbound vehicle movements and 15 vehicle departures.
- 33 Allowing for some farm related traffic movements (to and from the two houses on the farm site which would not have been picked up by the ATC counter) it would be reasonable to allow, say, 4 additional movements in the highest activity hour. Hence, it might be that a total of 78 two-way movements could occur as the absolute highest level of activity for any event and that this would be the exception rather than the rule, given the average number of day guests throughout the year would be some 29% lower than the case adopted for capacity assessment.
- 34 Seventy eight vehicle movements in one hour equates to an average 1.3 vehicle movements per minute which is not a high flow. Assuming an average wedding day, then the flows would be 29% lower meaning that circa 53 vehicular trips would occur on the run up to the wedding which would give an average 0.9 vehicles per minute. On a very busy road it could be expected that the flow rate at any given point would cater for 20 vehicles per minute to put the flows into some context.
- 35 Clearly, the narrow section of road upon entering or leaving the private road system could adequately manage 232 vehicles per hour and therefore the capacity of the access to and from the venue through the farmyard cannot be cited as a constraint given there would be some 66% reserve capacity. As such the affect upon the amenity or, modus operandi of the farm, from a
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vehicular conflict perspective would be negligible given the minimal potential delay to the general free flow of all traffic which has to pass along the right of way and through the farmyard.

- 36 Moreover, a much higher capacity of the road system would prevail due to the biased flow of traffic and the low number of occurrences where opposing drivers would coincidentally happen to meet at the identified points of constraint. Furthermore, if clusters of cars were to arrive or leave in a tight procession (platooning) they would tend to drive nose to tail through the aforementioned restricted elements of the right of way and under such circumstances this would represent a more efficient operation of the right of way from a capacity perspective.
- 37 In safety terms, it is not physically possible to achieve high speeds when traversing the private right of way. This is for two reasons; firstly, the route is tortuous and in places narrow which physically controls speed and secondly the road surface is not smooth and would be uncomfortable to traverse at high speed. Hence, generally it is considered that the majority of drivers would drive with care and in a safe manner.

Conclusions

- 38 Inevitably the more the right of way is used the more chance that other users of the right of way would encounter an opposing driver. It can be expected that the owner of the farm, his/her staff and the occupier of the second house, within the farmyard complex, may have to wait a few seconds on the odd occasion they wish to enter or leave their premises.
- 39 On the basis that the legal right exists to allow any quantum of any sort or type of traffic to use the right of way to access the TWE land, for whatever purpose, and at whatever time (24 x 7x 365), then minor delays to movements into and out of the farm or associated with farm related activities must, prima facie, be anticipated and allowed for, otherwise the legal conveyance would have specified limits or, other restrictions. We are advised by TWE that no restrictions were contracted to in the grant of the Right of Way.
- 40 The nature of the business in TWE, for which a certificate of lawful use / retrospective planning permission is being sought, needs to be considered in terms of operational hours when traffic flows would be notable. It would be fair to say that most farm related activities would generally be finished by the hours of darkness and therefore most evening traffic leaving the wedding site would not encounter associated daily activity of the farm itself. During the day there would be one notable hour where there would be a high arrival of guests and some departures (mainly taxis and operational related traffic). Based upon the 2019 wedding / large event numbers there were 42 events held and therefore 42 occasions during which some limited minor conflicts may have arisen, as described. Taking an average 12-hour day where the operation of the farm or, use of
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- the access by farm residents, could be regarded as active and the fact that there are very few large events held over the winter months (approx. 5 months) in TWE, it would be the case that there might be some minor inconvenience during a total of 42 hours over the year. When measured against a potential total time element of 4380 active farm related hours (365 days x 12), this represents less than 1% of the time that 'farm activities' could be very slightly inconvenienced from a pure capacity perspective.
- 41 In regard to residential amenity (of the two dwellings in Tournerbury Farm), the same calculation as above can be used to understand the potential time element that residential amenity could be slightly inconvenienced. Using a total time element of 8760 annual hours (365 days x 24 hours), the 42 hours as detailed above represents less than 0.5% of the time per year that 'residential activities' could be very slightly inconvenienced in terms of very minor hindrance to vehicular movements. Even if the TWE were to expand its' operations 5 fold, the 'potential residential amenity inconvenience time' only rises to just under 2.5% of any one year.
- 42 To set a precedent, notwithstanding, which predicates that the amenity of any person has been unduly compromised due to a minor delay of the passage of a vehicle, as a sustainable reason to refuse an application, would bring into question any additional delay brought about by increased car ownership, new development, or traffic management on the public highway where all citizens have a right to pass and repass. To put this into context it has to be an expectation of every driver who commences a journey in a vehicle that he/she will be faced with a plethora of delays en-route. In relative terms, the occasional delay of up to 16 seconds by farm related personnel would be de minimus in relation to any given journey, even a short journey. If the traffic flow to and from the event venue is to be considered as unacceptable on traffic amenity grounds then its impact needs, in our opinion, to be assessed against para 109 of the 2018 publication of the National Planning Policy Framework (NPPF) which states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Although a private road is being assessed, the same tenet should apply.
- 43 The assessment has considered the likely impact of the wedding / event traffic over the legal right of way and demonstrably shows that the access can adequately function as a route to and from the TWE event venue without any significant detriment to Tournerbury farm personnel, the operation of the 'farm' or, the access to and from farm houses. Moreover, when reviewed against the overarching government policy guidance, the TWE wedding & event business cannot, in any way, be regarded as having a severe impact, whether in its current form & use or indeed if venue operations are expanded considerably.
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APPENDIX 1

Weddings 2019: Guest Numbers



Weddings 2019 - Guest Numbers

Date	Number of Day Guests	Arrival Time	Number of Evening Guests	Arrival Time	Actual Number of Evening Guests	Other Information
30.03.19	84	1pm	116	6pm	80	
20.04.19	90	2pm				
26.04.19	124	3pm				Ceremony off site
27.04.19	132	12.30pm	70	6pm	30	
05.05.19	97	12.30pm				
11.05.19	110	2pm	70	7.30pm	60	
18.05.19	55	2pm	145	7pm	80	
25.05.19	112	12.30pm				
26.05.19	132	2pm	50	7.30pm	30	
28.05.19	85	1.30pm	35	6pm	20	
31.05.19	55	2.30pm	35	7.30pm	15	
01.06.19	120	1.30pm				
08.06.19	63	2pm	80	7pm	40	
14.06.19	68	1.30pm	30	6.30pm	25	
15.06.19	125	1pm	100	7pm	40	
21.06.19	144	1.30pm	70	7pm	30	
22.06.19	128	2.30pm	45	5pm	15	
29.06.19	135	2pm	60	7pm	40	
06.07.19	102	12.30pm	20	6.30pm	10	
13.07.19	94	1pm	40	7pm	20	
20.07.19	125	2pm	60	7pm	40	Ceremony off site
25.07.19	27	12pm	150	6pm	40	
26.07.19	85	1.30pm				
27.07.19	115	2pm	30	7.15pm	20	
28.07.19	99	2.30pm	10	6.30pm	5	
02.08.19	165	1.30pm				
03.08.19	110	1.30pm				
09.08.19	103	2.30pm	40	7.30pm	20	Ceremony off site
10.08.19	150	1.30pm	90	7pm	65	
16.08.19	70	4.30pm	5	8pm	5	Ceremony off site
17.08.19	105	1.30pm				
18.08.19	98	12.30pm	13	7pm	10	
23.08.19	90	2pm	30	7pm	20	
24.08.19	145	1.30pm				
31.08.19	125	1pm	65	6pm	35	Ceremony off site
06.09.19	94	12pm	86	5.30pm	30	Coach both ways
07.09.19	81	2pm	35	7pm	20	
14.09.19	151	2.30pm	40	7pm	25	
21.09.19	150	1.30pm	0	NA	0	
26.09.19	180	2.30pm - 3.30pm	0	NA	0	Corporate conference & party
28.09.19	110	3.15pm	110	7.30pm	70	Ceremony off site
05.10.19	44	1pm	100	7.30pm	60	
Average	107		57		31	



APPENDIX 2

Private Access ATC Survey Results



Site No: 24607003 Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 20-Sep-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	20/09/2019	21/09/2019	22/09/2019	23/09/2019	24/09/2019	25/09/2019	26/09/2019	Av	Av
00:00	0	0	10	0	0	0	0	0	1
01:00	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0
07:00	1	0	0	2	1	1	0	1	1
08:00	0	3	1	1	0	0	0	0	1
09:00	1	1	2	2	0	1	3	1	1
10:00	0	2	5	0	0	1	6	1	2
11:00	1	10	3	0	1	1	1	1	2
12:00	3	5	1	0	0	0	0	1	1
13:00	5	50	3	3	0	3	5	3	10
14:00	3	6	3	0	0	2	12	3	4
15:00	2	4	1	1	0	3	40	9	7
16:00	2	2	2	2	3	1	10	4	3
17:00	0	0	0	0	1	1	18	4	3
18:00	1	2	0	0	0	0	3	1	1
19:00	0	1	0	0	0	2	0	0	0
20:00	0	3	0	0	0	0	6	1	1
21:00	0	4	0	0	0	0	10	2	2
22:00	0	5	0	0	0	0	9	2	2
23:00	0	10	0	0	0	0	8	2	3
12H,7-19	19	85	21	11	6	14	98	30	36
16H,6-22	19	93	21	11	6	16	114	33	40
18H,6-24	19	108	21	11	6	16	131	37	45
24H,0-24	19	108	31	11	6	16	131	37	46
Am	11:00	11:00	00:00	09:00	11:00	11:00	10:00 -	-	
Peak	1	10	10	2	1	1	6	2	4
Pm	13:00	13:00	14:00	13:00	16:00	15:00	15:00 -	-	
Peak	5	50	3	3	3	3	40	11	15

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 27-Sep-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	27/09/2019	28/09/2019	29/09/2019	30/09/2019	01/10/2019	02/10/2019	03/10/2019	Av	Av
00:00	1	0	8	0	0	0	0	0	1
01:00	1	0	2	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	1	0	0	0	0	0	0	0	0
07:00	4	1	0	2	0	0	0	1	1
08:00	1	1	1	0	0	0	0	0	0
09:00	2	4	3	2	2	1	0	1	2
10:00	1	3	2	0	2	1	3	1	2
11:00	4	3	2	0	0	0	0	1	1
12:00	3	3	2	1	1	0	2	1	2
13:00	2	3	1	1	2	2	1	2	2
14:00	1	4	2	0	0	1	0	0	1
15:00	1	32	0	0	1	2	2	1	5
16:00	1	1	0	0	0	0	0	0	0
17:00	0	1	0	0	0	0	1	0	0
18:00	0	2	0	0	1	1	0	0	1
19:00	0	23	0	0	0	0	0	0	3
20:00	0	14	0	0	0	0	0	0	2
21:00	0	0	0	0	0	0	0	0	0
22:00	0	6	0	0	0	0	0	0	1
23:00	0	11	0	0	0	0	0	0	2
12H,7-19	20	58	13	6	9	8	9	10	18
16H,6-22	21	95	13	6	9	8	9	11	23
18H,6-24	21	112	13	6	9	8	9	11	25
24H,0-24	23	112	23	6	9	8	9	11	27
Am	11:00	09:00	00:00	09:00	10:00	10:00	10:00	-	-
Peak	4	4	8	2	2	1	3	2	3
Pm	12:00	15:00	14:00	13:00	13:00	15:00	15:00	-	-
Peak	3	32	2	1	2	2	2	2	6

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 04-Oct-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	04/10/2019	05/10/2019	06/10/2019	07/10/2019	08/10/2019	09/10/2019	10/10/2019	Av	Av
00:00	0	0	3	0	0 -	-		0	0
01:00	0	0	0	0	0 -	-		0	0
02:00	0	0	0	0	0 -	-		0	0
03:00	0	0	0	0	0 -	-		0	0
04:00	0	0	0	0	0 -	-		0	0
05:00	0	0	0	0	0 -	-		0	0
06:00	0	0	1	0	0 -	-		0	0
07:00	1	1	1	0	1 -	-		1	1
08:00	0	2	2	0	0 -	-		0	1
09:00	0	3	5	1	1 -	-		1	2
10:00	0	4	2	1	1 -	-		1	1
11:00	1	4	0	0	0 -	-		0	1
12:00	1	12	1	2	0 -	-		1	3
13:00	0	5	0	3	2 -	-		2	2
14:00	2	0	0	0	1 -	-		1	1
15:00	0	1	0	0	1 -	-		0	0
16:00	2	2	0	0	1 -	-		1	1
17:00	0	3	1	0	0 -	-		0	1
18:00	0	6	0	1	0 -	-		0	1
19:00	0	20	0	0	0 -	-		0	3
20:00	0	10	0	0	0 -	-		0	1
21:00	0	0	0	0	0 -	-		0	0
22:00	0	4	0	0	0 -	-		0	1
23:00	0	3	0	0	0 -	-		0	0
12H,7-19	7	43	12	8	8 -	-		8	13
16H,6-22	7	73	13	8	8 -	-		8	18
18H,6-24	7	80	13	8	8 -	-		8	19
24H,0-24	7	80	16	8	8 -	-		8	19
Am	11:00	11:00	09:00	10:00	10:00 -	-		-	-
Peak	1	4	5	1	1 -	-		1	2
Pm	16:00	19:00	17:00	13:00	13:00 -	-		-	-
Peak	2	20	1	3	2 -	-		2	5

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 20-Sep-19

Channel: Southwestbound

Time Begin	Fri 20/09/2019	Sat 21/09/2019	Sun 22/09/2019	Mon 23/09/2019	Tue 24/09/2019	Wed 25/09/2019	Thu 26/09/2019	5-Day Av	7-Day Av
00:00	0	0	15	0	0	0	0	0	2
01:00	0	0	3	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0
07:00	0	0	0	1	1	0	1	1	0
08:00	1	2	6	1	0	0	1	1	2
09:00	0	2	4	0	0	0	0	0	1
10:00	1	0	7	0	0	0	1	0	1
11:00	0	4	5	2	0	1	1	1	2
12:00	2	4	1	0	1	1	0	1	1
13:00	3	24	3	1	0	0	1	1	5
14:00	1	5	0	0	0	1	7	2	2
15:00	2	1	0	0	0	2	14	4	3
16:00	1	6	5	1	1	1	3	1	3
17:00	2	0	3	0	2	2	9	3	3
18:00	6	3	1	1	1	2	6	3	3
19:00	0	2	0	0	0	2	6	2	1
20:00	0	8	0	0	0	0	17	3	4
21:00	0	9	0	0	0	0	27	5	5
22:00	0	13	0	0	0	0	12	2	4
23:00	0	16	0	0	0	0	20	4	5
12H,7-19	19	51	35	7	6	10	44	17	25
16H,6-22	19	70	35	7	6	12	94	28	35
18H,6-24	19	99	35	7	6	12	126	34	43
24H,0-24	19	99	53	7	6	12	126	34	46
Am	10:00	11:00	00:00	11:00	07:00	11:00	11:00 -	-	
Peak	1	4	15	2	1	1	1	1	4
Pm	18:00	13:00	16:00	18:00	17:00	19:00	21:00 -	-	
Peak	6	24	5	1	2	2	27	8	10

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: S273182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 27-Sep-19

Channel: Southwestbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	27/09/2019	28/09/2019	29/09/2019	30/09/2019	01/10/2019	02/10/2019	03/10/2019	Av	Av
00:00	1	0	11	0	0	0	0	0	2
01:00	3	0	6	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	1	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0
08:00	0	0	0	1	0	0	0	0	0
09:00	4	3	3	0	0	0	0	1	1
10:00	0	2	2	2	1	1	1	1	1
11:00	5	1	7	0	2	1	0	2	2
12:00	3	2	2	0	0	2	1	1	1
13:00	0	1	2	1	0	0	3	1	1
14:00	2	0	1	0	1	1	0	1	1
15:00	2	3	2	0	1	2	2	1	2
16:00	0	6	0	0	0	1	2	1	1
17:00	1	3	0	0	0	1	0	0	1
18:00	0	3	0	0	0	1	1	0	1
19:00	0	15	0	0	0	0	0	0	2
20:00	0	12	0	0	0	0	0	0	2
21:00	0	10	0	0	0	0	0	0	1
22:00	0	18	0	0	0	0	0	0	3
23:00	0	18	0	0	0	0	0	0	3
12H,7-19	17	24	19	4	5	10	10	9	13
16H,6-22	18	61	19	4	5	10	10	9	18
18H,6-24	18	97	19	4	5	10	10	9	23
24H,0-24	22	97	36	4	5	10	10	10	26
Am	11:00	09:00	00:00	10:00	11:00	11:00	10:00	-	-
Peak	5	3	11	2	2	1	1	2	4
Pm	12:00	23:00	15:00	13:00	15:00	15:00	13:00	-	-
Peak	3	18	2	1	1	2	3	2	4

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

APPENDIX 'E'

APP/18/00943 | Tournerbury: Comments of Peter Hughes, CHC Ecology Officer

Two documents have been recently added this application (Shadow HRA Report, and Ecological Impact Assessment Report), along with a letter from the agent, Mr Morris. Much of the two reports and the letter seeks to downplay the importance or relevance of the SSSI designation and/or the proposal's impact on SPA features.

As there has been no prior acknowledgement of the importance of the site and the possible impacts of the proposal, there has unfortunately been no ongoing on-site environmental monitoring of some key species or features during the last few years, during which a substantial increase in use of the site as a wedding venue has occurred.

The letter claims that "*there are no records available of the environmental situation that existed prior to the development taking place*", although there is a long data set of Wetland Bird Survey (WeBS) for Chichester Harbour, and indeed the report quotes the heronry data from the BTO going back to 1966. Unfortunately, this past data has not been utilised – I would consider an analysis of the WeBS data relating to the sectors adjacent to the site as being fundamental to the HRA process.

Overall, the statements fail to provide avoidance/mitigation measures aimed at reducing the likely impacts that come from the use of the site as a wedding venue with the attendant increase in visitor numbers, traffic, noise etc at certain times. The statements still lack an overall management plan for the visitors and venue operation (e.g. such as parking, camping, predicted numbers of events or monthly usage) to ensure no impact on SSSI/SPA features, and/or protected species. Indeed, the ecological impact assessment (June 2020) states that there is "*currently no information on what bat species are present on site, including whether Woods cottage is a bat roost*".

The issue of breeding birds (an SSSI feature), and in particular, the heronry is confused. The report wrongly states that the heronry is "*a small secondary colony*" that "*has originated from a large colony on Thorney Island*" when in fact this refers to roosting little egrets, rather than breeding grey herons (Eyre, 2015). Far from being a '*secondary site*', the Tournerbury woodland remains one of only two historic heronries around Chichester harbour, has been occupied since at least the 1960s (probably far longer), and thus is an important breeding site for the species. Breeding herons could well have already been impacted the existing situation, and it could be impacted further in future years.

In their letter dated 17 Dec 2018, Natural England requested

- A detailed assessment of the ecological impacts of the proposed land uses and associated activities on the designated sites (on-site and adjacent land) and notable species, including the over-wintering waders and brent geese and the heronry in Tournerbury Wood.
- A bat survey to assess the impact from disturbance and lighting on these species.
- An assessment of mitigation and enhancement measures to address any impacts. It is recommended this is set out in a comprehensive site management plan, so that biodiversity net gain can be demonstrated.

Much of this detail is still to be supplied, and as such it very hard to make an assessment of the proposal and evaluate the impacts that may have already occurred.

Ref: Eyre, J (ed), 2015, Hampshire Bird Atlas (Hampshire Ornithological Society).

Local Planning Authority planning application reference: APP/18/00943

Site: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposals: A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use

(N.B original description of development was notified as – *“Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation”).*

On 15 November 2019, Havant Borough Council reconsulted the Conservancy in relation to new and additional information submitted by the applicant in relation to highways impact, a right of way enjoyed by the applicant through Tournerbury Farm and acoustic matters.

This is the third time this application (made valid on 6 November 2018) is being reported to The Conservancy’s Planning Committee, following the submission of further ecological reports, one asserting that it is not necessary for the Council, as ‘competant authority’, to carry out an ‘appropriate assessment’ under The Conservation of Habitat and Species Regulations 2017. **Appendix ‘A’** to this report is a set of initial queries put to the applicant, also with notes of a meeting with the applicant 17.1.2019 and **Appendix ‘B’** the response received from the applicant.

RECOMMENDATION

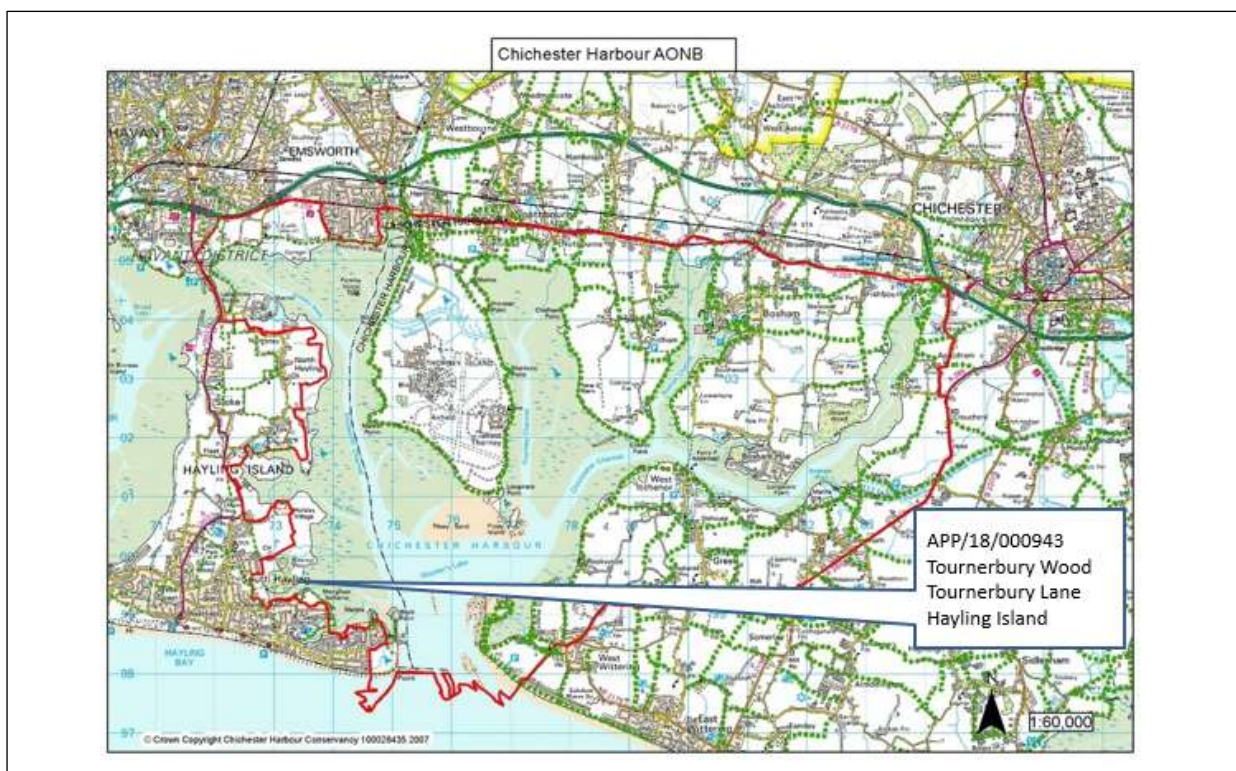
That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises an objection to the proposed development.

It is suggested that the application be refused for insufficient information as soon as possible.

The applicant has failed to demonstrate how disturbance from visitors could be effectively managed so as to avoid harm to the Chichester Harbour SSSI, in terms of the key features of the SSSI and how its condition is to be enhanced. Harm may also be likely to the Chichester and Langstone Harbour SPA/Ramsar/SAC from disturbance at the shoreline. Without bat surveys (requested over a year ago) it is not possible to conclude that there would be no adverse impact to bats.

The uncontrolled escalation of the number of events to up to 200 per year would not constitute sustainable development and would not conserve nor enhance the Chichester Harbour AONB.

These impacts do not just create impact to the venue areas, but also those areas adjoining them, from noise, external lighting impact and vehicular movement to and from the site.

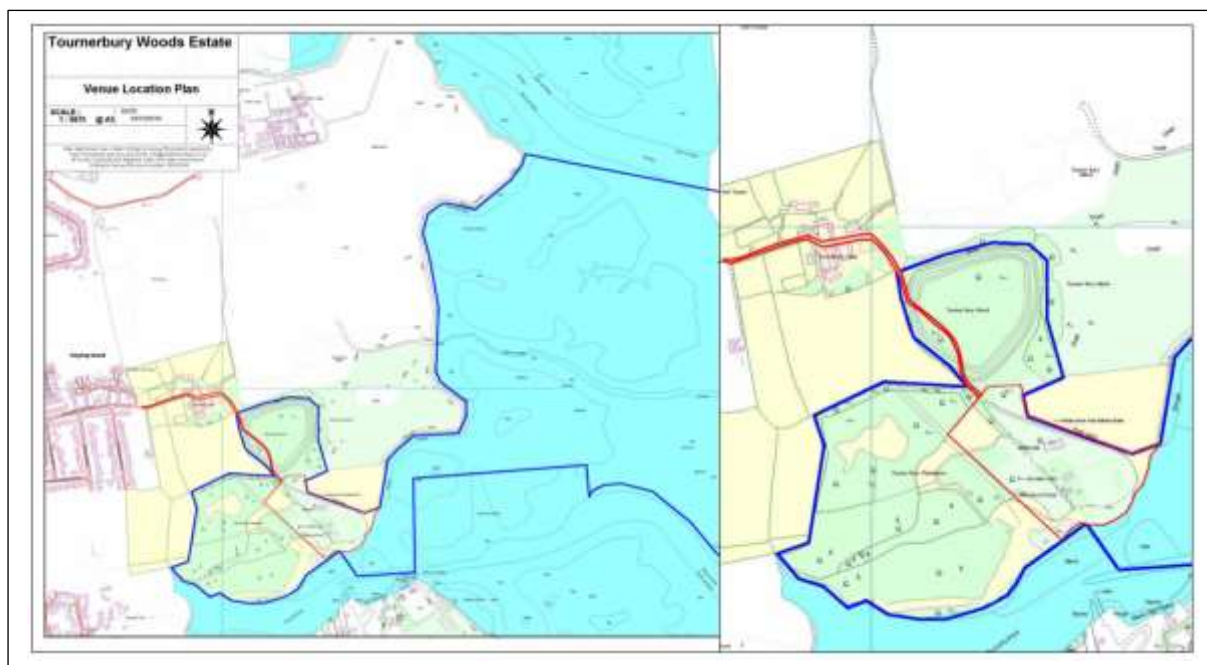


Conservancy Officers' comments and reasoned justification

1.0 Site and its context (aerial photograph below looking west, Woods Cottage in the centre)



Site in wider context shown below with zoomed in extract showing site edged red



- 1.1 This 4.8 ha site is located at the eastern end of Tournembury Lane, which also gives access through Tournembury Farm(yard). Land edged blue above shows the wider estate, purchased in 1931 by the applicant's grandfather and including a substantial proportion of this part of the Harbour.
- 1.2 Whilst not formally recognised as 'Ancient Woodland' on the Development Plan Proposals Map, the submitted phase 1 ecological report suggests that part of the wood may be considered to be ancient woodland. Paragraph 1.1.3 stating –

"The survey area comprised primarily of broadleaved woodland with Tournembury Wood (the Bury) situated on a Saxon fort considered to be ancient broadleaved semi-natural woodland. Broadleaved plantation adjoins the ancient woodland and mapping shows this was planted and developed into woodland in the late 19th Century (Tournembury plantation). The site opens out into amenity grassland and open woodland, and a small area of saltmarsh to the south, and improved grassland to the south east. Small woodland ponds are scattered through the southern woodland and a large duck pond is situated in the centre of the site. A brackish pond and drain exist in the south eastern corner."

Paragraph 2.1.4 goes on to state –

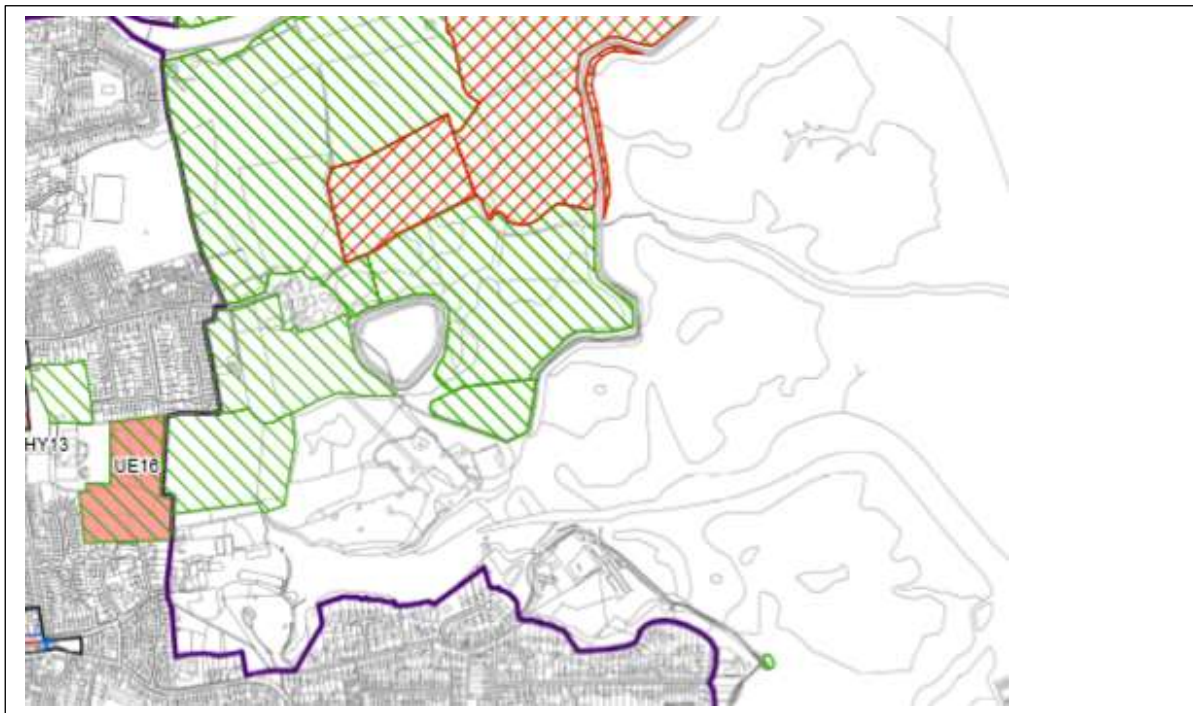
"The Tournembury Estate is designated partly as a unit of the Chichester Harbour Site of Special Scientific Interest (SSSI). Tournembury is noted within the SSSI designation as follows: 'Semi-natural broadleaved woodland associated with the harbour is important for breeding birds and supports two heronries. Oak is the major tree species, usually with hazel coppice, as at Old Park Wood, although Tournembury Wood has well-spaced oaks with the occasional beech, holly and yew

with a fairly dense ground flora of bramble and bracken.’ The Chichester Harbour SSSI covers an area of 3695 hectares and Tournembury forms 0.4% of its total area.”

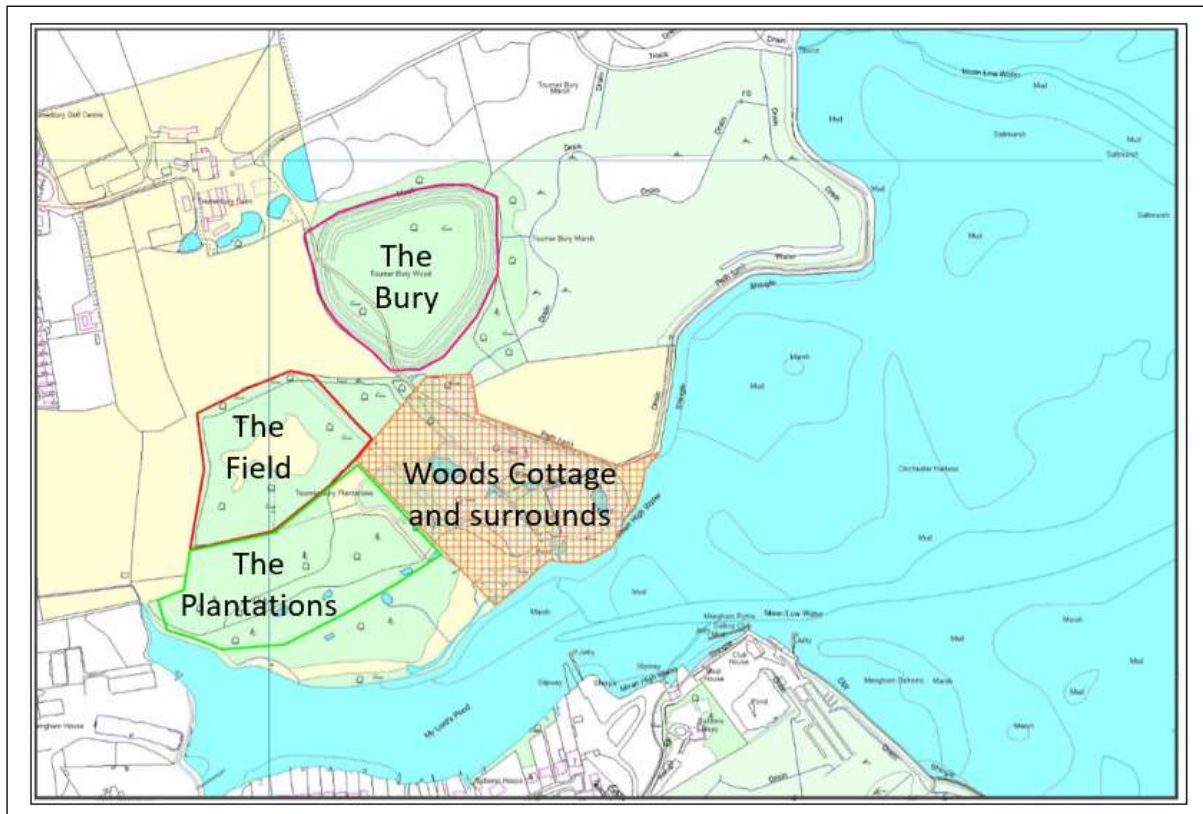
Paragraph 2.1.5 opines –

*"The SSSI falls within the Chichester and Langstone Harbour Special Protection Area (SPA) designated on account of populations of European importance of breeding, passage and over-wintering birds associated with the exposed estuarine sand and mudflats including breeding little tern (*Sterna albifrons*) and sandwich tern (*Sterna sandvicensis*), passage little egret (*Egretta garzetta*) and over-wintering waterbirds including dark-bellied Brent Goose (*Branta bernicla bernicla*), black-tailed godwit (*Limosa limosa islandica*) and dunlin (*Calidris alpina alpina*)."*

- 1.3 The northern part of the wood contains the remains of iron age fortifications, which are a Scheduled Ancient Monument (SAM). The single width metalled track leading to the application site passes through those fortifications. The whole wood is a Site of Special Scientific Interest (S.S.S.I.) and part of the wider Special Protection Area for the Harbour (according to Natural England’s Magic Maps website, although the Proposals Map of the Havant Borough Local Plan suggests the site also falls within a Special Area of Conservation (SAC). A heronry exists within the estate. Owing to SSSI protection works in the woodland are controllable and a Woodland Tree Preservation Order exists on the whole Tournembury Woods Estate (Council TPO 448).
- 1.4 The application site is shown as being adjacent to an uncertain site for brent geese and/or waders (Policy DM23)/Site of Importance for Nature Conservation (Policy CS11) on the Proposals Map (shown hatched green below) of the Development Plan, with the the site in Flood zone 3 (highest risk) and most of the remainder of the landed estate in flood zone 2. The site is within the council’s ‘coastal zone’ (Policy DM9).



- 1.5 The site currently comprises woodland and open agricultural land/open grassed areas with at least two large ponds, all accessed via the winding end of Tournerbury Lane, where one has to pass through the farmyard of Tournerbury Farm to reach the site. The various parts of the Tournerbury Woods Estate (14.78 ha in total and not all forming part of the application site), as identified by the applicant, are shown below. The Estate constitutes 19% of all woodland on Hayling Island, but only 0.4% of the Chichester Harbour SSSI.



- 1.6 Woods Cottage is nestled at the end of the 'track', with some glimpsed views of this 4 bed chalet bungalow from My Lords Pond. The Cottage had been used up till 1990 by a local painter (Keith Shackleton) and periodically offered as a holiday let since that time, but now fully serves as an administrative base for the wedding venue/events business. Occasionally a bride and groom will spend the first night of their honeymoon at the cottage.



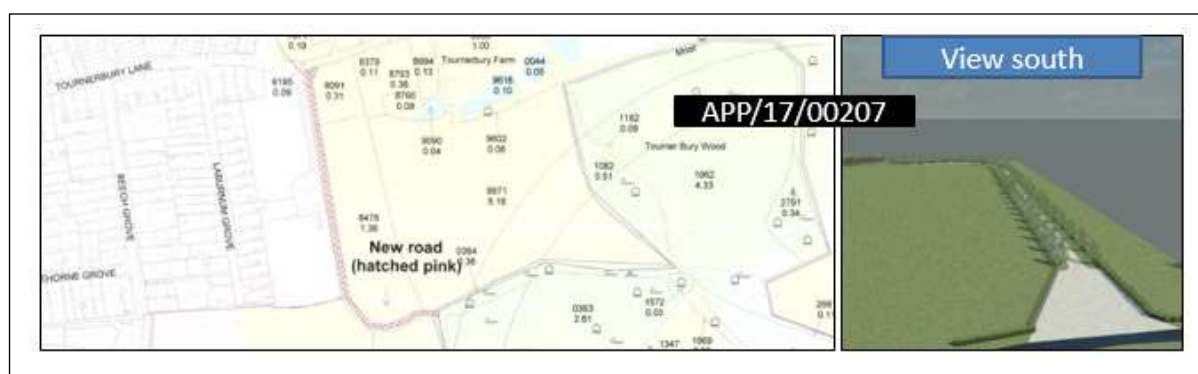
- 1.7 Other buildings now sought for retention include a white plastic/canvas

walled/double pinnacle roofed marquee, the black painted, metal gazebo and a covered deck. The highest part of these structures is the double pinacles of the marquee at 8.5m above ground level. Notwithstanding tree screening and screening from Woods Cottage, itself limited views of the marquee can be seen from some parts of My Lord's Pond (see above) and the opposite landward side of that creek. Some photographs of these structures/buildings are shown below and on the next page.



2.0 **Planning History**

- 2.1 **97/62340** - Clearing & Dredging of existing Duck Pond. Creation of Island in centre (retrospective) & regrading of Banks (**Conditional approval**). Land appears to enjoy historic use for agricultural/forestry purposes with applicant referring to previous industrial uses (brick making from 1800's to 1931) and prior to that 'bottle dump and tip'. Tournerbury Farm used to form part of the estate but was sold off circa 1987, albeit the applicant retained legal access to and from Tournerbury Lane through the farmyard.
- 2.2 **01/62340/001** (Partial raising of lawn to above tidal level and removal of two trees to north of cottage covered by TPO 448. | Woods Cottage, Tournerbury Lane, Hayling Island). (**Conditional approval** 18.12.2001).
- 2.3 In 2012 an application was made by the current applicant to construct a private way from Tournerbury Lane, parallel to Laburnum Grove, across a field in the ownership of Tournerbury Farm to access the estate, instead of going through the farm yard. It is understood that access rights from that direction might then have been relinquished. This permission (**APP/12/01333**) was not implemented. A further similar application was made again under reference **APP/17/00207**. This too was **granted permission**, and has recently been partly implemented by the owner of Tournerbury Farm, whose land it traverses. It is understood the two parties still have yet to agree terms regarding relinquishing access rights through Tournerbury farmyard.



- 2.4 **APP/19/00889** - Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of Victorian style gazebo structure; and erection of marquee structure (**Withdrawn**). Chichester Harbour Conservancy challenged this application.

2.5 **APP/19/01262** - Application for Certificate of Lawfulness for an existing use or development relating to (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses; (2) erection of log cabin and adjoining deck; (3) erection of Victorian style gazebo structure; and (4) erection of marquee structure (**undetermined at the time of writing this report**). Chichester Harbour Conservancy has challenged this application.

2.6 On **17.1.2020**, Havant Borough Council served a **Planning Enforcement Notice** on -

Mr CMV Snell, 196-198 Sea Front, Hayling Island, PO11 9HR
Ms AL De Pury Snell, 196-198 Sea Front, Hayling Island, PO11 9HR
The Owner, Tournerbury Woods, Tournerbury Lane, Hayling Island
The Occupier, Tournerbury Woods, Tournerbury Lane, Hayling Island.

The Notice states -

"Without planning permission and within the last 10 years, a material change of use of the land from agriculture and a dwellinghouse used for holiday letting's, to the use of the land for agriculture, a dwellinghouse used for holiday letting's, camping, holding of weddings and other commercial events."

Reasons for issuing the Notice are given as -

"It appears to the council that the above breach of planning control has occurred within the last 10 years.

The development is in the countryside and the use of the land causes significant harm to this sensitive rural location and to the amenity of occupiers of the area by reason of noise and disturbance contrary to Policy AL1 of Havant Borough Local Plan (allocations) and Policies CS16, CS17 and M10 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The development falls within the Chichester Area of Outstanding Natural Beauty, A Special Protection Area, a Site of Special Scientific Interest and a Special Area of Conservation and an appropriate assessment to assess the development on these sensitive areas in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has not been undertaken to ascertain whether it is likely the development would have a significant effect on these important nature conservation areas designated under UK and European Law and of international importance. Therefore, due to insufficient information and applying the precautionary principle, it has not been shown through appropriate assessment that the development would not adversely affect the integrity of these sites. The development is therefore contrary to the requirements in the Conservation of Habitats and Species Regulations 2017, Policies CS11, CS12 and DM8 and DM9 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems."

The requirements of the Notice are -

"1 Cease the use of the Land for weddings and other commercial events

2 Cease the use of the Land for camping associated with weddings and other commercial events

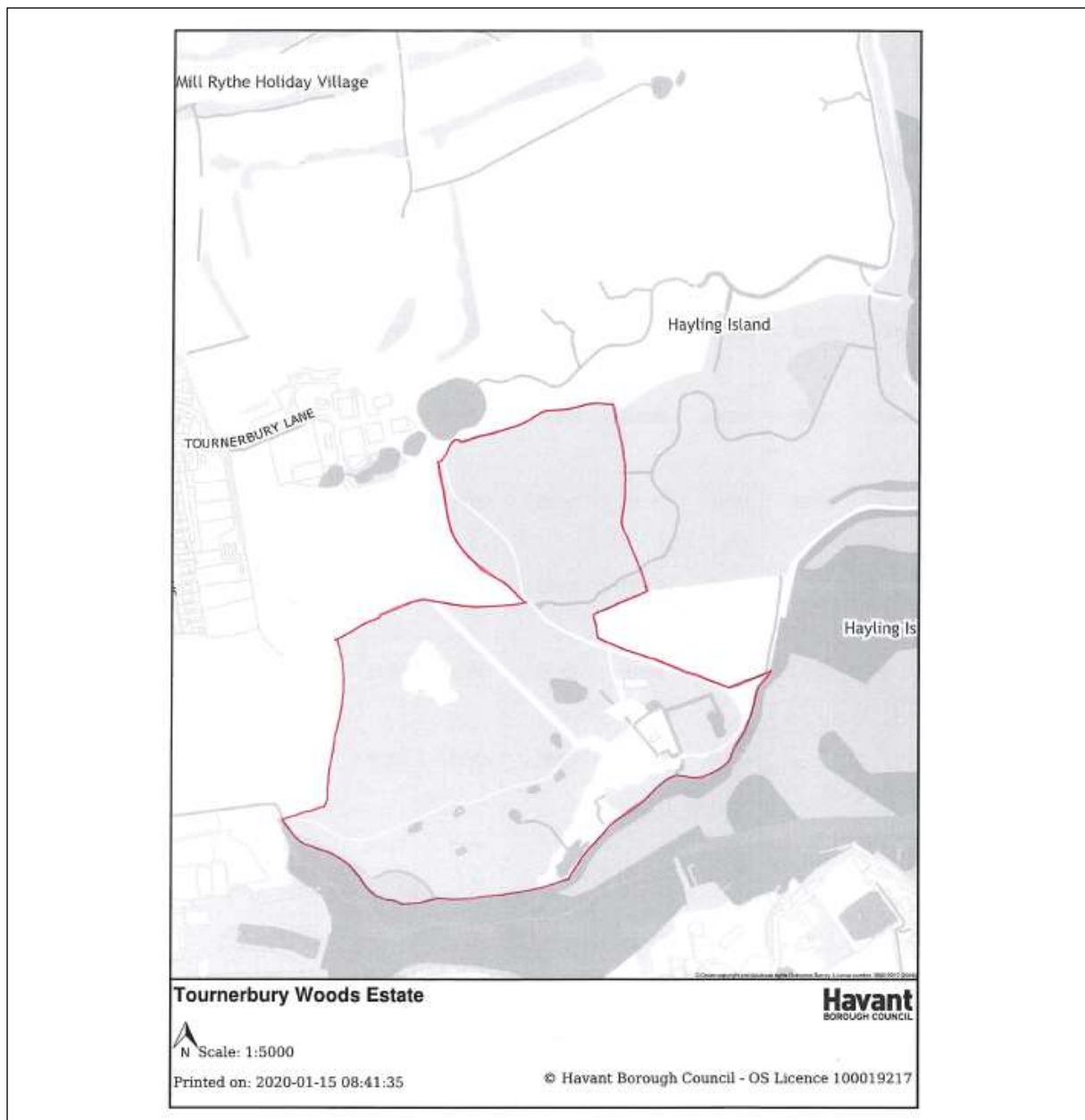
3 Cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events

4 Remove from the Land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events"

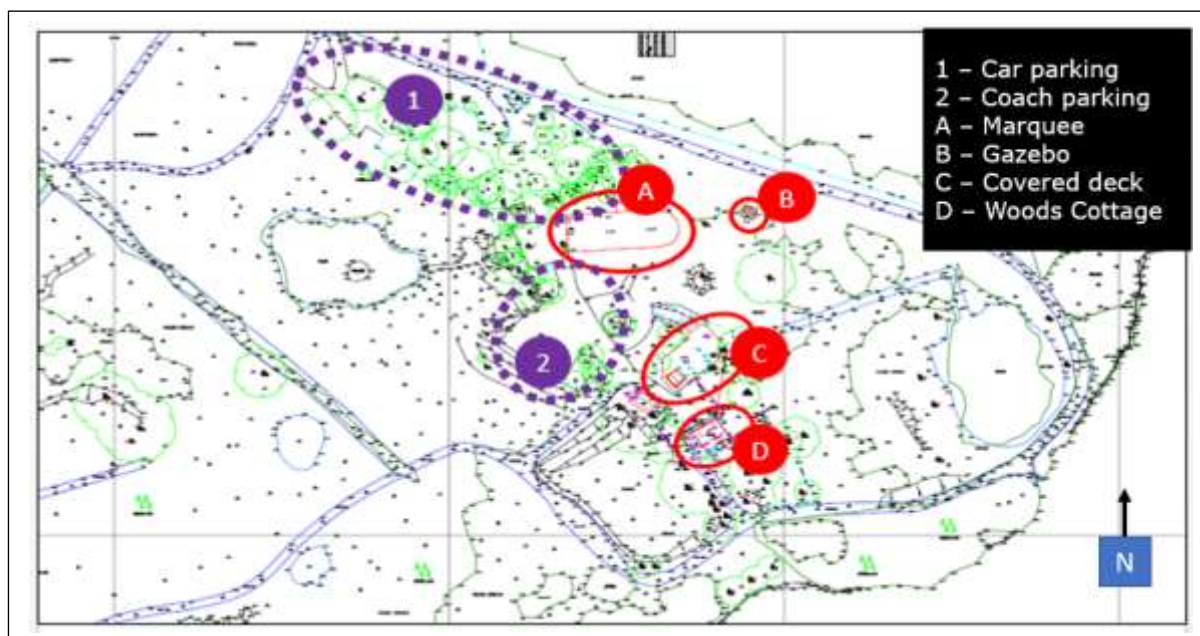
A period of compliance of 3 months was given from when the Notice became effective (13 March 2020) unless an Appeal was lodged before that date.

An Appeal has been lodged, but no start date has yet been given by The Planning Inspectorate at the time of writing this report.

The 'Land' to which the Enforcement Notice relates is shown edged red below.



3.0 **Proposed development**



3.1 Apart from 'D' (Woods Cottage), permission is sought to retain A-C and use them with Woods Cottage as the supporting buildings to run a wedding/events venue. The applicant says other temporary portaloos and caterers tents can also sometimes be brought onto the site, but those are temporary and removed once the related event is over.

3.2 The application is supported by a number of reports –

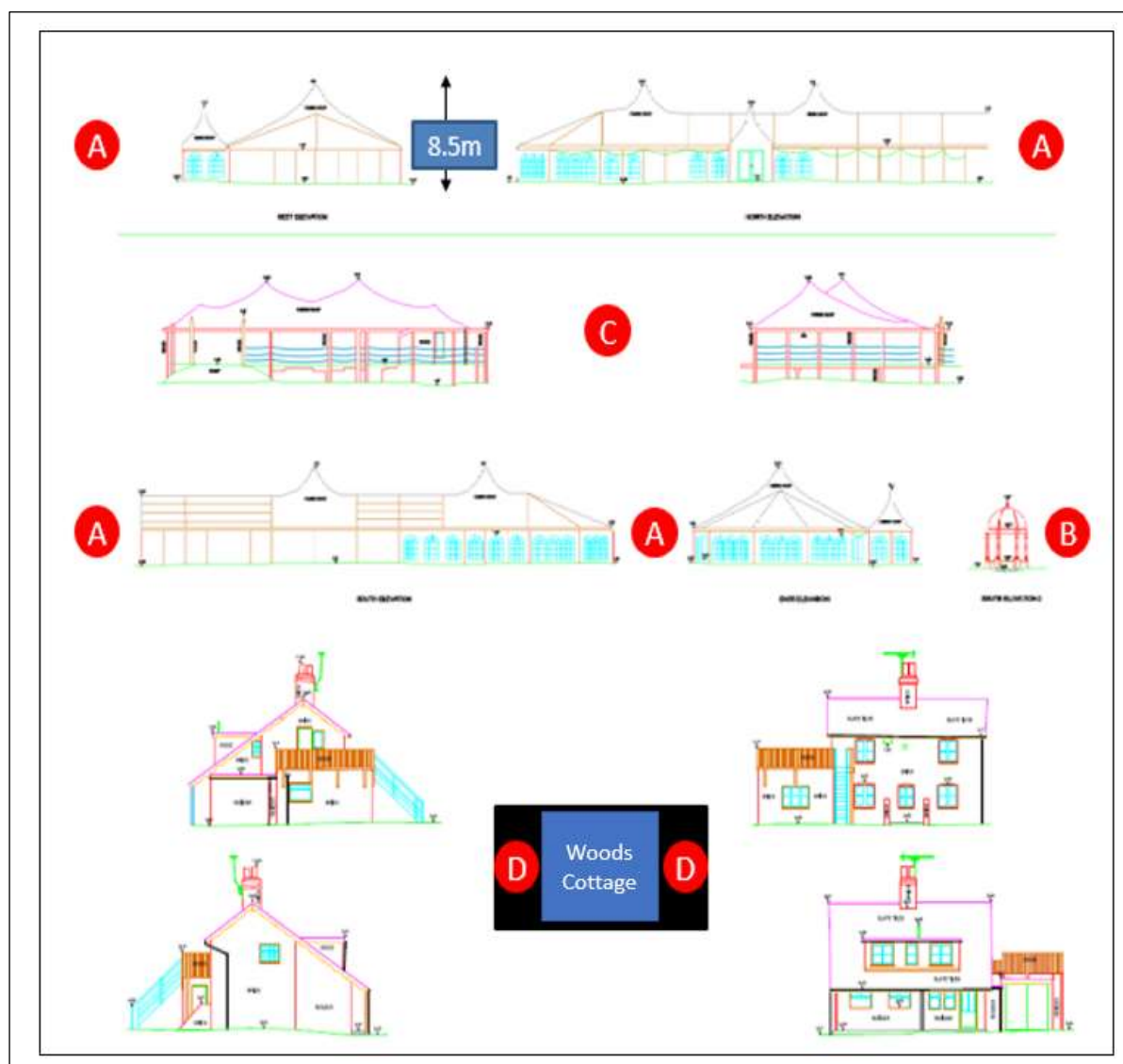
- Phase 1 Ecological Report (Originally 2013, with a 2014 national vegetation survey and all updated September 2018)
- Ecological Impact report (June 2020)
- Shadow Habitats Regulations Assessment report (April 2020)
- Email from agent dated 5 June 2020
- Design and Access Statement/Report setting out the Environmental, Economic and Social merits of the proposals (August 2018)
- Topographic survey with parking areas annotated/delineated (May 2018)
- Drainage, sewerage and utilities assessment (undated, but received by the Council November 2018)
- Scheduled Ancient Monument impact report (undated, but received by the Council November 2018)
- Tree survey and arboricultural impact statement (May 2017 updated October 2018)
- Acoustic Report (October 2013 and updated July 2019)
- Flood risk assessment (Undated, but received by the Council September 2018)
- Land deed documentation setting out access rights across Tournbury Farmyard
- Two Transport Statements (November 2019)

3.3 The applicant is already licenced in a number of ways. Firstly as a venue to conduct civil partnerships which is arranged through Hampshire County Council. That has

existed since 27 January 2016. The other two licences are administered by Havant Borough Council and include a liquor licence and public entertainment licence. The latter does allow operation until 01.00 hours in the morning. Live music typically ends at 22.30 hours (under hire contract terms imposed by the applicant), albeit a DJ can operate up to 00.00 hours. The former allows operation until 00.00 hours, but in reality this means last orders at 23.30 and time at the bar 23.45, with patrons asked to leave the site at 00.00 hours. From an operational point of view, the applicant has not traded to 01.00 hours, albeit it is worrying that the submitted acoustic report talks in the executive summary of trading until 02.00 hours and no intended hours are set out on the submitted application form (question 19). There is a clear sign by the marquee entrance encouraging customers to have had their taxis booked for midnight, so they can depart at that time (see photo above).

- 3.4 Further information was submitted in terms of likely noise impact/attenuation. Attenuation works had been undertaken in the Marquee in April 2019 (Relevant extracts are reproduced as **Appendix C**). The applicant also has compiled an analysis of certain dates when it is claimed that the TWE has wrongly been accused by local residents of causing noise disturbance. One incident referred to the use of fireworks, but other than two occasions 31.12.1999 and then 18.5.2002, when the applicant became married at the site, no use of fireworks is permitted by those who hire TWE. TWE do admit that on 30.3.19 there was a fault with its 'Direct Acoustics Zone Array', which could have caused an issue, but that this was quickly corrected. On some of these occasions, the council's Environmental Health Officers have been present to observe noise levels and have also travelled to the south side of My Lord's Pond to listen from there. On other occasions other organised events have also been occurring at the time of TWE events and dated evidence is submitted from those other events when no acoustic attenuation was in place and meteorological and wind direction conditions could have easily caused the nuisance local residents reported or referred to generally in objections to this planning application. The Council's Environmental Health Officers are reported later and clearly critical in the local planning authority's determination on this issue.
- 3.5 The applicant sets out that some events have attracted as few as 15 people, whereas some have attracted 500 people. The submitted transport statement gives more detail in respect of events held in 2019.
- 3.6 Two transport statements have been submitted along with a letter from a Solicitor acting for the applicant. The first transport statement (TS) focuses on the capacity of Townerbury Lane and then its junction with Church Road to absorb the traffic from the events being held at the Townerbury Woods Estate (TWE). It, like the other TS, uses automated traffic counter data gathered from 4 events held over the 2019 summer months, but also encloses attendance data for 42 events held since March 2019 (relevant extracts are reproduced as **Appendix D**). The first TS concludes that sufficient capacity does exist on Townerbury Lane and at the aforementioned junction and thus those particular requirements of paragraph 109 of the NPPF and relevant Development Plan policy are met.
- 3.7 The second TS focuses on that private right of way and whether it has sufficient capacity to absorb the traffic using TWE, when it holds events. Although 3 pinch points are identified along this route, leading to some delays in vehicles progressing whilst they wait for on-coming vehicles, it is concluded that the level of inconvenience to the farm users is limited. As before, the data from 4 specific events is used to demonstrate this finding. It is therefore asserted by the applicant's transport consultants that the use of the route is safe in highway safety terms.

- 3.8 The Solicitor's letter points to various deeds submitted to demonstrate that the applicant – or those authorised by him – has/have a legal right to pass and repass the track leading from the end of Tournerbury Lane where it ceases to be public highway, through Tournerbury Farm's farmyard to the TWE, whether on foot or in vehicles. The deeds also show the owners of Tournerbury Farm have a right, among other things, to pass through the TWE to effect repairs to the Harbour's sea wall, subject to obtaining others' consents to effect such works.
- 3.9 Images of the structures proposed to be retained and the appearance of Woods Cottage as operated as part of the use are shown below.



- 3.10 The marquee (A –purchased in 2006) has a floorspace of 33m x 12m. The circular pagoda/gazebo is 3m in diameter. The elevated, decked area (C) is just under 22m long and varies in width from 6.4m to 11.2m.
- 3.11 The applicant has made the following statements in support of the proposals –
- The proposals will not result in any harm to the woodland;
 - The site has been used to host events for charities, including of more recent time

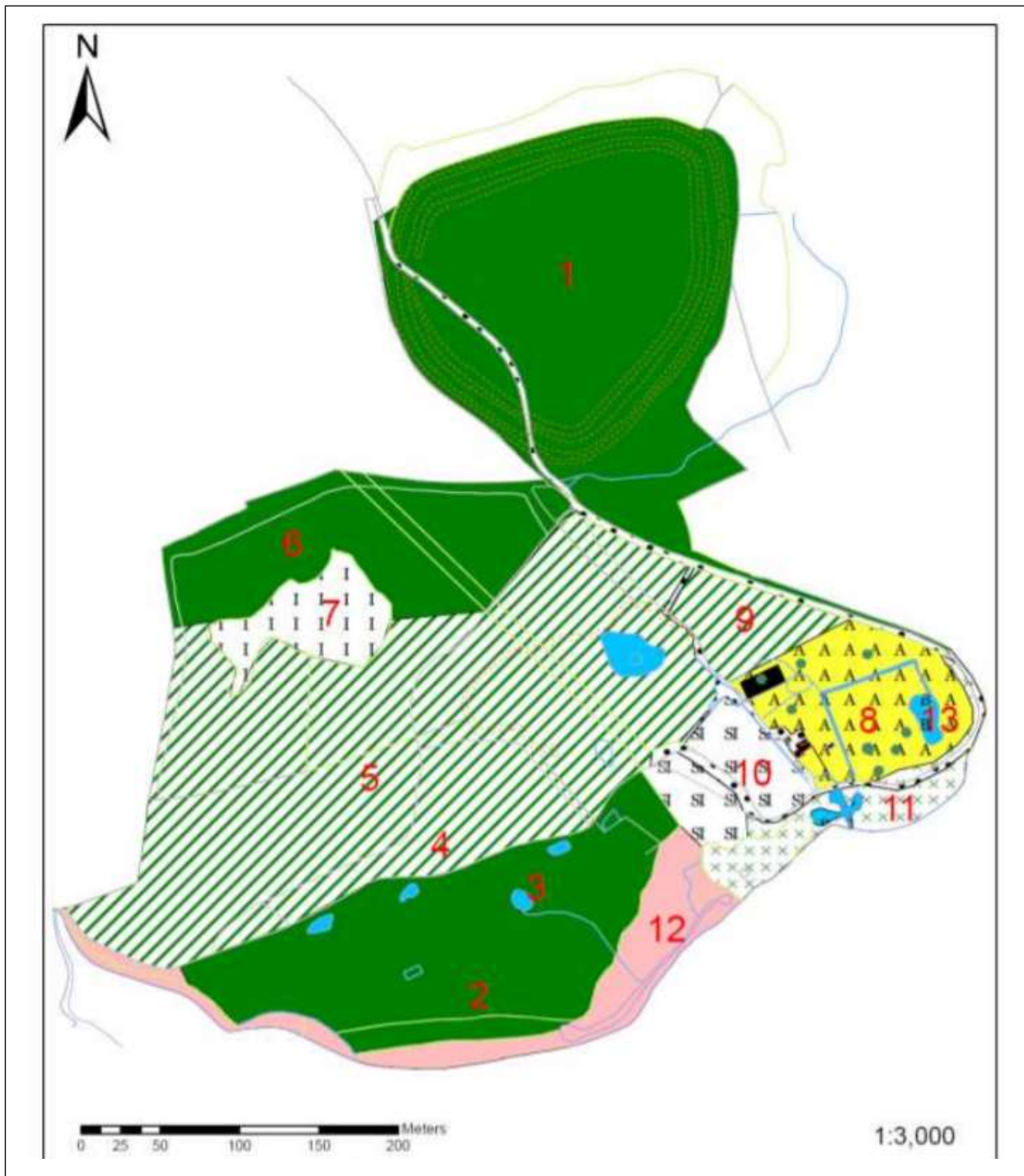
the charity 'Releasing Potential' with links to the Duke of Edinburgh awards scheme in July and August of this year, in terms of Forest Schools and learning bushcraft;

- During 2018, 10,253 people came to the estate;
- Positive reports of the venue have appeared in the Sunday Times, Daily Express and Open Air magazine;
- Employment levels could rise to 45-50 if the applicant's aspiration to operate 200 events per year/'season' were realised.

3.12 A summary of the additional ecological information is as follows –

- The agent for the application refers to ecology research volumes and that they are not going to be submitted as they run to 60,000 words! He asserts that the applicant has applied the NPPF test that the - "*benefits of sustainable development outweigh the harm identified*" and that in respect to the intensification of the number of future events if permission is granted is - "*...a matter for future consideration should it arise*". He talks about - "*...the management plan proposed...*" but it is not clear what he is referring to (albeit 6.1 of the submitted Habitats Regulations Assessment (HRA) says the existing site management plan, which may be the one agreed with Natural England). This Site Management Plan does not form part of the submitted application. The agent also claims there are no historic records to assess trends in the favourable condition of wildlife at the site, yet the HRA makes it clear that the heronry has been surveyed/monitored since 1966 and the new ecological report confirms that birds were surveyed at the Tournurbury Woods Estate in 2014, with specific Heronry surveys in 2015 and 2019.
- The 187 page ecological report lists the 'European Site's' notable species, which do not include herons, which are described (nationally) as having green flag favourable condition in England. Methodology used to prepare the new report seems fair and of a scientifically based, Institute approved protocol. 388 notable species (100 plant types and rest animals of which 121 invertebrates) within 1km of site, including 149 types of breeding birds (27 seen on site) and 8 types of bat. The report contains the statement - "*No habitat is due to be removed*" (see comment below). Tournurbury Woods are assessed as being in 'favourable condition' since 1997. It is stated that the wooded area of the (Tournur)bury was only reason for including Tournurbury Woods Estate within the SSSI and as that is outside the 'red line' of the application site, no adverse impact is concluded and no need for mitigation by the consultant, albeit there is an offer to place bat and bird boxes at the wider site. The Phase 1 report survey is used to identify the types of habitat on the Tournurbury Woods Estate, which are shown below. Recommendations as to what type of external lighting might be acceptable are set out, cowed downwards and not exceeding 1 lux ground spillage. There are some useful condition recommendations for lighting in Section 5.3 (paras 2, 4 & 5) if the council (or a Planning Inspector) is minded to approve.





- The report starts by talking about assessment of impact 'significance', against what the site has been designated for. S.40 Natural Environment and Rural Communities Act 2006, places a duty on the Council as local planning authority to - "...have regard for conserving biodiversity..." including "...a duty to restore and enhance as well as maintain biodiversity". Reference is made to the NPPF and the need to achieve net gains to biodiversity.
- With regards to specific species impact, the following is set out –

Dormice – none found on site (despite right kind of habitat) and no records within 1km of site. Concludes no adverse impact to dormice.

Not suitable habitat for great crested newts or water voles so no impact predicted.

Otters may be present and crossing the site (but not during an event). Negligible impact otherwise from time of events V's all other times otters may cross.

Mammal burrows found in the Bury, but no records of badgers on Tournurbury Woods Estate.

Breeding birds. 7 amber and 2 red species, but overall typical for this type of woodland and common in Hampshire. Heron (surveyed since 1966, where the number of nests appears to have fluctuated between 2 to 18, with Conservancy Officers seeing 3 [empty] in January 2019), little egret and moorhen have low count numbers.

2015 survey showed 9 nests (8 x heron and 1 x little egret)

The report however does not then go on to talk about the 2019 survey (4 nests), the differences to 2015 and why that might be other than to use the term 'natural fluctuations' (2 paras up from Section 5.9).

Effect of habituation mentioned in para 31; so no overall impact to nesting birds concluded. 2nd para up from bottom of page 45 recommending 6 No. bird boxes (see Table 5.8.1}

Paragraph after that also recommending evergreen tree planting between venue area and shoreline to help wintering birds forage.

No impact to reptiles, as short mown grass unsuitable habitat. Might exist in longer grass cover, but no significant impact predicted.

Table 4.4.2 summarises impact to ecological receptor - (during events impact to SPA and birds on site) - described as moderately significant and impact to bats described as significant) without mitigation, table 4.4.1 showing impact to ecological receptors needing mitigation.

Bats concluded as to currently unknown impact.

- The submitted Habitats Regulations Assessment concludes no significant impacts to those features the 'European Sites' were designated for, with the ecological report having concluded no adverse impact to the SSSI separately and no need for the Council to therefore carry out an appropriate assessment. No real assessment of the likely impact of the number of events increasing dramatically at the site is attempted.
- Nutrient neutrality: Whilst use of a W.C. at Woods Cottage is unlikely to have increased significantly from wedding venue use (which in any case goes to a septic tank emptied once a year and disposed of at Budds Farm WWtW). Portalooos are supplied by a contractor from Pulborough and their waste disposed to a sewerage system there.

4.0 Key issues and related Policy framework*

NPPF – 1-3, 6-12, 15, 17-20, 28, 38-43, 47-48, 54-56, 80, 83-84, 91-92, 102-103, 105-106, 108-111, 117-118, 124-128, 130, 148-150, 155, 157-161, 163-164, 170-172, 174-177, 180, Chapter 16, 212-213; **NPPG** – ID's 6-8, 21a, 26, 31, 34, 37; **HBLP** – CS1-CS3, CS5-CS6, CS8, CS11-CS17, CS19-CS21, DM1, DM5,

DM8-12, DM14; **HBLPSA** – AL1-AL2, DM20, DM23; **PVHBLP 2036** – DR1, IN2, IN3, E1-E2, E6, E8-E13, E15-E18, E20, C8, C10; **CHMP** – 1-3, 6, 8, 12-13; **PP** – 01, 06-07, 09, 14; **SPD**.

4.1 When was it necessary to have applied for planning permission?

- 4.1.1 It is permitted development - (under planning law, but not under the Wildlife and Countryside Act 1981 in terms of prohibited operations in a SSSI) - to operate a use of open land (which is not the curtilage of a building) for up to 28 days in any calendar year. There are some exceptions such as clay pigeon shooting and motorcross racing, but those operations are not proposed here. The applicant sets out that in 2009 the number of booked events, which had started modestly first in 1990 as a private school reunion party, had increased to 29, each events season generally running from the Mid-March to the end of November, operating mostly Friday to Sunday.
- 4.1.2 Technically speaking, that is the point at which planning permission ought to have been applied for ***if*** one accepts Woods Cottage had ceased to be used as a dwellinghouse and if that is not the case, then the events were staged outside the curtilage of Woods Cottage on open (not wooded) land.
- 4.1.3 It is Conservancy Officers' position that planning permission to hold events was required at the outset, with a SSSI. It is wrong for the agent to suggest that intensification impact can be reviewed later; rather it is important to assess it now if that is the applicant's true (and stated) aspiration. If the Council (or a Planning Inspector) is minded to support the use, it would be possible to 'cap' the number of events that could be held in any calendar year by a planning condition.

4.2 Safeguarding intrinsic character and beauty of countryside/coast/biodiversity from inappropriate development –

- 4.2.1 The Conservancy's Ecologist - (full comments at **Appendix E** to this report) - is still not satisfied with the level of information provided to demonstrate why such impacts should be entertained in a SSSI, or what mitigation is to be offered for such impact. The consultant does not say how little egret and moorhen bird species have varied over time (i.e. when event numbers became more than 28/year) and not really why they think numbers may have varied. The applicant has had since January 2019 to have commissioned the necessary bat reports. Your Ecology Officer is of the opinion that an appropriate assessment under the Habitats Regulations ought to have been submitted to cover this issue. The applicant's ecological consultant confirms that bat surveys are still to be carried out. The Phase 1 ecology report even questions the basis of the SSSI designation, as does the second ecological consultant.
- 4.2.2 The 187 page ecological report recently submitted makes very little mention of the AONB (until paragraph 3.4.5) or the need in policy terms to conserve and enhance its condition, when carrying out development within it. No reference is made to WeBS bird count surveys over time. The merits of utilising different vehicular access to the site thereby avoiding the heronry in 'The Bury') under APP/17/00207 are not discussed, albeit the agent states that he might write further about that in – "...the next few days".
- 4.2.3 Reference is made to external lighting, acknowledging this has increased but not quantifying it. Agreeing it can affect bats foraging though but implying that it has been there throughout use, then the impact is not adverse. No assessment of

impact of lighting actually installed at the site is made, other than by the applicant who has surveyed the site from the Harbour at night, stating that all external site lighting was on when the photography was taken and comparing the impact from adjacent housing, and the Mengham Rhythe and Hayling Island Sailing Clubs on the same date. Your Officers cannot verify that all site lighting was on and other than a diagram supplied by the applicant, the number of external lights has never been presented as a schedule/linked to a map base. Despite stating no mitigation would be needed, bird and bat boxes are offered and evergreen planting at the shoreline to the benefit of overwintering birds foraging in the Harbour. 6 bird boxes do not seem to offer a great deal of enhancement to the AONB.

- 4.2.4 The report plays down the significance of the heronry by stating not one of 30 notified features which led to SSSI being designated. Your Ecologist takes a contrary view. Survey data 2015 & 2019 shows number of heron nests halved during that time from 8 to 4 nests. The consultant says that the heronry is only a secondary colony from Thorney Island and that a rookery in 'The Bury' may suppress the heronry enlarging. The consultant concludes overall that herons and little egrets have continued to breed during the wedding events so no significant impact can be attributed to the wedding events use having operated.
- 4.2.5 As another specific example, a general intention to remove dead wood from many of the trees, set out in the arboricultural impact statement is not clearly specified. Being as the trees are protected by a TPO and the major feature of the SSSI and the habitat they provide, this is of clear concern.
- 4.2.6 The consultant says no vegetation is to be removed, so there would be no adverse impact to habitats present at the site. This is used to argue no impact to foxes, rabbits, voles, shrews or deer which may be present/using the site. However, Google Earth imagery over time and indeed the aerial photograph at the beginning of this report shows that trees have been removed to create the main grassed events space. The formation of parking areas with stone scalplings have also removed scrub habitat under trees.
- 4.2.7 The reasoning set out in the design and access statement merely seeks to suggest that Tournbury Wood is of limited importance percentage wise within the AONB, rather than properly setting out impacts and whether any mitigation is to be offered, or a definitive management plan to pro-actively 'police' patrons whilst they are on site. **Appendix A** to this report is a set of queries emailed to the agent, the day after the first site visit was made. The responses thereto are listed in **Appendix B** as well as contemporaneous notes taken by Steve Lawrence (Principal Planning Officer) and Peter Hughes (Ecology Officer), of the Conservancy, of a meeting with the applicant and his ecology consultant John Wenman, which took place on 17 January 2019. The need to survey bats was made at that time.
- 4.2.8 It has to be accepted that a large number of events have occurred since the notional - (but not established as lawful) -permitted development tipping point may have been passed in 2009. There is a general suggestion that revenue made from the holding of events allows investment in the upkeep of the wood/estate and its coastal sea defences. However, no clear 'open book' accounting is presented to demonstrate this, such as receipts to contractors carrying out tree management or sea defence repairs/replenishment work. If the applicant truly wished to demonstrate 'sustainable development', balancing environmental/economic/social planning considerations, then such further evidence ought to have been provided by now.
- 4.2.9 It is perhaps the applicant's aspiration to expand events to 200 every '250 day/year

season' - (Mid-March/end of November), which is of most concern, seeming to skew towards the economic end of the 'sustainable development' spectrum, without the Council as decision taker truly knowing the likely environmental impact.

- 4.2.10 Those attending events are free to roam into more sensitive parts of the site. This may be limited by health and safety considerations, especially when darkness has fallen and those coming to the site are likely to be more focused on enjoying the event, but no conscious management plan is put forward by the applicant to try to control this potential problem. There is some anecdotal evidence of people 'wandering' and causing disturbance/annoyance immediately off-site. Full implementation of APP/17/00207 and the applicant agreeing use of that new means of access could help to eliminate those occurrences, but is beyond the scope of this application to deliver, unless offered up by the applicant in a binding legal agreement/planning obligation.
- 4.2.11 There is some visibility of the large white marquee in the wider AONB landscape, especially in the winter when trees do not have their leaf cover. The other structures are generally screened by Woods Cottage and tree cover. However, there are two other impacts to consider – light (in times of darkness) and noise. I saw a number of external light fittings and strings of decorative lights, placed around the site. It is not clear if these can be seen from the water, in what is a rather dark and remote part of the AONB at night. I also saw at first hand how a specialised 'zone array sound ceiling' speaker system has been placed in the roof lining of the marquee and some sound attenuation work carried out by the applicant, who has a degree and training in such matters. I was advised that the Council's Environmental Health Team has monitored the noise from live/recorded music, as part of assessing the public entertainment licence and is satisfied. The applicant states enquiries are periodically made with the Council to understand if noise complaints are made. Noise complaints have been made to the Council. The (December 2019) planning responses on-line reveal the following-

"This office dealt with a number of noise complaints received in the latter part of 2018 and early 2019, levelled at this facility especially in relation to alleged noise nuisance from loud music, and also allegations of noise from loud voices and swearing.

The applicant has in April of this year, as advised by Direct Acoustics in the above report, further improved on the acoustic mitigation measures that previously existed within the marquee, used primarily for wedding receptions.

The report shows that these measures, have significantly improved the attenuation of noise levels produced by live or recorded music.

Direct Acoustics have, after considering their assessment in June of this year, recommended that a suitable internal noise level of 96 dBA should not be exceeded within the dance floor area. If this is adhered to, it should then ensure no impact on nearby residential receptors from loud music.

There have been no further complaints of noise nuisance logged with this office at this time, especially since the additional mitigation measures were completed, nor any related to alleged people noise including shouting and swearing, emanating from the site.

This office therefore has no objection in principle to this retrospective application for this development, but would suggest the inclusion of the following conditions, if this application were to receive approval:

Condition 1: *All recorded or live music to be provided for the entertainment of wedding or function guests should only be employed within the designated acoustic enclosure sited within the existing marquee on the site, and the noise level within this enclosure should not exceed the maximum 96 dBA LAeq recommended on the dance floor.*

Reason: to ensure the amenity of nearby residential receptors is not impacted upon.

Condition 2: *That no 'after parties' or similar activities be allowed to take place within the boundaries of the Tournerbury Woods site.*

Reason: to ensure the amenity of nearby residential receptors is not impacted upon.

In respect of the latter condition, it is recommended that the applicant submit a 'noise plan', to confirm what procedures and practices are currently in place and what, if any, additional measures are being considered to ensure no impact, especially from those guests staying over in the proposed camp site area or in the cottage."

- 4.2.12 The ecological consultant says it is very unlikely that dogs would be present at a wedding or other event. Still, this cannot be ruled out or controlled by planning condition, so disturbance to birds at the shoreline might still result.

4.3 **Waste management, pollution, flood risk and climate change** –

- 4.3.1 The use is unlikely to exacerbate flooding issues off the site. Your Officers are concerned about the fact that some customers attending events camp on site in what is flood zone 3, but ultimately this is a matter the council could control/prevent with conditions, if advised by the Environment Agency on this point. Clearly the Conservancy wants everyone to safely enjoy the AONB. The agent seems to have obtained his flood mapping from a different place obtainable on the EA website and asserts that no camping takes place within an area of flood risk and that although the marquee is in such an area, sea defences on the estate mean that the site has "never flooded" and as such flooding would result from tidal surges, these are highly predictable and necessary pre-alerts can be issued to those using the site.
- 4.3.2 At the time of your Officer's site visit, the site was very clean and tidy and it is obviously in the applicant's interest from a business perspective to maintain that condition of the site. Woods Cottage foul sewerage is provisioned by a 1000 gallon underground concrete cesspit. This is pumped throughout the year by licensed waste operators and removed from site by tanker to be taken to a treatment plant. Portable chemical toilets are hired in for events and there is also mention by the applicant of naturally composting W.C.'s being introduced. The importation of 'luxury' portaloos for events and the question of where the wastewater is disposed of to understand if it would harm Chichester Harbour is a relative unknown, if the current operator from Pulborough were to alter. Ultimately, these are matters likely to be controlled through the public entertainments licence and will no doubt be scrutinised by Southern Water and the Environment Agency, commenting on this application.

- 4.3.3 Photos from the water by Mr Snell, purportedly with all lighting installed turned on and no leaf cover, at wintertime shows a worst case scenario. Mr Snell is basically making the case that other lighting in the creek is worse and not tempered by tree screening. He also makes reference to a scientific study – (Liley et al, 2010) - which concluded no disturbance witnessed to overwintering birds.

4.4 **Transportation considerations**

- 4.4.1 Access to the site is restricted by the single width lane/passing points, albeit the events have clearly occurred in the past and been absorbed on the local highway network. Conflict arising from those travelling to the site passing through the adjoining farmyard is clearly not ideal, but apparently legally preserved by a deed, when the farm was sold from the estate.
- 4.4.2 Within the context, that for the evening, limited farm vehicle movements might be likely in hours of darkness, the consultant is estimating that for 1% of the time there might be some minor inconvenience to farm activities from a pure capacity perspective. The consultant extrapolates the percentage to 2.5% even if the number of events were to increase five-fold.
- 4.4.3 Highway matters are for the Highways Authority to consider and control in advising the local planning authority. No public footpaths within the AONB are affected by the proposals.
- 4.4.4 The highest recorded numbers from the submitted TS were recorded at a wedding that took place on 10.8.2019, when 215 guests attended. What is not clear though is how many vehicles they arrived in and how many of these vehicles were taxis and coaches. Over the 42 events listed, an average attendance was 138 guests. There are clear peaks in arrival and departure associated with the wedding events – late morning to early afternoon and then just before midnight, when most might leave. It is estimated from the survey work that at the peak time 78 two way movements could be anticipated equating to an average of 1.3 vehicle movements per minute, which is not considered to be a high flow by the traffic consultant. The consultant also considers the average of 0.9 movements per minute to be the more likely average. By way of comparison the consultant states a typical busy road might expect to see 20 vehicle movements per minute.
- 4.4.5 Full implementation of the new access into the site under APP/17/00207, with the applicant and patrons attending events acquiring rights to pass and repass over it, would remove the major point of conflict with farm activities. However, this does not seem to be deliverable, all the time the two parties cannot agree terms. The noise impact from traffic movements, especially late at night also does not seem to have been scoped in the acoustic report, which instead focuses on noise from music being played at the wedding receptions.

4.5 **Economic and employment considerations** –

- 4.5.1 The use may have and possibly still continues to offer the potential to create a sustainable, visitor attraction within the AONB, with low key visual impact, but this can only be accepted in the AONB if the maxims of 'conserve and enhance' under paragraph 172 of the NPPF are demonstrated by the applicant.

- 4.5.2 The principle and actuality of multiplier effects to the local economy from visitors spending in the local area and local businesses earning revenue from supplying goods and services to the venue are clearly understood and tangible. The applicant estimates this as worth £1.32 million to the local economy, but the Conservancy must be convinced that a net gain to the condition of the AONB and its natural beauty will result, before supporting such a use (limited by safeguarding planning conditions).
- 4.5.3 The use currently provides direct employment for 10 part-time and 3 full-time members of staff.

5.0 Conclusions

- 5.1 Notwithstanding the further ecological report submitted, at present, there is still insufficient analysis, no survey of bats, nor assurances offered by the applicant for the Conservancy to support this application. The ecological consultant does not really comment on nature of activities for which retrospective planning permission is sought, nor how number of events is intended to escalate. If a lawful development certificate is granted for the use of the land and supporting operational development, it is not possible to attach planning conditions to such certificates, possibly leaving the only means of control being a public entertainment licence when it is reviewed.
- 5.2 For the ecological consultant to say there is no evidence of impact, when halving of the heronry population *could have* been directly attributable to disturbance and also to conclude appropriate assessment not required to be undertaken by the Council when Natural England has said one is required, is not considered tenable. It also ignores that the application site red line (and all vehicular traffic) passes through 'The Bury' (where the heronry is located) and that once on site, guests are not 'policed' and can wander off. The noise report produced has been principally prepared to demonstrate no harm or disturbance to human beings at unsocial hours, not impact to wildlife per se, other than to claim wildlife has become habituated to such impact.
- 5.3 Whilst Conservancy Officers sympathise with those living at Tournerbury Farm, the disturbance from the coming and going of vehicles attending the events at unsocial hours, is more a matter for the Council to '*police*'/seek to control under all relevant legislation including planning law. Such impacts are certainly not considered in the applicant's various noise reports though. The Conservancy wants to see the farm flourish though within the AONB and its safe operation not impeded.
- 5.4 Whilst most will leave when events are finished, some will remain on site in tented accommodation. If such revellers were to stay up past the events' midnight curfew and continue to 'party', listening to their own music/sound systems, very real impact to wildlife, especially that feeding at night, could have a negative impact to the SPA/SAC/SSSI/Ramsar designations. Ultimately, it seems on occasion the applicant has had no real control over where event attendees wander off to once on site, which is also of very real concern to the owners of Tournerbury Farm, where they assert there have been instances of trespass into their farm buildings and other unwanted activities such as smoking in a hay barn.
- 5.5 The consultant says the function of the report to predict whether significant effects would result - (which may be the case if the number of annual events leaps from 52 to 200) - whereas The Conservancy is arguing because the use has continued for some time, those effects could already be indicated from comparing historic to current survey data. Whereas those patrons not staying overnight are

to have left by 12 midnight, the levels of disturbance generated by clearing up and those staff leaving the site in the early morning is not really assessed.

- 5.6 The precautionary protection of the SPA/SAC/SSSI/Ramsar/AONB must be afforded the greatest weight by the Council in its decision.

SRL – for 13.7.2020 CHC Planning Committee – Comments requested by 2.7.2020: extension of time requested to comment.

***Abbreviations used:**

NPPF – National Planning Policy Framework – (Revised February 2019)

NPPG – National Planning Practice Guidance – (2014)

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

HBLPSA – Havant Borough Local Plan Allocations (2014)

PVHBLP 2036 – Preferred option version of emerging Havant Borough Local Plan

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

PP – CHC Planning Principles (first adopted 17.10.16, since amended and part of the CHMP document)

SDP:

- **CHAONB** – Joint AONB SPD
- **HBDG** - Havant Borough Design Guide (2011)
- **HBPS** – Parking standards (2016)

TWE - Tournerbury Woods Estate

TS – Transport statement.

APPENDIX 1
**Chichester
Harbour
Conservancy**

Your ref: APP/18/00943
Our ref: SRL/CHC/APP/18/00943

10 December 2018

www.conservancy.co.uk

Mrs R McMurray
Planning Service
Havant Borough Council
Public Service Plaza
Civic Centre Road Havant
PO9 2AX
(NB – sent by email only)

Dear Rachael

APP/18/00943 – Tournerbury Woods Tournerbury Lane Hayling Island

Further to its meeting today, the Conservancy's Planning Consultative Committee resolved the following in relation to the above planning application submitted to Havant Borough Council for its determination: -

"That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises a holding objection to the proposed development, subject to the following matters being clarified to demonstrate the AONB would be conserved and enhanced:-

- Assessment of overall ecological impact to the SSSI/SINC, including impacts to bats, preferably through an appropriate assessment under the Habitats Regulations and any mitigation to be offered – not just to the venue areas , but those adjoining them from noise, external lighting impact and vehicular movement to and from the site;
- Better details of all existing external lighting and associated lux/lumens levels and its current visual impact, especially when viewed from the Harbour;
- The tangible environmental benefits which would result from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced;
- What environmentally sustainable upper cap of events per calendar year is being put forward by the applicant and an enforceable regime to allow verification by the local planning authority; and,
- That provision of the alternative road to Tournerbury Woods approved under council decision reference APP/17/00207, with the applicant relinquishing all access rights through the current access through the farmyard of Tournerbury Farm, would be highly desirable."

Yours sincerely

Mr S R Lawrence MRTPI
Principal Planning Officer



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**CHICHESTER
HARBOUR**
One of the
AONB Family

PLANNING CONSULTATIVE COMMITTEE

Minutes of the meeting held on Monday 10 December 2018, at Eames Farm, Thorney Road, Thorney Island.

Present Keith Martin (Chairman)

John Connor Steven Schrier Alison Wakelin Nick Fox

Ken Smith Ann Briggs

Officers

David Rothery Steve Lawrence Richard Austin

Rosie Chase

Observers

1.0 WELCOME AND APOLOGIES

1.1 Apologies for absence were received from Pieter Montyn

2.0 DECLARATIONS OF INTEREST

2.1 A declaration of interest was received from Nick Fox which was deemed personal and not prejudicial.

RECOMMENDATIONS

5.5 The Planning Consultative Committee approved the draft terms of reference subject to amendments and recommends them to the Conservancy for approval.

6.0 DEVELOPMENT APPLICATIONS

Tournebury Woods - APP/18/00943

6.1 The Planning Officer introduced the report to members presenting updated information, outlining the key reasons for his recommendation for a holding objection.

6.2 A member asked how far it was from the site to Mengham Rythe Sailing Club. It was confirmed that it was approximately 360m from the marquee to the sailing club.

6.3 The Committee heard from the owner of the adjacent farm on points of fact only. She confirmed that the Tournebury Woods Estate comprises only of the woodland and marshland. Planning permission had been granted for a new road to ensure that in future the venue would not need to be accessed through the farm, but the two parties had yet to come to an agreement on the heads of terms. The Planning Officer's objection is a holding approach pending ecological advice.

6.4 Details of lighting have been submitted as part of the application and the Planning Officer said that the Local Authority is able to impose a maximum lux level as part of the permission.

6.5 A member asked what triggered the application as the venue had been in operation for some time. It was confirmed that the application had been pending for a number of years due to negotiations with Natural England. In addition, there had been an increase in the numbers of events being held which needed to be formalised.

- 6.6 A member expressed concern about the number of proposed events per year (200) which would be a marked increase and could impact on the tranquillity of the area. The Planning Officer said that the local planning authority can put an absolute cap on the number of events permissible per year. The AONB Manager confirmed that the site was in the designated SSSI, in SPA but not RAMSAR.
- 6.7 A member said if it was an application for a virgin site it would almost certainly be declined, but as it is an existing business with a long track record it would be considered differently. The Committee heard that some of the profits from this enterprise are used to maintain the woodland and sea defences. The applicant said that people are attracted to the site because of its location in the AONB and because of its natural beauty and it is in the applicant's interest to protect this.
- 6.8 A member asked if there had been any noise complaints. The Planning Officer replied that Environmental Health were satisfied and there had been no complaints. It was also suggested that there could be some seasonal restrictions for protection of birdlife applied.
- 6.9 The Committee resolved to accept the Officer recommendation subject to an ecological report looking at the effect of lighting on the Harbour. It was further

agreed that it would be highly desirable for the new road to be agreed to improve access.

RECOMMENDATION

- 6.10 The Planning Consultative Committee resolved that the local planning authority, be advised that the Conservancy raises a holding objection to the proposed development, subject to the following matters being clarified to demonstrate the AONB would be conserved and enhanced;
- Assessment of overall ecological impact to the SSSI/SINC, including impacts to bats, preferably through an Appropriate Assessment under the Habitat Regulations and any mitigation to be offered- not just to the venue areas, but those adjoining them from noise, external lighting impact and vehicular movement to and from the site.
 - Better details of all existing external lighting and associated lux / lumens levels and its current visual impact, especially when viewed from the Harbour.
 - The tangible environmental benefits which would result from granting planning permission to these proposals in terms of the key features of the SSSI and how its condition is to be enhanced.
 - What environmentally sustainable upper cap of events per calendar year is being put forward by the applicant and an enforceable regime to allow verification by the local planning authority; and
 - That provision of the alternative road to Tournerbury Woods approved under council decision reference APP/17/00207 with the applicant relinquishing all access rights through the current access through the farmyard of Tournerbury Farm, would be highly desirable.

Local Planning Authority planning application reference: APP/18/00943

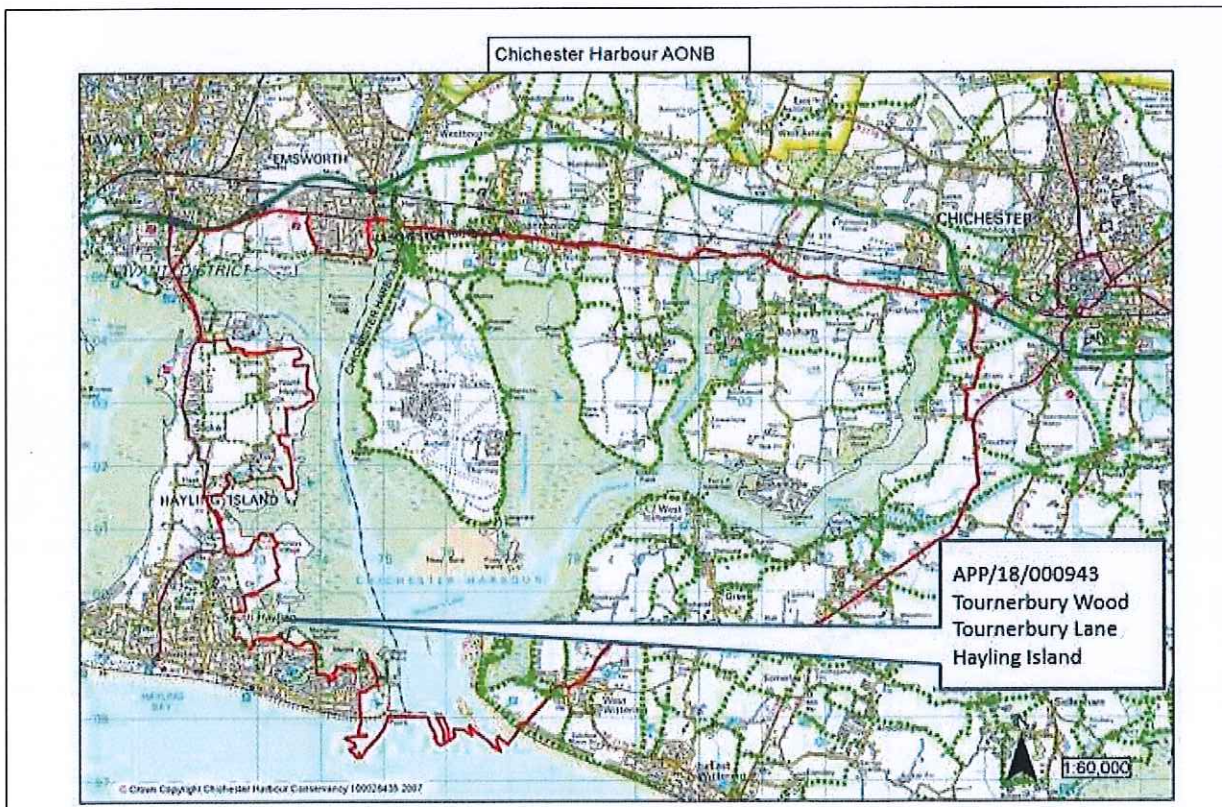
Site: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposals: Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation.

RECOMMENDATION

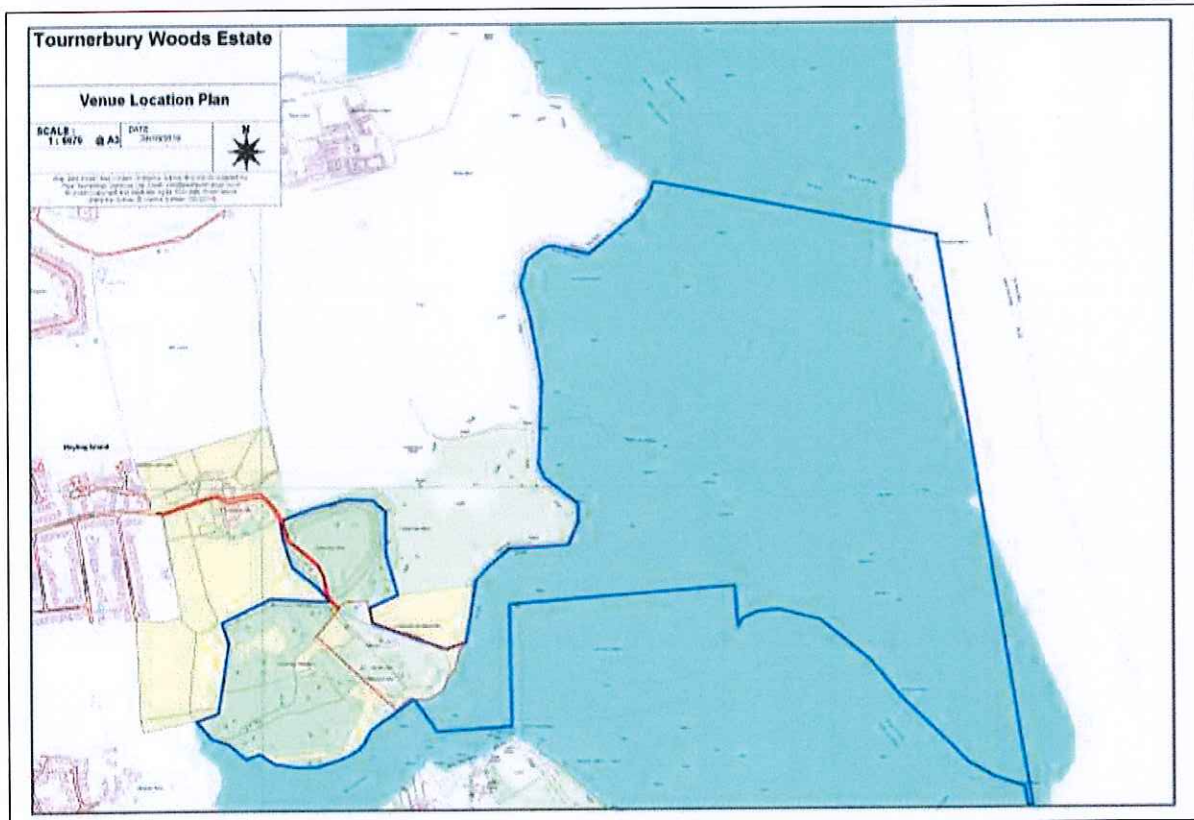
That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises a holding objection to the proposed development, subject to the following matters being clarified to demonstrate the AONB would be conserved and enhanced:-

- Assessment of overall ecological impact to the SSSI/SINC, including impacts to bats, preferably through an appropriate assessment under the Habitats Regulations and any mitigation to be offered – not just to the venue areas, but those adjoining them from noise, external lighting impact and vehicular movement to and from the site;
- Better details of all existing external lighting and associated lux/lumens levels and its current visual impact, especially when viewed from the Harbour;
- The tangible environmental benefits which would result from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced; and,
- What environmentally sustainable upper cap of events per calendar year is being put forward by the applicant and an enforceable regime to allow verification by the local planning authority.



Conservancy Officers' comments and reasoned justification

1.0 Site and its context (aerial photograph below looking west)



- 1.1 This 4.8 ha site is located at the eastern end of Tournembury Lane, which also gives access through Tournembury Farm(yard). Land edged blue above shows the wider estate, purchased in 1931 by the applicant's grandfather and including a substantial proportion of this part of the Harbour.
- 1.2 Whilst not formally recognised as 'Ancient Woodland' on the Development Plan Proposals Map, the submitted phase 1 ecological report suggest that part of the

wood may be considered to be ancient woodland. Paragraph 1.1.3 stating –

"The survey area comprised primarily of broadleaved woodland with Tournerbury Wood (the Bury) situated on a Saxon fort considered to be ancient broadleaved semi-natural woodland. Broadleaved plantation adjoins the ancient woodland and mapping shows this was planted and developed into woodland in the late 19th Century (Tournerbury plantation). The site opens out into amenity grassland and open woodland, and a small area of saltmarsh to the south, and improved grassland to the south east. Small woodland ponds are scattered through the southern woodland and a large duck pond is situated in the centre of the site. A brackish pond and drain exist in the south eastern corner."

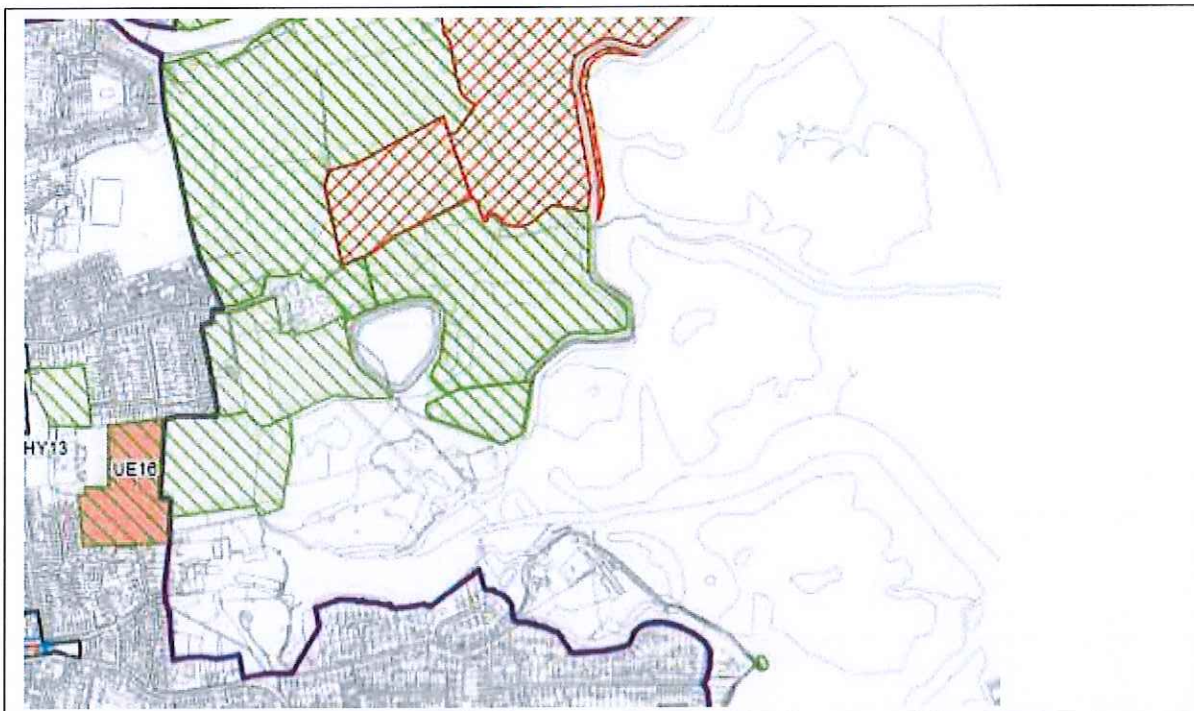
Paragraph 2.1.4 goes on to state –

"The Tournerbury Estate is designated partly as a unit of the Chichester Harbour Site of Special Scientific Interest (SSSI). Tournerbury is noted within the SSSI designation as follows: 'Semi-natural broadleaved woodland associated with the harbour is important for breeding birds and supports two heronries. Oak is the major tree species, usually with hazel coppice, as at Old Park Wood, although Tournerbury Wood has well-spaced oaks with the occasional beech, holly and yew with a fairly dense ground flora of bramble and bracken.' The Chichester Harbour SSSI covers an area of 3695 hectares and Tournerbury forms 0.4% of its total area."

Paragraph 2.1.5 opines –

*"The SSSI falls within the Chichester and Langstone Harbour Special Protection Area (SPA) designated on account of populations of European importance of breeding, passage and over-wintering birds associated with the exposed estuarine sand and mudflats including breeding little tern (*Sterna albifrons*) and sandwich tern (*Sterna sandvicensis*), passage little egret (*Egretta garzetta*) and over-wintering waterbirds including dark-bellied Brent Goose (*Branta bernicla bernicla*), black-tailed godwit (*Limosa limosa islandica*) and dunlin (*Calidris alpina alpina*)."*

- 1.3 The northern part of the wood contains the remains of iron age fortifications, which are a scheduled Monument. The single width metalled track leading to the application site passes through those fortifications. The whole would is a Site of Special Scientific Interest (S.S.S.I.) and part of the wider Special Protection Area and Special Area of Conservaton for the Harbour. A heronry exists within the estate. Owing to SSSI protection, no Tree Preservation Order exists on the wood.
- 1.4 The application site is shown as being adjacent to an uncertain site from brent geese and/or waders (Policy DM23)/Site of Importance for Nature Conservation (Policy CS11) on the Proposals Map (shown hatched green below) of the Development Plan, with the the site in Flood zone 3 (highest risk) and most of the remainder of the landed estate in flood zone 2. The site is within the council's 'coastal zone' (Policy DM9).



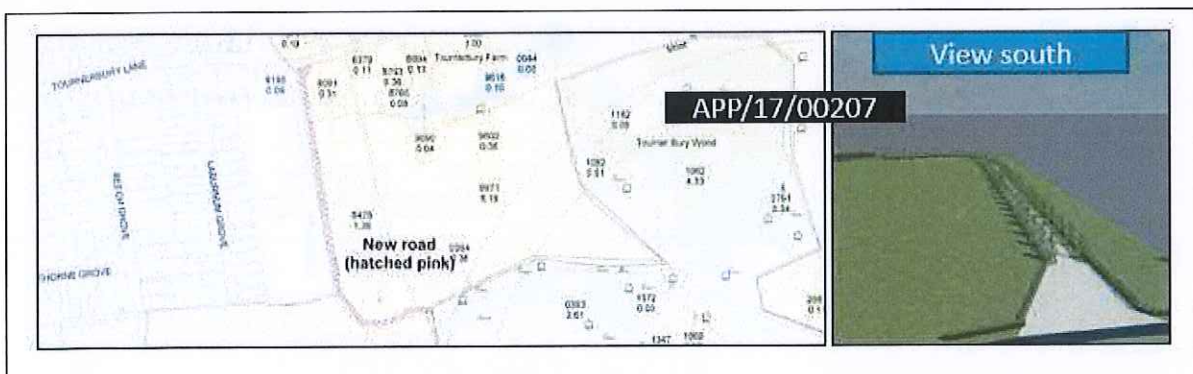
- 1.5 The site currently comprises woodland and open agricultural land/open grassed areas with at least two large ponds, all accessed via the winding end of Tournerbury Lane, where one has to pass through the farmyard of Tournerbury Farm to reach the site.
- 1.6 Wood Cottage is nestled at the end of the 'track', with some glimpsed views of this 4 bed chalet bungalow from My Lords Pond. The Cottage has been used up till 1990 by a local painter (Keith Shackleton) and periodically offered as a holiday let since that time, but now fully serves as an administrative base for the wedding venue/events business. Occasionally a bride and groom will spend the first night of their honeymoon at the cottage.
- 1.7 Other buildings now sought for retention include a white plastic/canvas walled/double pinnacle roofed marquee, the black painted pagoda/gazebo and a covered deck. The highest part of these structures is the double pinacles of the marquee at 8.5m above ground level. However, tree screening and screening from Wood Cottage itself means that these other structures cannot be seen from the water and so not perceived in the wider landscape. Some photographs of these structures/buildings are shown below and on the next page.



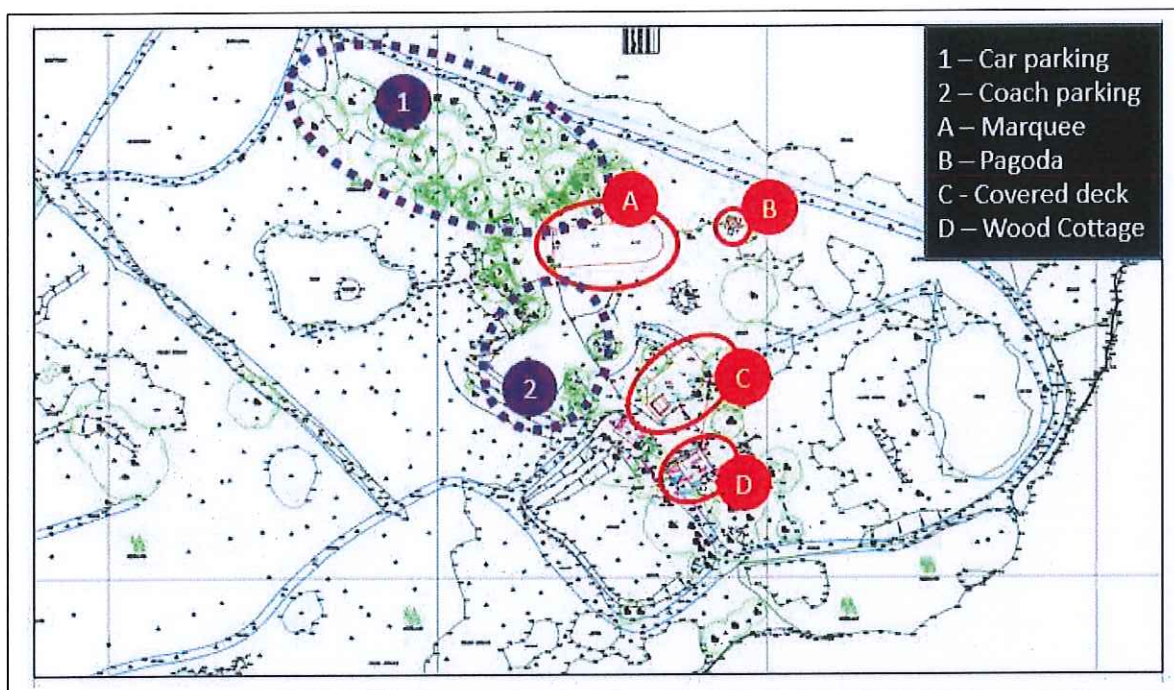


2.0 Planning History

- 2.1 None relevant to the wood itself. Land appears to enjoy historic use for agricultural/forestry purposes with applicant referring to previous industrial uses (brick making from 1800's to 1931) and prior to that 'bottle dump and tip'. Tournurbury Farm used to form part of the estate but was sold off circa 1987, albeit the applicant retained access to and from Tournurbury Lane through the farmyard.
- 2.2 In 2012 an application was made by the current applicant to construct a private way from Tournurbury Lane, parallel to Laburnum Grove, across a field in the ownership of Tournurbury Farm to access the estate, instead of going through the farm yard. It is understood that access rights from that direction were to then be relinquished. This permission (APP/01333) was not implemented. A further similar application was made again under reference APP/17/00207. This too was granted permission, but has so far not been implemented. It is understood the two parties have yet to agree terms. Until the applicant owns the farmland, he will not construct this road, but of course sees the benefits of using that road to avoid conflict with farm activities.



3.0 Proposed development



3.1 Apart from 'D' (Wood Cottage), permission is sought to retain A-C and use them with Wood Cottage as the supporting buildings to run a wedding venue. The applicant says other temporary portaloos and caterers tents can also sometimes be brought onto the site, but those are temporary and removed once the related event is over.

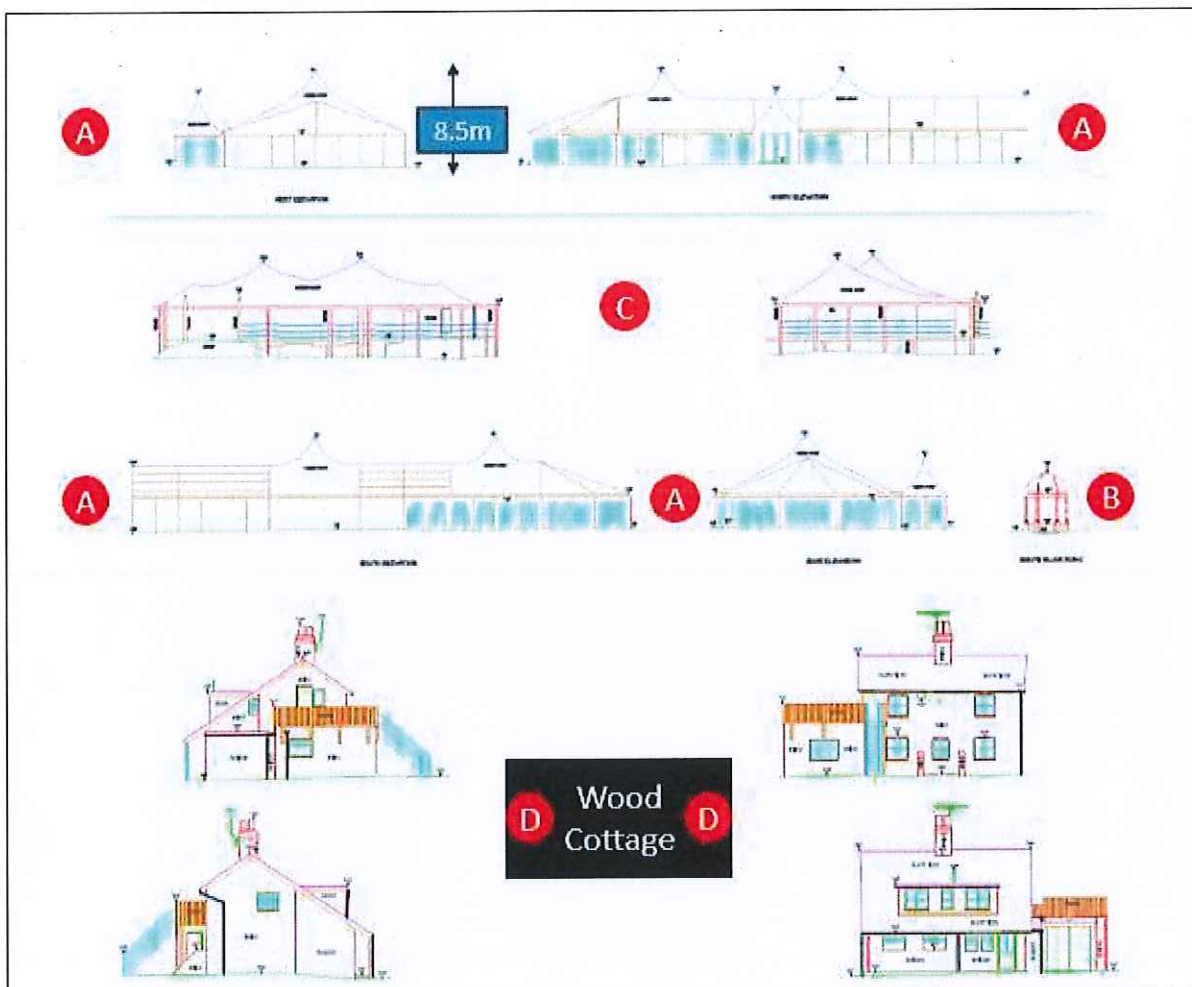
3.2 The application is supported by a number of reports –

- Phase 1 Ecological Report
- Design and Access Statement/Report setting out the Environmental, Economic and Social merits of the proposals
- Topographic survey with parking areas annotated
- Drainage, sewerage and utilities assessment
- Scheduled Ancient Monument impact report
- Tree survey and arboricultural impact statement
- Acoustic Report
- Flood risk assessment

3.3 The applicant is already licenced in a number of ways. Firstly as a venue to conduct civil partnerships which is arranged through Hampshire County Council. That has existed since 27 January 2016. The other two licences are administered by Havant Borough Council and include a liquor licence and public entertainment licence. The latter does allow operation until 01.00 hours in the morning. Live music typically ends at 22.30 hours (under hire contract terms imposed by the applicant), albeit a DJ can operate up to 00.00 hours. The former allows operation until 00.00 hours, but in reality this means last orders at 23.30 and time at the bar 23.45, with patrons asked to leave the site at 00.00 hours. From an operational point of view, the applicant has not traded to 01.00 hours, albeit it is worrying that the submitted acoustic report talks in the executive summary of trading until 02.00 hours and no

intended hours are set out on the submitted application form (question 19). There is a clear sign by the marquee entrance encouraging customers to have had their taxis booked for midnight, so they can depart at that time.

- 3.4 It is permitted development to operate a use of open land (which is not the curtilage of a building) for up to 28 days in any calendar year. There are some exceptions such as clay pigeon shooting and motorcross racing, but those operations are not proposed here. The applicant sets out that in 2009 the number of booked events, which had started modestly first in 1990 as a private school reunion party, had increased to 29, each events season generally running from the Mid-March to the end of November, operating mostly Friday to Sunday. Technically speaking, that is the point at which planning permission ought to have been applied for.
- 3.5 The applicant sets out that some events have attracted as few as 15 people, whereas some have attracted 500 people.
- 3.6 Images of the structures proposed to be retained and the appearance of Wood Cottage as operated as part of the use are shown below.



- 3.7 The marquee (A –purchased in 2006) has a floorspace of 33m x 12m. The circular pagoda/gazebo is circular and 3m in diameter. The decked area (C) is just under 22m long and varies in width from 6.4m to 11.2m.
- 3.8 The applicant has made the following statements in support of the proposals –

- The proposals will not result in any harm to the woodland;
- The site has been used to host events for charities, including of more recent time the charity 'Releasing Potential' with links to the Duke of Edinburgh awards scheme in July and August of this year, in terms of Forest Schools and learning bushcraft;
- During 2018, 10.253 people came to the estate;
- Positive reports of the venue have appeared in the Sunday Times, Daily Express and Open Air magazine;
- Employment levels could rise to 45-50 if the applicant's aspiration to operate 200 events per year/'season' were realised.

4.0 Key issues and related Policy framework*

NPPF – Specifically – 83-84, 91-92, 108, 118, 124, 127, 130, 148-149, 172, 174-175, 180 & 183; Generally – 1-3, 6-12, 15, 19, 28, 38, 40, 42, 47, 54-55, 126, 128, 155, 170 & 212; **NPPG** – ID's 6-8, 21a, 26, 31, 34, 37; **HBLP** – CS1-CS3, CS5-CS6, CS8, CS11-CS17, CS19-CS21, DM1, DM5, DM8-12, DM14; **HBLPSA** – AL1-AL2, DM20, DM23; **PVHBLP 2036** – DR1, IN2, IN3, E1-E2, E6, E8-E13, E15-E18, E20, C8, C10; **CHMP** – LS1-LS4, NC1, NC5, BD1-BD3, EG1, WQ1, WQ4, EL1-EL5, CE3; **PP** – 01, 06-07, 09, 14; **SPD**.

4.1 Safeguarding intrinsic character and beauty of countryside/coast/biodiversity from inappropriate development

4.1.1 The Conservancy's Ecologist is not satisfied with the level of information provided to demonstrate why such impacts should be entertained in a SSSI, nor what mitigation is to be offered for such impact. Indeed, the Phase 1 ecology report even questions the basis of the SSSI designation. He is of the opinion that an appropriate assessment under the Habitats Regulations ought to have been submitted to cover this. For example a general intention to remove dead wood from many of the trees, set out in the arboricultural impact statement is not clearly specified and being as the trees are the major feature of the SSSI and the habitat they provide, this is of clear concern. No bat report has been prepared and the reasoning set out in the design and access statement merely seeks to suggest that Tournembury Wood is of limited importance percentage wise within the AONB, rather than properly setting out impacts and whether any mitigation is to be offered. **Appendix A** to this report is a set of queries emailed to the agent, the day after a site visit was made. At the time of writing this report, no response has yet been made, but if any is received a verbal update will be given at the meeting.

4.1.2 It has to be accepted that a large number of events have occurred since the permitted development tipping point was (probably) passed in 2009. There is a general suggestion that revenue made from the holding of events allows investment in the upkeep of the wood/estate and its coastal sea defences. However, no clear accounting is presented to demonstrate this, such as receipts to contractors carrying out tree management or sea defence repairs/replenishment work. If the applicant truly wishes to demonstrate 'sustainable development', balancing environmental/economic/social planning considerations, then such further evidence ought to be provided. It is perhaps the applicant's aspiration to expand events to 200 every '250 day/year season' - (Mid-March/end of November), which is of most concern, seeming to skew towards the economic end of the 'sustainable development' spectrum, without the council as decision taker truly knowing the likely environmental impact. Those attending events are free to roam into more sensitive parts of the site, albeit this is likely to be limited to health and safety considerations, especially when darkness has fallen and those coming to the site are more focused on enjoying the event. Even so, there is some anecdotal evidence of people 'wandering' and causing disturbance/annoyance immediately

off-site. Implementation of APP/17/00207 could help to eliminate those occurrences.

- 4.1.3 As previously stated, the physical impact of the new structures is not really perceived in the wider AONB landscape, owing to the degree of tree cover. However, there are two other impacts to consider – light (in times of darkness) and noise. I saw a number of external light fittings and strings of decorative lights, placed around the site. It is not clear if these can be seen from the water, in what is a rather dark and remote part of the AONB at night. I also saw at first hand how a specialised 'zone array sound ceiling' speaker system has been placed in the roof lining of the marquee and some sound attenuation work carried out by the applicant, who has a degree and training in such matters. I was advised that the Council's Environmental Health Team has monitored the noise from live/recorded music, as part of assessing the public entertainment licence and is satisfied. The applicant states enquiries are periodically made with the council to understand if noise complaints are made. He says that none have been.

4.2 **Waste management, pollution, flood risk and climate change** –.

- 4.2.1 The use is unlikely to exacerbate flooding issues off the site. I am concerned about the fact that some customers attending events camp on site in what is flood zone 3, but ultimately this is a matter the council could control/prevent with conditions, if advised by the Environment Agency on this point. Clearly the Conservancy wants everyone to safely enjoy the AONB. The agent seems to have obtained his flood mapping from a different place obtainable on the EA website and asserts that no camping takes place within an area of flood risk and that although the marquee is in such an area, sea defences on the estate mean that the site has "never flooded" and as such flooding would result from tidal surges, these are highly predictable and necessary pre-alerts can be issued to those using the site.

- 4.2.2 At the time of your Officer's site visit, the site was very clean and tidy and it is obviously in the applicant's interest from a business perspective to maintain that condition of the site. Woods Cottage foul sewerage is provisioned by a 1000 gallon underground concrete cesspit. This is pumped throughout the year by licensed waste operators and removed from site by tanker to be taken to a treatment plant. Portable chemical toilets are hired in for events and there is also mention by the applicant of naturally composting W.C.'s being introduced. Ultimately, these are matters likely to be controlled through the public entertainments licence and will no doubt be scrutinised by Southern Water and the Environment Agency, when those bodies comment on this application.

4.3 **Transportation considerations** –

- 4.3.1 Access to the site is restricted by the single width lane/passing points, albeit the events have clearly occurred in the past and been absorbed on the local highway network. Conflict arising from those travelling to the site passing through the adjoining farmyard is clearly not ideal, but apparently legally preserved by a deed, when the farm was sold from the estate.
- 4.3.2 It is disappointing that no transport statement has accompanied/supported the application, especially if the applicant aspires to grow the business from its current 58 events this year. Implementing the extant consent under APP/17/00207, would remove the major point of conflict with farm activities, but does not seem to be deliverable, all the time the two parties cannot agree terms. The noise impact from traffic movements, especially late at night also does not seem to have been

scoped in the acoustic report, which instead focuses on noise from music being played at the wedding receptions.

4.4 Economic and employment considerations –

- 4.4.1 The use has and continues to offer the potential to create a sustainable, enhanced visitor attraction within the AONB, with low key visual impact, but this can only be accepted in the AONB if the maxims of 'conserve and enhance' under paragraph 172 of the NPPF are demonstrated by the applicant.
- 4.4.2 The principle and actuality of multiplier effects to the local economy from visitors spending in the local area and local businesses earning revenue from supplying goods and services to the venue are clearly understood and tangible – applicant estimates this as worth £1.32 million to the local economy, but the Conservancy must be convinced that a net gain to the condition of the AONB and its natural beauty will result, before offering its blessing to such a use.
- 4.4.3 The use currently provides direct employment for 10 part-time and 3 full-time members of staff.

5.0 Conclusions

- 5.1 At present, there is insufficient analysis and assurances offered by the applicant for the Conservancy to support this application. This may be enlightened by the submission of further information by the applicant. Any new information received by close of business 7.12.18 will be reported at the meeting, at which point Members can decide whether to re-visit my recommendation.

SRL – for 10.12.2018 PCC – Comments requested by 5.12.18: extension of time requested to comment.

***Abbreviations used:**

NPPF – National Planning Policy Framework – (Revised 2018)

NPPG– National Planning Practice Guidance – (2014)

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

HBLPSA – Havant Borough Local Plan Allocations (2014)

PVHBLP 2036 – Preferred option version of emerging Havant Borough Local Plan

CHMP – Chichester Harbour AONB Management Plan (2014-2019)

PP – Chichester Harbour Conservancy Planning Principles (adopted by CHC 17.10.2016)

SDP:

- **CHAONB** – Joint AONB SPD
- **HBDG** - Havant Borough Design Guide (2011)
- **HBPS** – Parking standards (2016)

Steve Lawrence

Nov 27, 2018, 5:20 PM (17 hours ago)

to

stevelawrence04@googlemail.com

From: Steve Lawrence

Sent: 27 November 2018 17:20

To: 'haydn.morris@hmpcltd.co.uk' <haydn.morris@hmpcltd.co.uk>

Cc: 'McMurray, Rachael' <Rachael.McMurray@havant.gov.uk>; Richard Austin

<Richard.Austin@conservancy.co.uk>; Peter Hughes

<peter.hughes@conservancy.co.uk>; David Rothery

<David.Rothery@conservancy.co.uk>; 'Rachel.Jones2@naturalengland.org.uk'

<Rachel.Jones2@naturalengland.org.uk>

Subject: Wedding and events venue regularisation - APP/18/00943 - Tournurbury Woods Tournurbury Lane Hayling Island Hampshire

Dear Mr Morris,

I met your clients, Chris and Alice Snell yesterday on site, who showed me around the site. I said I would have a number of queries for them following the meeting, hence I am writing to you as agent as I do not have Chris' email.

I am copying this to the case officer at the council, so she is aware of our request for additional information.

Whilst on-site, Chris said he would be happy for Peter Hughes to come to site. Peter is the Conservancy's ecologist. This would assist in clarifying a number of points and enable me to complete my report as much as is possible for the Conservancy's 10.12.18 Planning Consultative Committee meeting.

Taking the design and access statement page by page, I make the following observations –

Page 1

It would be useful for the 4 bullet pointed areas to be identified on a separate plan;

Page 2

The slow increase in events at the site is noted, in the context of permitted development rights in respect of open land being a tipping point of 28 days in any one calendar year. This represents some sort of base datum of 'general disturbance', from which to make an assessment;

I am having some difficulty in understanding the environmental benefits flowing from the proposed use. Do you just generally mean a means of raising monies to fund management of Tournerbury Woods Estate as a S.S.S.I./SPA woodland?

Page 3

Is the site registered with the Camping and Caravanning Club of Great Britain?

Can you roughly say what % of events thus far have been charity related?

From my estimation, turnover of TWE seems to be £180,000. Is this something I could confirm with Companies House?

Page 4

Under heading of 'data', the arguments made, whilst noted, do not really address the impact to the S.S.S.I./SPA. Use of the phrase 'surrounding the harbour' is also rather nebulous. Use of a map/diagram to show the catchment referred to would have helped our assessment. Whilst it would be for the local planning authority to determine this advised by Natural England, the Conservancy was expecting to see an appropriate assessment carried out under the Habitats Regulations.

The difference between Alcohol and Entertainments Licence terminal hours was explained to me by Chris and I was able to see a sign on site alerting people to have departed by 00.00 hours.

Page 5

I had some difficulty seeing where each structure was on the block plan. Although Chris explained this was because of the scale/need to show blue line land separately, an additional block plan of the general events area would help others understand the location of the 4 main structures, 3 of which permission is being sought retrospectively.

Now I have fully read the Design and Access Statement, I must confess I am rather concerned about the aspiration to expand to 200 events a year, especially without an Appropriate Assessment (principally to overwintering birds in the SPA) having been carried out and if 500 were to turn up to each and every event.

Page 6

A site plan showing the general location of 'designated camping sites' would be useful, as would the current location of external lighting, to understand what is there at the present and the general lux levels emitted. Again, this should feature as part of an Appropriate Assessment so impact of such lighting to wildlife (particularly bats) can be understood.

Whilst I was able to see the two main parking areas for myself, which are unmarked in terms of bays, has Chris ever done a quick headcount in the past to

know the upper limit of cars and coaches requiring to park? I was rather surprised that no transport statement accompanied the application, especially with some events attracting up to 500 persons. The Conservancy's interest here is the promotion of tranquillity in this relatively remote part of the AONB.

Page 7

Would well-being retreat activities typically take place in the marquee and deck, or might the grassed area in-between be also used? The Conservancy's concern would be to avoid the wooded areas outside the events area here.

Page 8

Lighting has been referred to above in terms of additional information that might be supplied. It may also be useful to illuminate all the lights and then take some photography from the harbour/My Lords Pond/Wilson's Boatyard to illustrate the point you are making about tree cover screening at the site.

Whilst Chris referred to some local businesses benefiting from the use trading, the statement refers to a list, which I could not find.

Generally

No bat report has been submitted to support the application.

No assessment of 'fit' with national and local planning policy has been undertaken to allow others to weigh the 'planning balance', especially impact to the AONB and ecological features of interest within it.

Trusting the above with help Chris to provide some further information to aid the Conservancy's assessment.

Yours sincerely

Steve Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy

10-12-18 PCC update

Tournerbury

SL was trying to establish what background noise levels were in the immediate area when asking for 'base datum'.

TE have confirmed that profits made from the enterprise (described as tens of thousands) go directly into funding care of the wooded estate, including maintenance of roads/tracks, tree management, cutting back of weeds/brambles to allow ground flora and fauna to flourish and its sea wall defences.

Farm used to help fund that, but was sold off in 1987, leaving a need for another sustainable income stream. Such care being directly relevant to AONB maxim of 'conserve and enhance'.

It is essential for the Estate to be an economically viable land holding.

It is such care over 3 generations, which has allowed the woods to thrive as an important visual and natural landscape feature in the AONB. A clear example of this care is the replanting of thousands of trees after the 1987 hurricane devastation which felled many oak and beech trees.

Applicant cites natural England data to compare with Old Park Woods in Bosham. 2013 data showing that wood as unfavourable condition and declining. (New owner is making strides to reverse that trend), whereas 2015 report for TE was 'favourable'.

Refer to 143 red zones slide. SL had requested merely to understand field of search. Of 45-unit assessments only 16, including TE, described as favourable. Have worked with NE's Hannah Thacker since 2013 to understand relative importance of TE to the SSSI. No indication that an appropriate assessment ought to accompany their application. Meeting with Rachel Jones of NE tomorrow to discuss.

NE comment from 29.4.15's integrated site assessment –

"What you are doing with T as a wedding and event venue is a wonderful thing to bring many people into the SSSI and allow them to enjoy it on a short-term sustainable basis."

Essential for sea wall repairs to continue or risk is TW will become inundated and salt-water intolerance will cause trees to fail.

Therefore, asking CHC to support application as means of sustainably maintaining such natural capital of the Harbour.

Read out 1964 press release of AONB.

"The primary purpose of the AONB designation is to conserve and enhance the natural beauty. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses."

SL's interest in whether member of C & C Club relates to its regime of certification and standards – "Certificated sites. The club is recognised as an "exempted organisation" within the terms of the Caravan Sites and Control of Development Act 1960. This means that the UK government allows the

club to issue a certificate to land owners, giving them permission to operate a small campsite on their land without specific planning permission. The club has over 1,550 certificated sites open to members."

Charity events currently only 5% (2 last year, but would like to expand, where commercially viable, to allow TE to become a community resource).

Net profit in DAS verifiable by going to Companies House (ties in with 'tens of thousands' comment above).

Stress part of contract not to permit live music after 22.30. Ultimate aim to 'soundproof' marquee, but a 6-figure investment. Especially do not allow fireworks or Chinese lanterns under such contracts and have actually turned jobs away because of this.

200 events issue:

Key findings of ecologists/ornithologists discussed with Natural England since 2013 are-

- 1) Wedding 'season' not in winter when overwintering brents/waders coming to the Harbour;
- 2) Woods not brents'/waders' habitat, as prefer undisturbed sight lines, to avoid predation;
- 3) Localised noise/disturbance (including light) already occurring from adjacent Wilson's Boatyard and nearby built up areas.

Typically, only 1 event of 500 persons/year and almost exclusively so far involving Asian families, where typically such parties prefer splendour of a country house/estate.

A slide was incorporated in my presentation showing the areas used for camping and where light fittings (angled to ground) are currently installed.

Members were made aware of offer of 'from the water night photography' likely to be submitted to the council to illustrate impact of lighting on to the character and appearance of the AONB and its tranquillity. A check had been made of my Outlook account, right up to when the item was being considered, but no extra information had been submitted by email.

It was possible to accommodate/park 124 vehicles and typically those hiring the venue and likely to have 120+ persons attending were encouraged to hire 2 x coaches to ferry attendees to and from the venue.

Marked parking bays were not preferred as this had an urbanising effect on the woodland. Parking areas were delineated by low 'ranch-style' post and rail enclosures sustainably made from fallen silver birch stems.

I clarified what I had meant about the site seeming to be 'relatively remote' in terms of the experience of reaching the site down a long narrow track but accepted that built up areas were relatively close by on the south side of My Lord's Pond.

Clarification was given that 'well-being' retreat activities such as yoga would typically take place at 'The Deck', but that the applicant would like the flexibility to allow these to also take place in 'The Plantation' part of the site, should those hiring the venue desire that.

It was reported that the applicant was compiling a list of local businesses benefitting directly from the venue operating and that this additional information would be sent to the council in support of the application.

Finally, I explained that I was not aware that Peter Hughes was going on leave, but that the applicant had had a limited window of opportunity to invite Peter to site, before he had gone on leave.



The Tournerbury Woods Estate Office,
Seacourt House,
198 Seafront Road,
Hayling Island,
Hants,
PO11 9HR

06/12/2018

Mr Stephen Lawrence,
Planning Officer,
Chichester Harbour Conservancy,
Harbour office,
Itchenor,
Chichester,
West Sussex,
PO20 7AW
By email.

Dear Steve,

Ref: HBC Planning Application - APP/18/00943. Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation. Tournerbury Woods, Tournerbury Lane, Hayling Island.

Response to your email of Wednesday 28th November – 06:20hrs – request for further information.

Further to your above email please see our responses below and where described, attached to this email.

Design & Access Statement – response to your observations & request for further information.

Page 1 –

As requested, the 4 bullet pointed areas are on the attached map – 'Tournerbury Woods Primary Areas map for CHC Dec 2018.pdf'. They are - The Bury, outlined in Pink. The Plantations, outlined in lime green, The Field, outlined in red and Woods Cottage and surrounds outlined in light brown and cross hatched.

Page 2 –

We are concerned by your phrase “*base datum of general disturbance*” – Could you please clarify for us exactly what you mean by this?

In answer to your question posed - “*I am having some difficulty in understanding the environmental benefits flowing from the proposed use. Do you just generally mean a means of raising monies to fund management of Tournerbury Woods Estate as a S.S.S.I./SPA woodland*”.

In the most binary of terms the answer to that question is simply - yes - we do mean that exactly.

However, we feel strongly that the phraseology of your question beggars an answer which is too narrow and seeks to avoid a true and representative answer in regard to the holistic picture of Chichester Harbour as a whole and how the use of Tournerbury as a wedding and event venue mirrors the overriding principles of the AONB designation and protection of ‘the environment’.

Therefore in order to adequately expand on the above ‘Yes’ – please see below -

Up to 1987 (when my late father reluctantly sold Tournerbury Farm due to his failing health), all sea wall repairs, maintenance of roads / tracks, arboriculture management, cutting back of weeds and brambles to allow ground fauna and flora to flourish in Tournerbury Woods was funded by the economic going concern of Tournerbury Farm.

After the sale of Tournerbury Farm, this left us holding a relatively small woodland with no access to resources to maintain and conserve it on a sustainable basis. This is the reason why we started holding events in Tournerbury in August 1990, to pay for the upkeep of the Woods, sea wall maintenance, management of flora and fauna etc. If Tournerbury Woods cannot stand alone as an economically viable landholding then that predicates a natural decline which has corrosive environmental effects, not only on the visual aspects of the harbour and its environs, but also on wildlife, birdlife, the overall wellbeing and beauty of the AONB and the ‘natural capital’ that is enjoyed by so many human residents and visitors alike.

For the great many water users in the harbour, (and walkers around Thorney Island, as well as members of HISC and MRSC and walkers around Eastern Hayling), Tournerbury Woods is an essential part of the AONB Aesthetic from the moment one passes HISC when entering the harbour or from Longmere point when travelling south down the Itchenor Channel. This visual landscape amenity is only still there because as a family we have looked after Tournerbury for 3 generations over nearly 100 years. By way of example, after the 1987 Great Storm, Tournerbury was decimated with the vast majority of its Oaks and Beech trees flattened. It was heartbreaking. Instead of using that mass tree felling as an opportunity to develop the land, my late father, my late aunt and I (aged 16) replanted thousands of trees, which after 30 years of growth and careful management are now thriving.

If all climate change reports are to be believed then we will only face more large storms in the decades ahead and again Tournerbury will need to be replanted and conserved to maintain its natural capital in the harbour.

Each year we spend tens of thousands of pounds on conserving Tournerbury. This is wholly funded from the events and wedding business. It is a considerable challenge to maintain the natural beauty of a place whilst marrying that with making it economically sustainable for its preservation.

By way of a 'real world' and 'close to home' example, it is very telling to compare the empirical data on the ecological conditions of the two largest woodlands in the AONB – Old Park Wood and Tournerbury, and their Natural England Condition Assessment reports over the last few years. They are as follow –

Old Park Wood

11/03/2004 – Unfavourable – No change.

10/09/2007 – Unfavourable, recovering.

22/06/2009 – Favourable

28/05/2013 – Unfavourable – Declining.

Tournerbury Wood

19/06/1997 - Favourable

26/04/2004 - Favourable

09/07/2010 – Favourable

29/04/2015 - Favourable

(Source: Natural England)

In taking on board the above assessments made by Natural England professional ecologists, it is most interesting to note that Tournerbury has been maintained and cherished by the same family who have been able to generate the necessary funds to manage and look after 'the environment' of Tournerbury and vis-a-vis it's impact on the wider harbour landscape by running Tournerbury as a successful weddings and events and holiday cottage business, whilst Old Park Wood has no such means of economic preservation and self-sustainability.

Furthermore, if you look at the condition assessments for all 45 units in the Chichester Harbour SSSI, you will see that only 16 units are condition 'Favourable' (including Tournerbury), 22 are 'Unfavourable – Recovering', 4 are 'Unfavourable – No change' and 1 is 'Unfavourable – Declining'. This is Old Park Wood.

If Tournerbury can not generate substantial sums to pay for sea defence works over the next decade then it will not be long before the southern part of the woods will be inundated by storm surges. Once this happens and the trees in the southern part of the wood die due to salt water incursion then the view from the harbour coming up past Mengeham Rythe Sailing Club will actually be the Halyards modern housing estate recently & rather sadly built on fields south of Hawthorne Grove on

Hayling. In fact that housing estate would then be visible from as far away as HISC and the wider harbour.

We believe the Conservancy Planning Committee should fully back this application because maintaining the visual & natural capital of the AONB, 'the environment', is of primary interest to the Conservancy and the Conservancy should adhere to the general principle of the AONB designation which was succinctly summarised in the press notice issued by the Government on the 5th February 1964, the day after Chichester Harbour was designated AONB status. The Government's press noticed stated –

"The primary purpose of the AONB designation is to conserve and enhance the natural beauty. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses."

(Source: Chichester Harbour Management Plan draft 2019 – 2024, italics own).

We hope that the above more detailed explanation and Natural England data sets help you to understand how the proposed (& existing) use, benefits 'the environment' in the widest possible terms.

Page 3 -

"Is the site registered with the camping & caravanning Club of Great Britain?"

We are unsure of the planning reason for this question, could you please elaborate?

"Can you roughly say what % of events thus far have been charity related?"

We normally do at least a couple a year so the yearly average is probably around 5%. This is something we would like to grow over time; where possible, commercially attainable and realistic so that Tournerbury becomes a community resource, not just a sustainable business.

"From my estimation, turnover of TWE seems to be £180,000. Is this something I could confirm with Companies House?"

We are unsure of the planning reason for this question, could you please elaborate on why this is important to know? In any event, we are subject to English company law and submit returns and pay corporation tax and VAT. All of our financial data as required by law is available and fully searchable on the Public Register at Companies House.

“Use of the phrase ‘surrounding the harbour’ is also rather nebulous. Use of a map / diagram to show the catchment referred to would have helped our assessment.”

We are sorry that you found this to be “nebulous”, mainly because we assumed that the Conservancy would already have this data to hand and stating such data would only be corroborative to what was already known by the Conservancy.

To give you some background to the ‘Chichester Harbour Wooded areas’ data sets that we hold and reference in the Design and Access statement, we have worked closely and extensively with Natural England throughout 2012, 13, 14 and 15 so that both parties could fully understand the relative ecological importance of Tournerbury both from a SSSI perspective and in the wider harbour AONB context. This exercise was fully paid for by Tournerbury with bird counts and NVC studies undertaken (and funded solely by weddings and events at Tournerbury). Part of this exercise was to garner a full understanding of Tournerbury’s relative importance (or not) as a wooded area within the SSSI / AONB and its borders. One of the output’s of this substantial piece of work was an extensive geo-mapping exercise showing all wooded areas surrounding the harbour. We won’t go into details here as to all of the parameters and metrics used, suffice to say that very small tree cover areas e.g. a handful of trees in a residential garden or a singular line of trees along roads were excluded as being of limited habitat / ecological importance.

We have attached to the email two documents in regard to the above in order to ‘de-nebulise’ the data for you. The first is a spreadsheet of the wooded areas ‘Chi Harbour Wooded areas analysis Nov 2014.xl’ which lists all 143 areas, their size and other pieces of data. The second attachment ‘CH Wooded Areas Geo Ref Terrain Image.jpeg’ is a screenshot of the Google Earth Polygonation of these areas which are outlined in red. Unfortunately due to the sheer size of the area, it only really gives you a true sense of the wooded area around the harbour if you print this off on A1 or A0, whereby it becomes really quite fascinating. However, for your and the Planning committee’s purpose we hope that the screenshot will suffice and will “help your assessment” as requested.

“Whilst it would be for the local planning authority to determine this advised by Natural England, the Conservancy was expecting to see an appropriate assessment carried out under the habitats Regulations”

As stated above we work closely with Natural England on an ongoing basis and over the decades have worked with their predecessor body ‘English Nature’ and before that the ‘Nature Conservancy Council’. We have not been asked, to date, to undertake an Appropriate Assessment as part of the application paperwork, and in any case we are due to meet Natural England shortly as part of this planning process to discuss a suitable way forward and to continue our excellent working relationship with them.

It is maybe worth noting that at the end of the work we had undertaken with Natural England throughout 2012, 13, 14 and 15, the lead advisor who had been especially resourced by Hannah Thacker (then Head of Hampshire and Isle of Wight Natural England Team) to work with us, stated

on his ISA (Integrated Site Assessment) visit on Wednesday 29th April 2015, that "What you are doing with Tournerbury as a wedding and event venue is a wonderful thing to bring many people into the SSSI and allow them to enjoy it on a short term sustainable basis".

"The difference between Alcohol and Entertainments Licence hours was explained to me by Chris and I was able to see a sign on site alerting people to have departed by 00:00 hours"

Thank you for making note of this. We think it is worth going into some more detail for the benefit of the committee. Tournerbury is a licensed premise for the sale of Alcohol and performance of live music by Havant Borough Council. Despite having a licence to operate until 1am in the morning we are incredibly cognisant of our neighbours on the south side of My Lord's Pond and as such our hire contract with our guests states that the party finishes at midnight without exception. We expect all guests to leave quietly straightaway afterwards (as you noted from the sign in the marquee on your visit). It is also part of our hire contract that all live music (bands / solo musicians) must finish their performances by 10:30pm, after that only DJ's and laptop / tablet play lists may be played until midnight. The purpose of this is to dramatically reduce 'acoustic bleed' into the neighbourhood after 10:30pm at night. As you witnessed on your visit we have invested over £40,000 (at our own discretion) into a Direct Acoustics Solutions directional Sound Ceiling Zone Array which hugely reduces acoustic energy travelling from the marquee and having an environmental impact in the wider area. We have also carried out substantial acoustic testing, the report of which you should already have as part of the planning documents. As part of our hire contract we categorically do not allow performers to use their own PA speaker systems at Tournerbury. As discussed on site I have a BSC degree in Sound Engineering and as a third generation Islander I am very aware of the increasing noise that development and urban life has on our natural environment and human communities and we do everything in our power to try to limit noise spill from the venue. As also discussed on site, if Tournerbury is granted planning permission then we envisage overtime being able to invest considerably more in fully sound proofing the marquee so that we can reach our goal of zero acoustic energy emitted from the marquee. However, this is a six figure investment and cannot be undertaken without certainty of planning permission.

Further and purely for the committee's information please note that we strictly do not allow the use of fireworks or Chinese Lanterns at Tournerbury under any circumstances, for all of the obvious reasons; noise disturbance to both wildlife and human residents, pollution and litter, fire risk, light pollution etc. It is not wholly unusual for us to turn away bookings for events or weddings where the (potential) guests try to negotiate on booking that they can either party later than midnight, or have a band playing later than 10:30pm or have fireworks or Chinese lanterns. Whilst it is obviously commercially frustrating to turn custom away, these are red lines for us that we will not move on.

Page 5 –

Thank you for bringing to our attention that a smaller plan would be helpful, given the LPA's requirement for a block plan which covered all of the Estate's 300 acres making the scale somewhat difficult to use. We have attached a new topo' plan which shows the siting of the marquee, Woods Cottage, the Victorian Gazebo and the deck and hope this is helpful for both you and the committee.

It is attached to this email and is labelled 'Venue Area Large Scale for CHC'. In advance, please accept our apologies for the rather unprofessional crudity of marking the structures by handwriting; but unfortunately we don't have editing access at short notice to the original topographical map undertaken by our surveyors. Nonetheless, we hope the attached will assist you and the Committee as requested.

"Now I have fully read the Design and Access Statement, I must confess I am rather concerned about the aspiration to expand to 200 events a year, especially without an Appropriate Assessment (principally to overwintering birds in the SPA) having been carried out and if 500 were to turn up to each and every event."

Thank you for bringing this concern to light. We think it is absolutely right to address the issue of potential bird disturbance, especially to the winter migratory wading bird population, for which the harbour is SSSI notified.

Our position is that we do not believe the overarching presumption of 'potential disturbance to overwintering birds' has a material weight to this application, or for that matter to any of our activities in Tournerbury. There are several reasons for our thinking and analysis on this important matter, and for the sake of brevity, the two primary reasons are as laid out below -

1) Tournerbury is predominantly a wedding venue. The prime UK wedding season is very heavily concentrated across spring and summer - April / May / June / July / August & September, tailing off in October and November and really quietening down in December, January, February & March. This is especially true of a rural seaside and woodland venue like Tournerbury. The obvious question to ask oneself is, who wants to get married in a marquee, in a woodland, when there are no leaves on the trees and it is cold and wet outside? The answer is not surprisingly, very few people. Even long established solid building venues such as the Tithe Barn at Petersfield mirror this. If you look online at their availability you will see that they are closed for January and February and then their current bookings are as follows – March 5 bookings, April 8 bookings, May 12 bookings, June 12 bookings, July 11 bookings, August 15 bookings, September 10 bookings, October 5 bookings, November 5 bookings, December 9 bookings (Christmas weddings and parties are the slight exception to the above rule but couples wanting a winter wedding tend to want the solid building of a country house with fires roaring or a solid barn with decent heating, not a marquee being buffeted by a winter storm!). To give you a better idea of this, we have never yet had a wedding at Tournerbury in December, January, February or in March apart from on the last weekend of March. You will obviously note from the above that our predominant season of most activity very neatly avoids the over wintering migratory avian residents of the harbour.

2) The above aside, it has been interesting to note the views of both our Ornithological & Ecological consultants and Natural England's advisers that we have worked with over the last few years. Without going into onerous detail here, the key findings from this work were -

a) Wading birds aren't woodland birds and so Tournerbury doesn't attract any useful numbers of migratory wading birds because it is just quite simply, the wrong habitat.

b) Most wading birds including the Brent geese prefer to have long undisturbed sight lines to avoid threat and predation and therefore My Lord's Pond and the foreshore around Tournerbury is of limited attractiveness compared to more expansive areas of the harbour and large open fields of winter crops around the harbour. This is borne out when you see sizeable flocks of Brent Geese on the fields either side of West Lane in Hayling, who don't seem to mind the motor bikes, cars and vans travelling along West Lane, often noisily and at high speed, because they have a safe separation distance between themselves and the disturbance or 'potential threat' of the traffic. Last year we took a number of photos of this which we are happy to share with you if requested.

c) There is already localised noise and human disturbance directly opposite the venue from Wilson's boatyard, Mengeham Rythe Sailing Club, walkers with and without dogs along the coastal footpath by MRSC and the relatively dense urban population in residential dwellings to the south of Tournerbury with associated car alarms, dogs barking, traffic noise, private parties (for which we often seem to get blamed even when we have nothing going on at Tournerbury!) and the general melee of urban life. This noise is more often than not carried across My Lord's Pond to Tournerbury and its environs because of the prevailing wind direction.

Further to the above, we believe that the assumed negative scenario *"the aspiration to expand to 200 events a year.....and if 500 were to turn up to each and every event"* is just not realistic. We do a lot of weddings that are 50, 60, 70 or 80 guests and an average wedding at Tournerbury numbers between 120 to 150 guests. Within the aspiration of reaching 200 events we include corporate meetings and lunches, wakes, anniversary lunch parties (we have done a couple of diamond anniversary lunches), afternoon tea dances (which we believe would potentially be very popular with a large part of Hayling's older demographic), christenings etc. With respect, we feel that the assumption predicates a negative future scenario of day in, day out huge raucous weddings, which simply isn't factual. We normally do only 1 wedding a year of this sort of size and they are almost exclusively Asian weddings. Most Asian couples want the grandeur and splendour of a large country house or an urban setting and so Tournerbury doesn't really get much exposure to this market.

Page 6 –

"A site plan showing the general location of 'designated camping sites' would be useful, as would the current location of external lighting, to understand what is there at the present and the general lux levels emitted."

Please see attached a general location map of where we allow guests to camp – hatched green, and the positioning of outside lights (stars in circles) on the attached map named 'Camping areas within the venue area for CHC Dec 2018.pdf'. We do not have the lux information to hand however we are endeavouring to get out in a boat during darkness hours to take geo referenced photographs for you of any light spill when all the lights are on at this time of year with little leaf cover on the trees as

requested on your notes on page 8 of the D & A statement. As soon as we have completed this task we will forward them to you. However you should note that we purposefully slightly angle the external lights towards the ground so as to minimise light spill from Tournerbury. The biggest light pollution in our immediate vicinity is from the arc lights on high poles at Wilson's boatyard across the creek from us and also the harbour facing lights of MRSC.

"Whilst I was able to see the two main parking areas for myself, which are unmarked in terms of bays, has Chris ever done a quick headcount in the past to know the upper limit of cars and coaches requiring to park? I was rather surprised that no transport statement accompanied the application, especially with some events attracting up to 500 persons. The Conservancy's interest here is the promotion of tranquillity in this relatively remote part of the AONB."

Yes – we very closely monitor the traffic situation at the majority of our events. Within our 'pre-event' literature we urge couples / event organisers to lay on either coaches or buses to bring groups of their guests to the venue in one go. We are keen that the travel footprint to and from Tournerbury is as low as possible, both from a carbon footprint and a disturbance point of view. Because we attract guests from all over the UK and the world, we often see couples block booking hotel rooms at local hotels like The Langstone Hotel and therefore provisioning a whole group (50 or 60 persons) to come in one go on a coach makes sense for both us, our guests and their guests. Our guest number per car to date is currently at 3.7 guests per motor vehicle and is symptomatic of ride sharing / designated driver culture amongst 'millennial' guests who form a large part of our guest demographic. This takes into account guests who cycle or even walk if they are local, come by taxi, minibus or coach. Therefore at an 'average' Tournerbury wedding (guest numbers 120 to 150) we expect to see between 32 and 41 cars parked in our parking areas. Tournerbury has room for approximately 124 parked vehicles. For larger weddings and events – those over 250 guests we stipulate that they must lay on coaches or minibuses for the majority of their guests. This is also incredibly helpful to us in getting guests off site in an orderly and expedient manner at midnight. Our most joyful (from a traffic point of view) weddings are where we have a wedding of 120 or so guests and the happy couple have heeded our advice and laid on 2 coaches to ferry virtually all guests both to the venue and back to their hotel. Again, if planning permission is granted we envisage a time in the future whereby we could invest in running our own small fleet of electric minibuses powered by a renewable energy source on the Estate that would allow us to ferry guests from and back to local accommodation providers and so further increasing the sustainability of Tournerbury as part of the AONB.

In regard to the above, you are right in saying we do not have marked bays. We do this because we do not wish to 'urbanise' the natural beauty of Tournerbury, as in our view, car parks are generally highly unsightly. You may have noticed on your visit that we use fallen silver birch stems as our car parking defining barriers. We do this because as they rot down they provide a fantastic environment for all sorts of woodland fungi and bugs to thrive and visually they are in keeping with the woodland environment. As we always have some silver birch winter windfall they are easy to replace as and when needed. On wedding and event days our grounds staff oversee parking so that guests don't drive onto areas that they shouldn't and that parking takes place in an orderly and safe fashion.

We are concerned by the description of Tournerbury in your email as *"in this relatively remote part of the AONB"*. As described above in Page 5 – Point 2) point c) – Tournerbury is actually abutted by high levels of noise and disturbance from urban and marine activity right along its southern border. There is many a night that we have been trying to get to sleep in Woods Cottage and have been disturbed by car alarms, fishing boats coming into Wilsons boat yard, car doors slamming, loud voices, dogs barking, wind carrying traffic noise and ironically enough, private parties in houses to the south of us. We therefore feel, with the greatest of respect to yourself, that your description rather romanticises the reality. That is not to say that it isn't often quiet at night time, but it rarely feels 'remote' unfortunately.

Page 7 –

"Would well-being retreat activities typically take place in the marquee and deck, or might the grassed area in-between be also used? The Conservancy's concern would be to avoid the wooded areas outside the events area here."

We believe that if this goes ahead then yes primarily the deck space would be used for this, however we can see also that meditating or undertaking Pilates or Yoga under the trees in the plantation area would be attractive. We apologise for being vague but this is at an early stage. If it does go ahead then we envisage these retreats would be limited to very small groups of guests.

Page 8 –

"Lighting" –

As referred to above, we will take photographs at night with all of the external lights on, both from a boat in the wider harbour area and My Lord's Pond and Wilson's boat yard & HISC to address the potential of light spill.

"List of local businesses that benefit from Tournerbury visitors"

Apologies but we hadn't realised just how long this was until we started canvassing previous guests as to which businesses they have used when visiting Tournerbury or in the days surrounding their visit when they have been staying on Hayling Island or in the Borough. We are in the process of compiling this to submit to Havant and we will share this with you accordingly.

Your "Generally" comments –

Bat report –

We will take advice on this from Haydn.

Assessment 'fit' with National & Local Planning Policy –

As above.

In summary:

We sincerely hope that the above information will prove genuinely helpful in assisting yourself and the Conservancy's planning committee when addressing this application in your role of consultee to the planning process.

Before we received your forwarded email and request for information we were in the process of compiling a general response for the committee and we hope to be able to have that finalised before the committee's meeting next Monday.

Just on a minor house-keeping matter Steve, I rang the Conservancy office yesterday to touch base with your ecologist Peter Hughes with a view to setting up a meeting on site, as we discussed, and was somewhat surprised to be advised by your reception staff that I couldn't speak to Peter as he is currently in Sri Lanka and will continue to be so until the New Year – I presume this information is correct?

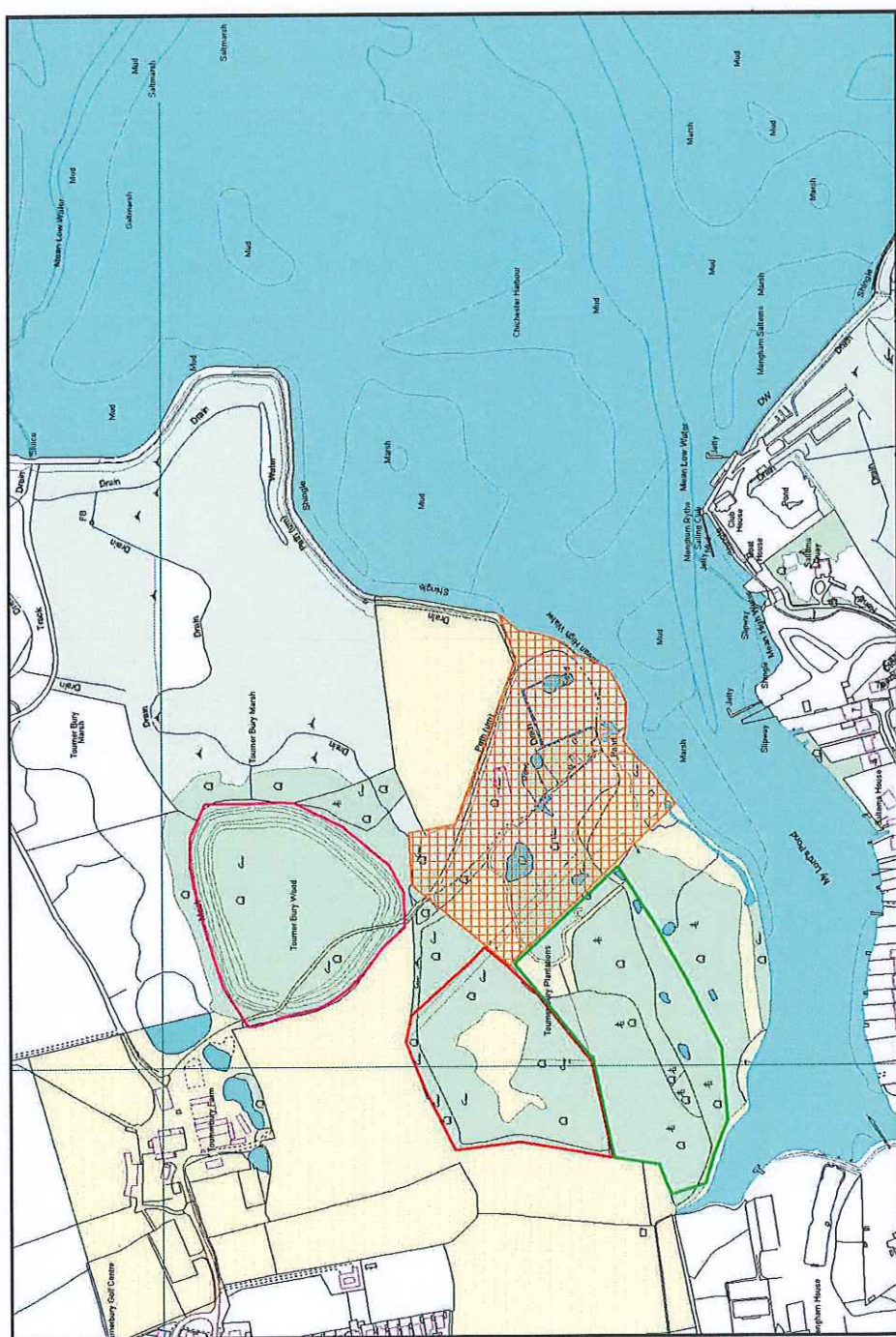
We look forward to seeing you at the meeting on Monday regardless,

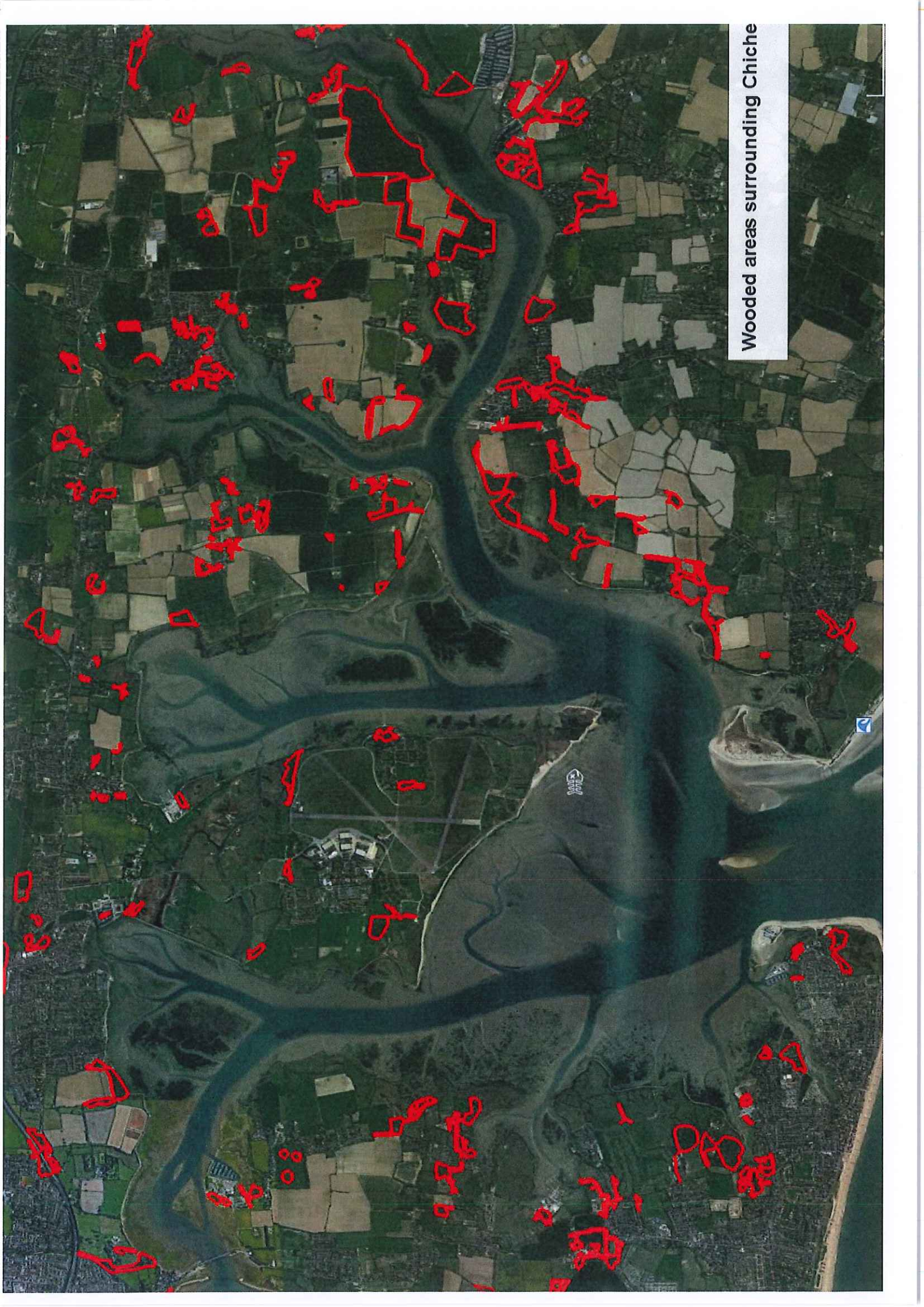
Best wishes,

Chris and Alice Snell

CC by email -

Rachael McMurray – HBC
Haydn Morris – HMPC Ltd
Richard Austin – CHC
Peter Hughes – CHC
David Rothery – CHC
Rachel Jones – NE
Simon Curzon – NE
Keith Martin – CHC PCC Chairman
Steven Schrier – CHC PCC Vice Chairman
Ann Briggs – CHC PCC
Tim Calloway – CHC PCC
John Connor – CHC PCC
Nick Fox – CHC PCC
Pieter Montyn – CHC PCC
Ken Smith – CHC PCC
Alison Wakelin – CHC PCC





Wooded areas surrounding Chicopee

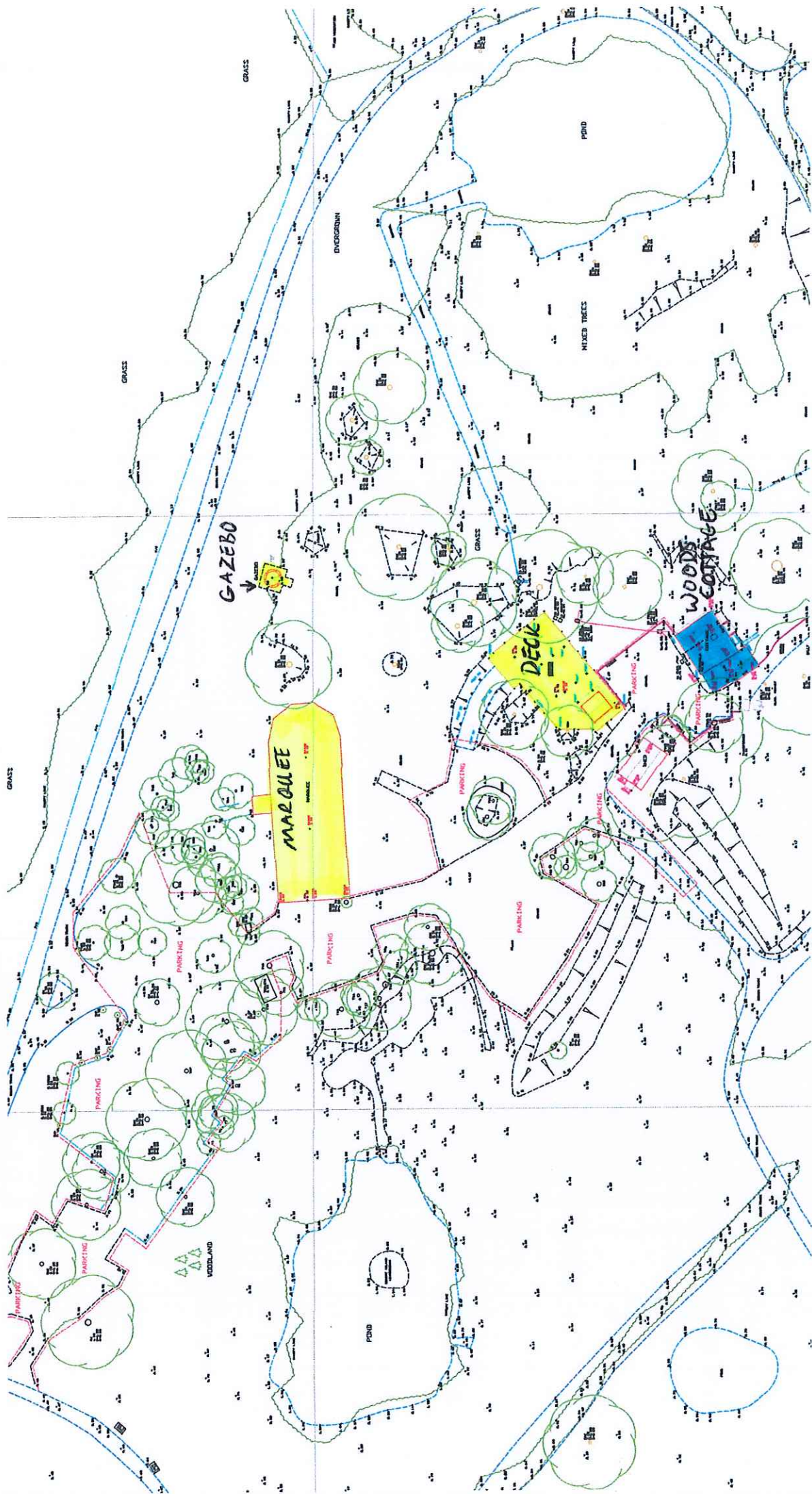
Chichester Harbour & Hayling Island Woodland areas									
Unit No	Name	Size (Acres)	Size (Hect's)	Abutts Harbour	SSSI Status	On HI			
1	Mengeham House South HI	4.66	1.89	Yes	No	Yes			
2	Mengeham House North HI	2.60	1.05	Yes	No	Yes			
3	Copse Lane North HI	2.39	0.97		No	Yes			
4	Northney HI	4.90	1.98		No	Yes			
5	Gutner Lane HI	8.39	3.40		No	Yes			
6	Langstone	11.00	4.45		No	No			
7	Warblington	13.60	5.50	Yes	No	No			
8	Thorney	7.35	2.97		No	No			
9	North Thorney	1.77	0.72		No	No			
10	West Chidham	5.74	2.32		No	No			
11	South West Chidham	1.36	0.55		No	No			
12	South Chidham	2.29	0.93		No	No			
13	South East Chidham	7.21	2.92		No	No			
14	North Bosham	2.20	0.89		No	No			
15	South Bosham	2.75	1.11		No	No			
16	South Bosham	4.12	1.67		No	No			
17	Bosham Hoe West	17.00	6.88	Yes	No	No			
18	Bosham Hoe East	39.30	15.90	Yes	No	No			
19	Blackhouse Copse	23.30	9.43		No	No			
20	Salterns Copse	9.38	3.80		No	No			
21	West Birdham Pool	5.18	2.10		No	No			
22	East Itchenor	9.44	3.82		No	No			
23	West Itchenor	20.22	8.18		No	No			
24	Mill Rithe	2.47	1.00		No	Yes			
25	Lakeside HI	6.41	2.59	Yes	No	Yes			
26	North East Emsworth	8.28	3.35		No	No			
27	North Emsworth	4.90	1.98		No	No			
28	East Langstone	1.58	0.64		No	No			
29	North Emsworth Pond	1.13	0.46		No	No			
30	North Billy Trail Langstone	2.67	1.08		No	No			

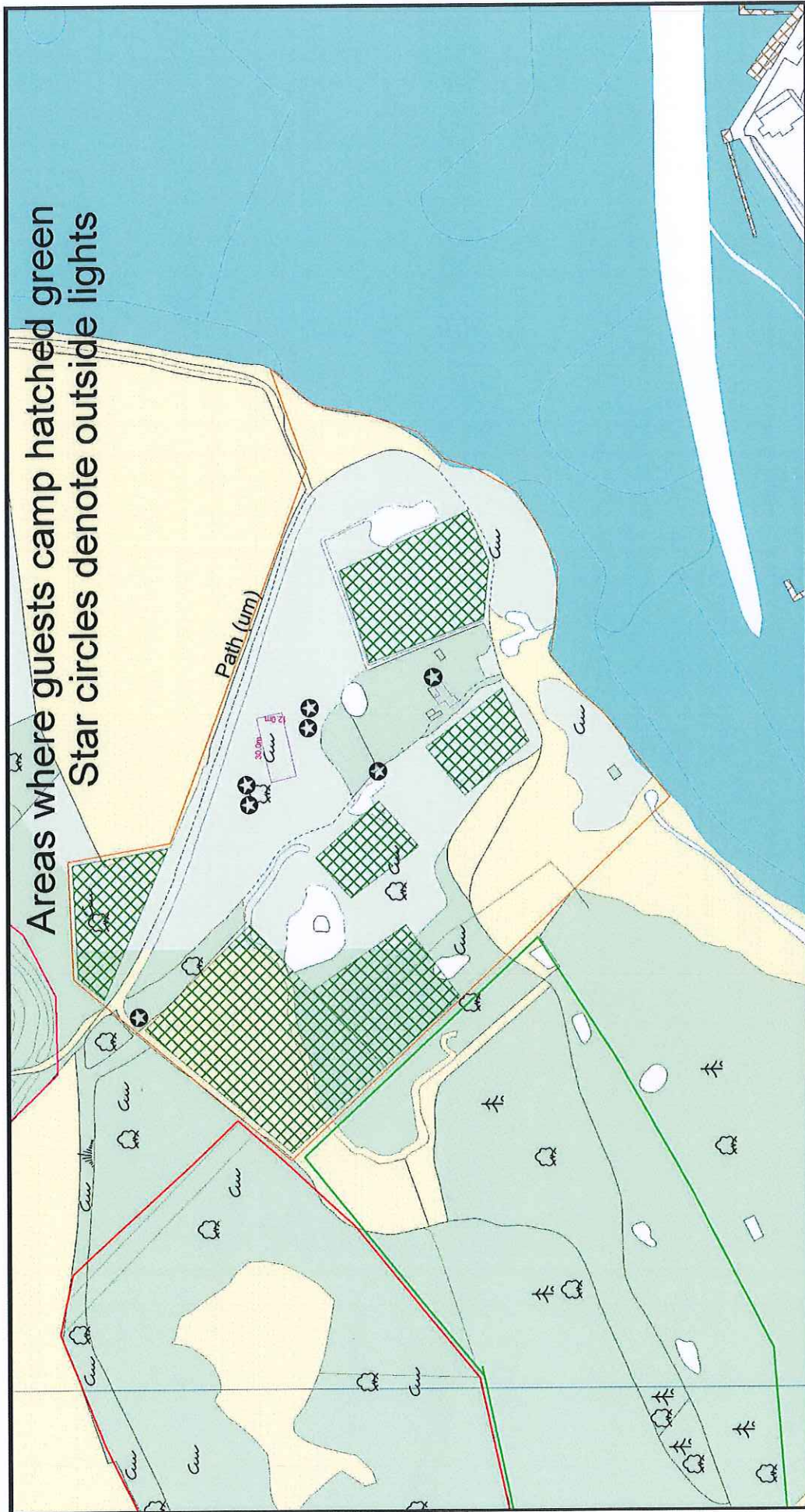
31	North West Thorney	1.22	0.49		No	No
32	West Thorney	2.28	0.92		No	No
33	Mid Thorney	1.58	0.64		No	No
34	Nutborne	2.97	1.20		No	No
35	Cobnor Center	1.12	0.45		No	No
36	Cobnor Center North	1.30	0.53		No	No
37	Chidmere Pond	7.28	2.95		No	No
38	St Nicholas Thorney	3.21	1.30		No	No
39	South East Nutborne	3.89	1.57		No	No
40	North West Chidham	3.59	1.45		No	No
41	West Chidham	1.16	0.47		No	No
42	Chidham	1.71	0.69		No	No
43	Chidham North	1.05	0.42		No	No
44	The Bosham Inn	2.33	0.94		No	No
45	West of Cobnor	0.55	0.22		No	No
46	Culimers Point	0.56	0.23		No	No
47	South East Cobnor	0.76	0.31		No	No
48	East Thorney	7.72	3.12		No	No
49	Thorney SBS Hut	1.56	0.63		No	No
50	Emsworth Marina South	1.01	0.41		No	No
51	Emsworth Marina	0.63	0.25		No	No
52	South Nutborne	0.51	0.21		No	No
53	West Nutborne	0.71	0.29		No	No
54	Prinstead	0.96	0.39		No	No
55	South Nutborne	1.15	0.47		No	No
56	East Prinstead	0.78	0.32		No	No
57	North Prinstead	0.40	0.16		No	No
58	South Prinstead	0.68	0.28		No	No
59	South East Prinstead	0.40	0.16		No	No
60	South West Chidham	0.20	0.08		No	No
61	North East Chidham	6.93	2.80		No	No
62	West Broadbridge	3.63	1.47		No	No
63	North Bosham	2.18	0.88		No	No

64	Broadbridge Trading	0.68	0.28		No	No
65	North West Bosham	1.18	0.48		No	No
66	Bosham West	2.40	0.97		No	No
67	Bosham West Boat Park	0.31	0.13		No	No
68	Bosham West and Church	5.56	2.25		No	No
69	Bosham Central East	5.34	2.16		No	No
70	Bosham East	2.28	0.92		No	No
71	South Brinkmans Nurseries	4.78	1.93		No	No
72	Fishborne West	9.71	3.93		No	No
73	Fishborne East	11.21	4.54		No	No
74	Bosham South East	1.01	0.41		No	No
75	Itchenor Channel A	0.77	0.31		No	No
76	Itchenor Ferry North	3.63	1.47		No	No
77	Itchenor Ferry North & East	1.01	0.41		No	No
78	Smugglers Lane	0.87	0.35		No	No
79	North West of Bosham Hoe	1.20	0.49		No	No
80	Dunmere Pond	2.69	1.09		No	No
81	Fletcher Lane	4.08	1.65		No	No
82	Old Park Lane West	10.40	4.21		No	No
83	Old Park Lane East	3.37	1.36		No	No
84	Beggars Roost	3.17	1.28		No	No
85	Hook Lane North	1.64	0.66		No	No
86	Hook Lane South	2.50	1.01		No	No
87	Old Park Wood	104.00	42.09	Yes	Yes	No
88	Fishborne Channel West	2.54	1.03		No	No
89	Appledram Lane South	12.50	5.06		No	No
90	Dell Quay North	1.46	0.59		No	No
91	Dell Quay South	3.45	1.40		No	No
92	Chichester Marina Entrance	7.36	2.98		No	No
93	Appledram , Black Horse	1.92	0.78		No	No
94	Birdham Road South	2.50	1.01		No	No
95	South Dell Quay Foreshore	2.21	0.89		No	No
96	Birdham Pool South	18.72	7.58		No	No

97	Birdham Pool West	8.19	3.31		No	No
98	Westlands Lane	16.46	6.66		No	No
99	Itchenor central	22.02	8.91		No	No
100	Northshore Yachts Itchenor	2.84	1.15		No	No
101	Itchenor Cricket Pitch	9.70	3.93		No	No
102	Itchenor Cricket Pitch South West	1.95	0.79		No	No
103	Horse Pond	5.05	2.04		No	No
104	Rookwood Lane	16.01	6.48		No	No
105	Sheepwash Lane	2.53	1.02		No	No
106	The Wad West Wittering	6.57	2.66		No	No
107	Snowhill Creek	0.45	0.18		No	No
108	North of Rookwood Lane	2.25	0.91		No	No
109	St Mary's Chidham	1.93	0.78		No	No
110	The Durbar Chidham	2.04	0.83		No	No
111	Mid Chidham	0.35	0.14		No	No
112	Northney Field HI No 1	2.12	0.86	No	No	Yes
113	Northney Field HI No 2	1.07	0.43	No	No	Yes
114	Northney Field HI No 3	1.21	0.49	No	No	Yes
115	Blakes Yard HI	5.19	2.10	Yes	No	Yes
116	Woodgaston Lane West HI	5.15	2.08		No	Yes
117	Littlemead HI	9.02	3.65	No	No	Yes
118	South of Manor farm HI	3.82	1.55	No	No	Yes
119	The Pound HI	3.32	1.34	No	No	Yes
120	Manor Farm HI	3.89	1.57	No	No	Yes
121	Itchenor Channel	1.24	0.50	Yes	No	No
122	Pond Head HI	2.83	1.15	Yes	No	Yes
123	Billy Trail HI	3.92	1.59	Yes	No	Yes
124	Marine Walk HI	1.28	0.52	Yes	No	Yes
125	Sandy Point NR HI	6.56	2.65	Yes	No	Yes
126	Wittering Road HI	1.00	0.40	Yes	No	Yes
127	Hollies HI	0.35	0.14	Yes	No	Yes
128	Salterns Quay HI	1.01	0.41	Yes	No	Yes
129	West Wilsons Boat Yard HI	0.50	0.20	Yes	No	Yes

130	Mill Rithe Sch HI	4.75	1.92	Yes	No	Yes
131	Tbury Golf Course HI	0.75	0.30	No	No	Yes
132	TBury Golf Course West HI	0.79	0.32	No	No	Yes
133	North Billy Trail Langstone	9.30	3.76	Yes	No	No
134	Tournerbury Wood HI	9.59	3.88	No	Yes	Yes
135	Tournerbury Plantation HI	15.60	6.31	Yes	Yes	Yes
136	Itchenor Channel North East	1.09	0.44	No	No	No
137	Daw Lane HI	1.59	0.64	No	No	Yes
138	North Nutbourne	8.69	3.52	No	No	No
139	Pleasant Lane Thorney	2.66	1.08	No	No	No
140	Emsworth Station	15.30	6.19	No	No	No
141	Warblington roundabout	13.30	5.38	No	No	No
142	Northney Marina	2.79	1.13	Yes	No	No
143	Langstone Hotel	3.30	1.34	Yes	No	Yes
		777.37	314.59			





Chichester Harbour Conservancy

Meeting re Application APP/18/00943 Tournerbury Woods, Tournerbury Lane, Hayling Island held on 17 January 2019 at 10:35am (mtg ended 12.40 following walk of the Bury to view heron nests, SL leaving site before PH)

Present: Peter Hughes (CHC Ecologist) and Steve Lawrence (CHC Senior Planning Officer)

Chris Snell (applicant) and John Wenman (Ecologist)

CS: Site Management Statement (SMS) April 1997 with English Nature, was the reason for not submitting an Appropriate Assessment, reiterated.

Why the SPA was drawn around Tournerbury Woods; not understood?

PH: O.K. but approaching first from the position that Tournerbury Woods is in the SPA

If relying on the SMS then good to talk about it in supporting the planning application.

CS: Read out recent (since 2009) the various Natural England meetings. SMS has now been supplied to Steve Weaver at Havant Borough Council. Rachael Jones at Natural England had not been aware of the SMS. CS asserting regular Natural England meetings have been the 'assessment'. Saying Simon Curzon of Natural England was of the opinion that Tournerbury Woods today would not meet the criteria to be designated as SSSI. Referred to henronry at Fort Elson (Gosport BC) had 75 nest sites compared to Tournerbury Woods with 16 based on Natural England data set, yet not within Portsmouth Harbour SSSI.

SL: What are the special features of the SSSI that Peter Hughes and Natural England want to be sure are not significantly affected?

PH: **A) Works to trees.**

CS: Will confirm no deadwood in the 'bury' touched and Kim Gifford (Tree consultant) will clarify that works are in the non-ancient woodland area for health and safety reasons in the arena area.

SL: Clarified TPO works rolled into the planning application and CS in any case trumped by Natural England looking after the SSSI.

PH: **B) General disturbance and impact to habitats and how these are to be mitigated.** Will people 'wander' into the henronry. Has the number of nests increased over time? Early spring to autumn with regards to Intertidal and grassland beyond mitigation.

CS: 'Herd instinct' alluded to – stay by food and drink and a lot of ladies in high heels so unlikely to 'stray'. CS attends practically every event and had only witnessed a few couples going up the access to 'have a look' out of curiosity. CS referred to other examples nationally (and will probably send it to us).

SL: Does prohibitive signage have a role to play?

CS: Very anti signage - keep natural and uncluttered. Will always be people 'touching wet paint signs' out of dumb curiosity. Never had a Dec/Jan/Feb wedding.

SL: Worth CS submitting the standard contract to the Local Planning Authority to fully demonstrate the limits placed on events e.g. no fireworks / Chinese lanterns etc as well as

the FAQ sheets sent out after the 'contract' is entered into by those hiring the venue.
'OLD's' list worries (previously – potentially damaging operations - list to be first agreed with Natural England in the SSSI) somewhat superseded by the SMS in terms of the venue arena.

- SL: Lights on and shots from water at night? CS has taken from HISC (13 shots to be emailed to SL and were shown at meeting – taken last night – with Portsmouth and Mengeham Sailing Club causing the most light pollution).
- PH: **C) Impact on bats? Impact on water voles?**
- CS: Further surveys booked in early summer.
- JW: Confirmed none found when surveyed.
- CS: Two things wanted to discuss – the heronry and the access track – perversely, most of the mapped heron nests are close to the access.
- PH: One theory – 'habituation'. Surveys of past nesting sites would prove this theory, especially id before/after wedding venue operation. May is a critical month as eggs are hatching. Birds may have got used to cars/vehicles, but perhaps walkers/campers in proximity could have a really big impact.
- CS: They have that data. The access: If agreement is reached with the farm, then access will not be passing through the heronry. Also farm forming bunded area, which is right by the heronry.
- SL: Overall number of events – still a case to be made. LPA may seek to impose conditions capping total annual number of events and months of operation.
- SL: Observed that the two main car parks are not marked out in bays. What is the capacity of the car parks? CHC asks that a transport statement be provided bearing in mind that some events attract up to 500 people. The Conservancy' interest here is the promotion of tranquillity in this relatively remote part of the AONB.

Tournerbury wood meeting, 17.1.19, 10-30-13.00

RE: APP/18/00943 APP/18/00943 | Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities) and the use of land as a campsite in association with events, and use of existing cottage for visitor accommodation. | Tournerbury Woods, Tournerbury Lane, Hayling Island

Present: Chris Snell (Tournerbury Woods owner), John Wenman (ecologist acting for CS), Pete Hughes (ecologist, CHC) and Steven Lawrence (planning officer, CHC).

CS - explained that he had a management statement with Natural England (English Nature as it was then) dating from 1997 exempting him from requiring consent on a portion of his property (primarily that part of his estate around the existing buildings). Not willing to accept an update to that agreement from NE that gives him less flexibility. Questioned the reasons behind the SSSI/SPA designation boundaries, and stated that Tournerbury woods does not meet criteria for designation.

PH – very important/significant that the management statement with NE exists. If proposals are only within the 'excepted areas', then this should be stated in the application. Existing planning app does not include assessment of likely impact, but focuses on reasons (or lack thereof) why site was designated in the first place. More detail of impact of the proposed changes are required, on both the site and surrounding land which is also within SPA/SSSI.

PH – explained that many aspects of the proposal are unlikely to have a significant impact on the SSSI/SPA due to either small scale of events, or timing (few events in autumn and winter), but greater detail is required detail.

PH/CS then discussed the need for information on how visitors/guests are managed, whether there is access to the woodland or foreshore/saltmarsh, past information on heronry (increasing or decreasing?), lighting, water vole surveys, bat surveys and how impact to bats will be managed, tree work, parking, and noise impacts to wintering birds.

CS – accepted need for further ecological information but didn't want this to hold up planning process. Also claimed some of the noise pollution from events that locals complain about is actually coming from either HISC or nearby caravan park. People access to events is well managed, with view people ever straying from immediate vicinity of marquee. Fireworks are not allowed. Stated that conservation of the ancient woodland component of the site is primary importance.

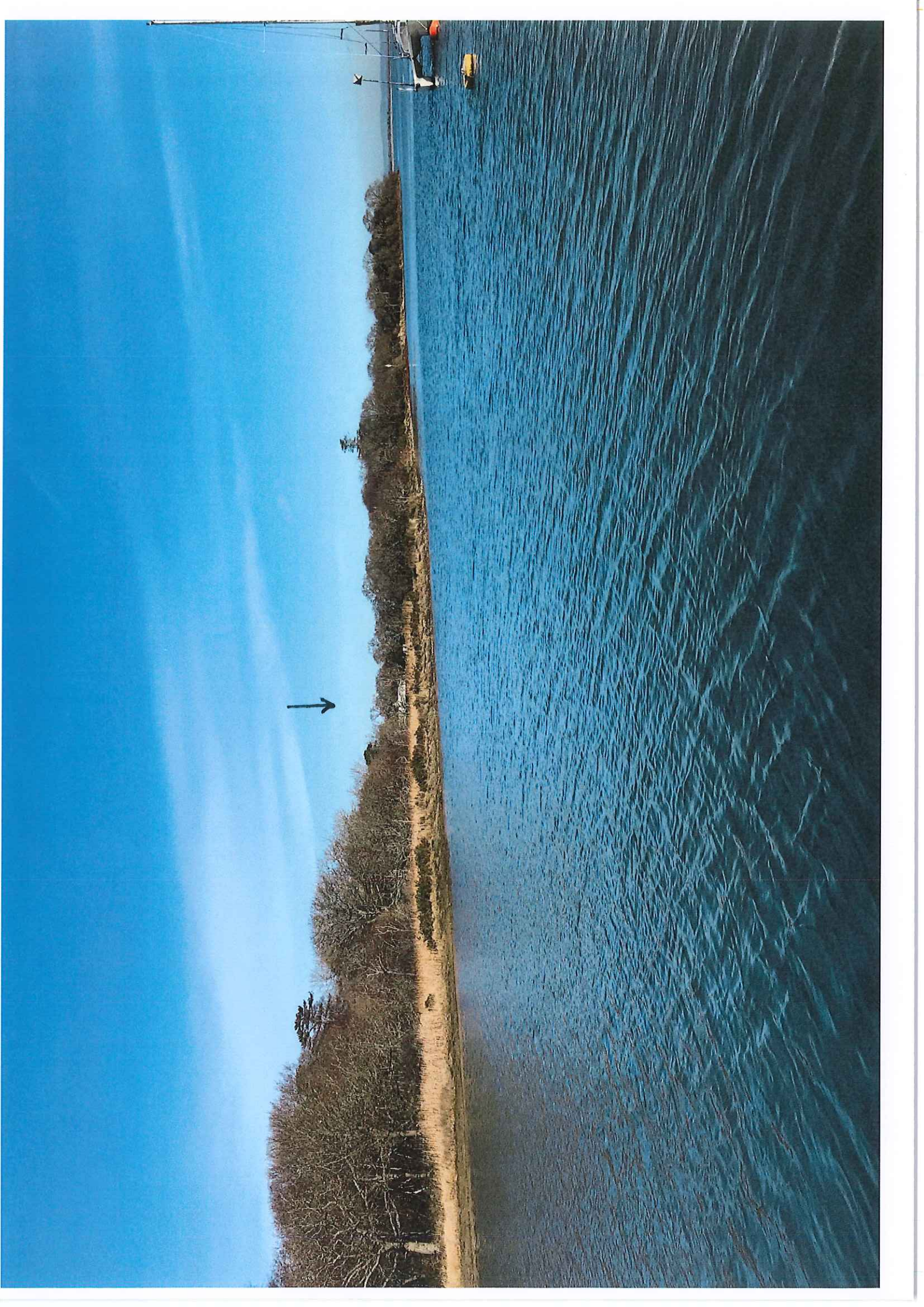
All present took a site visit to look at woodland, access track and the views of surrounding fields, with a discussion of many of the above points.

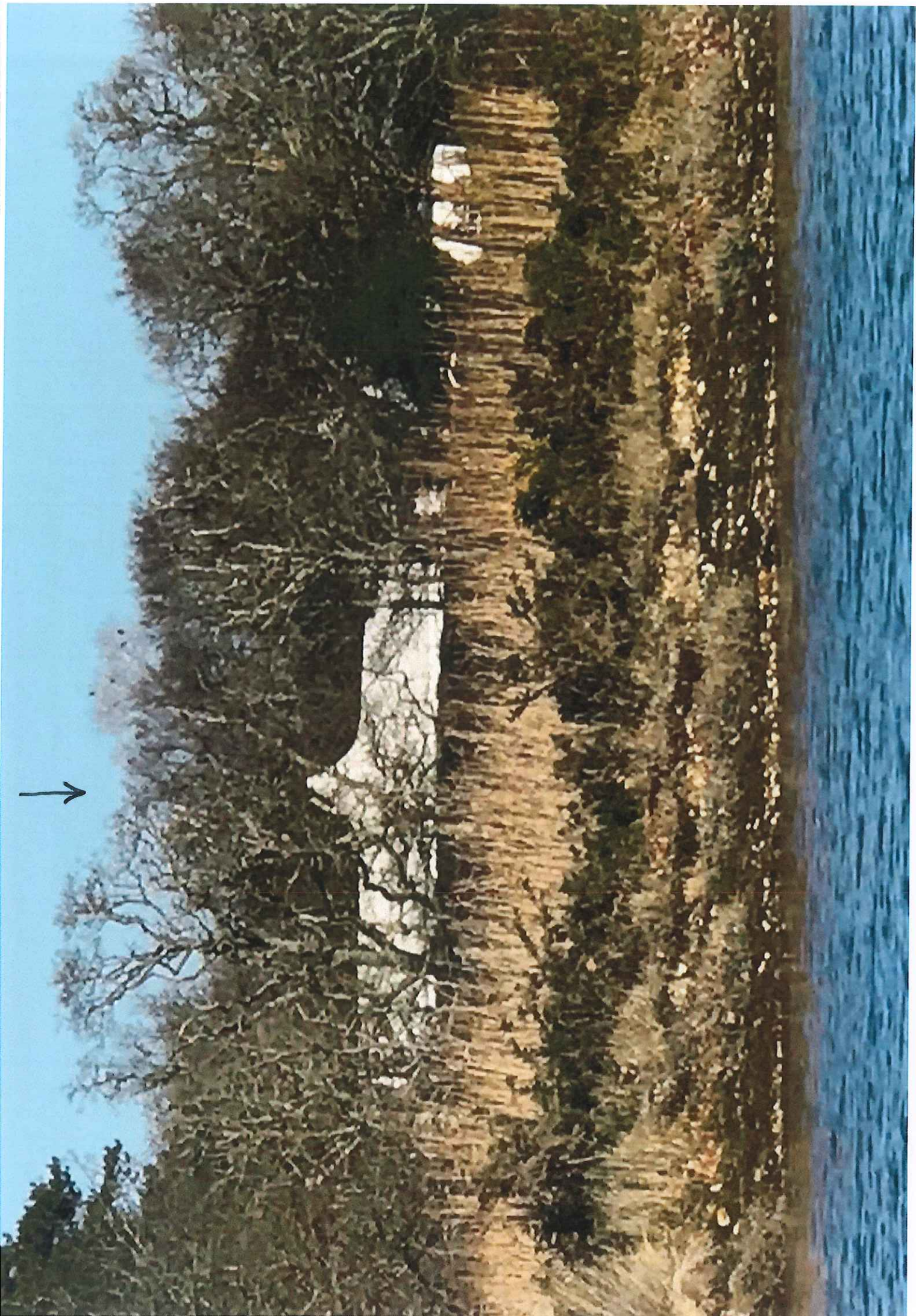
PH-reiterated need for further detailed information on impacts of the proposal (notwithstanding the past agreement with NE)

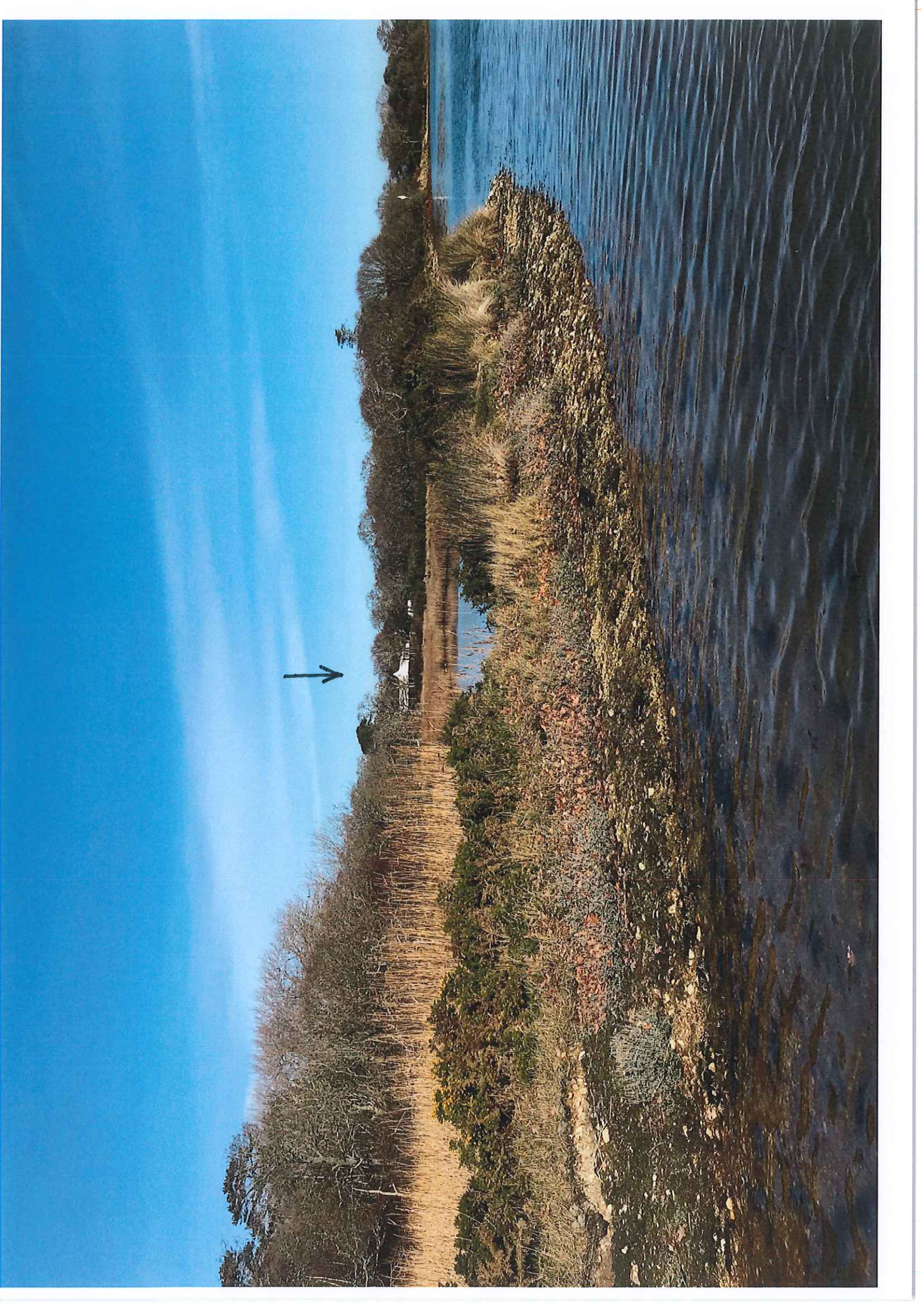
CS- stated that application was in part designed to flush out various issues.

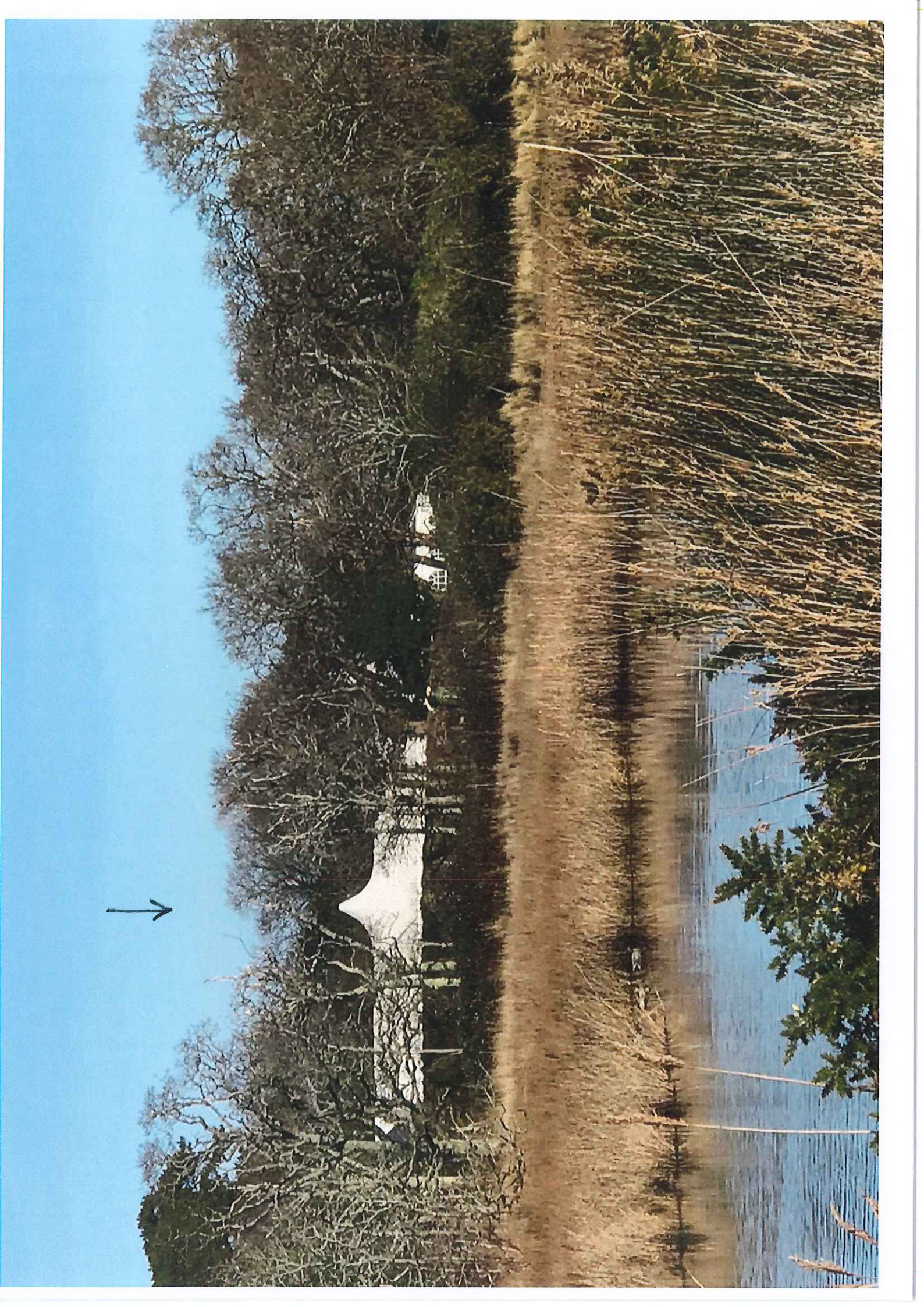












Consultee Comments for Planning Application APP/19/00889

Submitted on-line 28.10.19

Application Summary

Application Number: APP/19/00889

Address: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposal: Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of victorian style gazebo structure; and erection of marquee structure.

Case Officer: Steve Weaver

Consultee Details

Name: Consultee Chichester Harbour Conservancy

Address: The Harbour Office, The Street, Itchenor PO20 7AW

Email: planning@conservancy.co.uk

On Behalf Of: Chichester Harbour Conservancy

Comments

Dear Steve,

Tournerbury Woods, Tournerbury Lane, Hayling Island

APP/19/00889 Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of Victorian style gazebo structure; and erection of marquee structure

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation Partial objection, in relation to evidence related to marquee and log cabin/adjoining deck.

The Conservancy notes the rather random numbering of photographs given in evidence.

There is no mapped schedule that accompanies the photographs, indicating where the person was stood when they took the photograph and what direction the camera was pointed in.

In terms of photographs taken inside a marquee are more indicative of how that marquee is being used - (whereas the application relates to operational development, not a material change of use of the application site) - and could be a marquee erected anywhere, namely 0032-0036. 0041, 0043-0045, 0047, 0049-0051, 0056-0058, 0060-0061, 0063, 0065-0066, 0069, 0071-0078, 0083, 0085-0086, 0089-0090, 0092.

A number of photographs do not seem to relate to the structures sought to be regularised (at the application site) at all, notably

Un-numbered photographs referred to in the sworn statement as 0005-0006 and that numbered 0017 relating to property owned by the applicant in London;
0028-0029, show a white tented structure, but I am unclear whether it is the same marquee sought for retention in fact it cannot be because the sworn statement says that marquee was not purchased until 6.6.2013 and the marquee in 0028-0029 are variously dated in 2012;
0030;
0037-0038;
Upper part of 0040;
Lower part of 0041;
Upper part of 0042;
Lower part of 0043;
Lower part of 0045;
0046
Lower part of 0047;
0048;
0052;
Lower part 0056;
Lower part 0057;
Pink/patterned marquee in lower part of 0058;
Lower part of 0059;
Upper part 0060;
Lower part 0063;
0064;
0066;
Lower part 0067;
Upper part 0068;
0070;
Lower part 0074;
Upper part 0075;
Upper part 0077;
Lower part 0079;
Lower part 0080;
Lower part 0081;
Lower part 0082;
Upper part 0084;
0088;
Upper part 0090;
091;
Lower part 0092.

The plan EB0878, does correspond to where I saw these structures on site and photographed

them during my visit to review application 18/00943 on 26.11.2018.

It is not clear from the photographs and witness statement when the stretched tent awning was added over the decking structure associated with the log cabin, which is depicted 20.4.2018 in the lower part of 0087. Earlier photographs 0020 and 0021 show the deck beginning to be constructed dated 11.6.2011, yet I am in receipt of alternative electronic photography dated 14, 17, 20, 21 and 27.4.2017, showing that decked platform being enlarged (to a much greater extent than depicted in 0020-0023), but without the awning fitted.

I am aware that the timeframes to taking Enforcement Action/providing evidence relate to each structure being substantially completed, under S.171B(1) of the town and country Planning Act 1990 (as amended).

The Conservancy is of the view that the 4-year period to be demonstrated for the log cabin/decked structure at point 2 on EB0878 started when the awning was finally added, which does not appear in any of the photography submitted until 2018.

If the Marque has periodically been taken down out of season, I would say that each time it is put up has been a separate time period of existence. For the council to grant the Certificate in respect of the marquee therefore I suggest it would have needed to have been permanently up for the 4-year period sought and not taken down during that period. I understand a third party will be sending you evidence claiming that the marquee was taken down during the winter of 2015-2016 and not re-erected until sometime in the spring of 2016. If this is true, then the 4-year period would not seem to have been reached yet.

In this respect I would suggest other council officers could usefully be interviewed for their recollection of what was in place at the site, when they made their visits, especially if any (dated) photography was taken. E.g. Environmental Health Officers looking into noise matters or other officers commenting on the Premises licence granted 24.8.2017 (PL) granted by the council.

Indeed, does the PL require the marquee to be taken down at the end of every season?

I am rather surprised no builders invoices have been produced to show when the decking was built or when the marquee was purchased.

There are two items the conservancy notes the applicant is not claiming to have been in place for the 4-year period to be proven for operational development. These are

- (1) the parking areas (for which the Conservancy has been informed that stone scalping materials by the truckload have in recent time been taken onto the site according to a neighbour commenting on this to the Conservancy; and,
- (2) the Versadock pontoon (photographs on pages numbered 0079, 0081 and 0092). When I

visited on 26.11.18, this structure was not in place.

The Conservancy is unlikely to grant a works licence for such a structure described in (2) as it is its policy not to do so, given the ecological importance of the intertidal mud it would rest upon/cover in the SPA/SAC/SSSI/Ramsar designation.

Yours sincerely

Steve Lawrence MRTPI,
Planning Officer,
Chichester Harbour Conservancy,
Harbour Office,
The Street,
West Itchenor,
PO20 7AW

Mr D Rothery/Mr S S Lawrence
Chichester Harbour Conservancy
The Harbour Office
The Street, West Itchenor
Chichester
PO20 7AW

Our Ref: APP/19/00889
Direct Line: (023) 9244 6512
Ask For: Mr S Weaver
Email: planning.development@havant.gov.uk
07 November 2019

Dear Sir/Madam

The Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Site Address: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposed Development: Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of victorian style gazebo structure; and erection of marquee structure.

I refer to the above application for a Certificate of Lawfulness, which relates solely to three structures on the site, and would inform you that the application has been withdrawn by the applicant's solicitor. The applicant's solicitor has however advised that a further Certificate of Lawfulness application (a "CLEUD") will be submitted next week relating to the use of the site as an events venue.

The solicitor's reasoning behind this course of action is as follows:

In undertaking the preparation of the further CLEUD application, it has become very clear to my colleagues and me that it would be much easier for all concerned to deal with the matters which are the subject of claims for lawfulness in the one "wrapper", not least as the evidence and submissions as to operational development and as to change of use are interrelated. In that light and for everyone's convenience, my client wishes to withdraw the CLEUD application currently with the Council.

You will be notified when the further CLEUD application has been submitted.

Thank you for your interest in this matter.

Yours faithfully

Planning Services
Our Ref: APP/19/00889



**Tournerbury Woods Estate,
Hayling Island**

**Highway Review of Right of Way
Through Tournerbury Farm**

on behalf of

Tournerbury Woods Estate

November 2019

INTERMODAL TRANSPORTATION

IT2073

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA Tel: 01799 529529 Fax: 01799 529530 e-mail: enquiries@inter-modal.co.uk



due to the fact that the unopposed driver only has to travel a few metres to clear the opposed vehicle.

The characteristics of the wedding & event business

- 18 Weddings & events have reasonably predictable traits in terms of the influx and departure of attendees.
- 19 Typically marriages are late morning to early afternoon. A select number of family and invited guests would attend the ceremony (day guests). Also, the wedding management team and catering personnel would arrive too. There would be a short break after the wedding breakfast while other support personnel (the band or disc jockey and bar staff) set up for the evening reception. During the early evening a second tranche of invited guests would arrive (evening guests). Typically, from early evening guests would begin to dribble out with a final flush from the venue when the bar, music and venue itself closes down at midnight.
- 20 These typical trends apply to any day of the week; however, there can be variations on the theme with a handful of weddings ceremonies being off site, occasional weddings taking place earlier in the day and some weddings without an evening reception or additional evening guests.
- 21 Most weddings take place on a Friday or Saturday and this trait is unlikely to change much as weddings during the week are not so popular for obvious reasons. Some weekday weddings and events do take place, but it is not the norm.

Likely maximum traffic movement and types of vehicles

- 22 In order to place traffic matters into context, the Applicant has provided ITL with a breakdown of guest numbers for the wedding and evening events in 2019. This is attached at Appendix 1.
 - 23 The maximum number of attendees at a wedding event (both day and evening guests) was on 10th August 2019 where 150 day guests attended the ceremony and 65 evening guests attended the evening reception; a total of 215 guests. This, however, needs to be placed in context when reviewed against the average attendance of 107 guests for the ceremony and an average of 31 guests attending in the evening, i.e. a total of 138 guests.
 - 24 ITL arranged for an automatic traffic counter (ATC) to be placed on the private access road immediately before vehicles turned off into the venue car parks. This data is shown in Appendix 2. This data shows the build-up and decay of arrivals and departures to the various events recorded.
-



- 25 As the number of day guests and evening guests are known and the count information is recorded on an hourly basis, then it is possible to derive the highest two-way peak hour for each day over the 4 events recorded. Table 1 below sets out the calculations for the four events that took place whilst the ATC was recording vehicle movements.

Table 1: Data used for Traffic Flow Estimates

Date	21.09.19	26.09.19	28.09.19	05.10.19	Average
Inbound Daily Flow	108	131	112	80	108
Outbound Daily Flow	99	126	97	72	99
Highest Combined Peak Hour & Time	74 1300-1400	54 1500-1600	38 1900-2000	27 2200-2300	48 N/A
Highest Peak as % of Daily Flow	36%	21%	18%	18%	23%

- 26 Clearly, the event that took place on 21st September (150 day guests but no evening guests) showed the highest two-way peak hour as a percentage of all flows in and out (summed) over the day. The 36% figure is the highest ratio recorded for any one hour period compared to all other hours on that day and is considered to be a reliable indicator of the highest flows to any event. As mentioned previously the highest number of total guests occurred on 10th August but coincidentally the number of day guests is exactly the same as that which was recorded on 21st September. There was one other event held on 26th September which had the highest number of day guests for the whole of 2019 which was 180 guests. However, on this day, the highest recorded peak hour flow was only 21% of the daily two-way flow. This shows there are variations in the arrival and departure profiles.
- 27 Occasionally, a bus or coach will be laid on by some guests, in which case the average number of cars arriving or departing would be less than the worst case tested below.
- 28 As the evening progresses, it can be expected that family and friends would start to leave from about 8.00pm as evidenced from the survey results.
- 29 Within the vehicle movements recorded there would be some arrivals and departures of staff and catering /music providers during the run up to the ceremony and in the last hour when most people will leave. Moreover, the traffic counts will have included any taxis that dropped off or, picked up guests.



- 30 The wedding events held on 28th September and 5th October 2019 had a very similar number of evening guests as for the busiest 10th August event. For these wedding events the survey results revealed the highest peak hour flow occurred between 1900 to 2000hrs and 2200 to 2300 hrs respectively. Coincidentally they showed the same 18% of total two-way daily flows occurring during these different evening periods.
- 31 The arrival hour, before the ceremony, is therefore the worst-case hour to base any capacity judgements upon and the period between 2200 hrs and 2300hrs is likely to be the worst-case hour to review with regard to the evening flow peak. Also, it is worthy to note that the traffic flows to and from any event venue is heavily biased either inwards or outwards depending on the time of day.

Adequacy of Access (the private right of way)

- 32 To be robust ITL has therefore adopted the same percentage trips inbound and outbound on the run up to the wedding (day guests) as recorded for the 21st September 2019 wedding which, shows 50 inbound vehicle movements and 24 vehicle departures in that hour. ITL have taken the survey results of 28th September 2019 where 70 evening guest attended to be a good proxy for a high evening peak hour for the year which resulted in 23 inbound vehicle movements and 15 vehicle departures.
- 33 Allowing for some farm related traffic movements (to and from the two houses on the farm site which would not have been picked up by the ATC counter) it would be reasonable to allow, say, 4 additional movements in the highest activity hour. Hence, it might be that a total of 78 two-way movements could occur as the absolute highest level of activity for any event and that this would be the exception rather than the rule, given the average number of day guests throughout the year would be some 29% lower than the case adopted for capacity assessment.
- 34 Seventy eight vehicle movements in one hour equates to an average 1.3 vehicle movements per minute which is not a high flow. Assuming an average wedding day, then the flows would be 29% lower meaning that circa 53 vehicular trips would occur on the run up to the wedding which would give an average 0.9 vehicles per minute. On a very busy road it could be expected that the flow rate at any given point would cater for 20 vehicles per minute to put the flows into some context.
- 35 Clearly, the narrow section of road upon entering or leaving the private road system could adequately manage 232 vehicles per hour and therefore the capacity of the access to and from the venue through the farmyard cannot be cited as a constraint given there would be some 66% reserve capacity. As such the affect upon the amenity or, modus operandi of the farm, from a



vehicular conflict perspective would be negligible given the minimal potential delay to the general free flow of all traffic which has to pass along the right of way and through the farmyard.

- 36 Moreover, a much higher capacity of the road system would prevail due to the biased flow of traffic and the low number of occurrences where opposing drivers would coincidentally happen to meet at the identified points of constraint. Furthermore, if clusters of cars were to arrive or leave in a tight procession (platooning) they would tend to drive nose to tail through the aforementioned restricted elements of the right of way and under such circumstances this would represent a more efficient operation of the right of way from a capacity perspective.
- 37 In safety terms, it is not physically possible to achieve high speeds when traversing the private right of way. This is for two reasons; firstly, the route is tortuous and in places narrow which physically controls speed and secondly the road surface is not smooth and would be uncomfortable to traverse at high speed. Hence, generally it is considered that the majority of drivers would drive with care and in a safe manner.

Conclusions

- 38 Inevitably the more the right of way is used the more chance that other users of the right of way would encounter an opposing driver. It can be expected that the owner of the farm, his/her staff and the occupier of the second house, within the farmyard complex, may have to wait a few seconds on the odd occasion they wish to enter or leave their premises.
- 39 On the basis that the legal right exists to allow any quantum of any sort or type of traffic to use the right of way to access the TWE land, for whatever purpose, and at whatever time (24 x 7x 365), then minor delays to movements into and out of the farm or associated with farm related activities must, prima facie, be anticipated and allowed for, otherwise the legal conveyance would have specified limits or, other restrictions. We are advised by TWE that no restrictions were contracted to in the grant of the Right of Way.
- 40 The nature of the business in TWE, for which a certificate of lawful use / retrospective planning permission is being sought, needs to be considered in terms of operational hours when traffic flows would be notable. It would be fair to say that most farm related activities would generally be finished by the hours of darkness and therefore most evening traffic leaving the wedding site would not encounter associated daily activity of the farm itself. During the day there would be one notable hour where there would be a high arrival of guests and some departures (mainly taxis and operational related traffic). Based upon the 2019 wedding / large event numbers there were 42 events held and therefore 42 occasions during which some limited minor conflicts may have arisen, as described. Taking an average 12-hour day where the operation of the farm or, use of
-



the access by farm residents, could be regarded as active and the fact that there are very few large events held over the winter months (approx. 5 months) in TWE, it would be the case that there might be some minor inconvenience during a total of 42 hours over the year. When measured against a potential total time element of 4380 active farm related hours (365 days x 12), this represents less than 1% of the time that 'farm activities' could be very slightly inconvenienced from a pure capacity perspective.

- 41 In regard to residential amenity (of the two dwellings in Tournerbury Farm), the same calculation as above can be used to understand the potential time element that residential amenity could be slightly inconvenienced. Using a total time element of 8760 annual hours (365 days x 24 hours), the 42 hours as detailed above represents less than 0.5% of the time per year that 'residential activities' could be very slightly inconvenienced in terms of very minor hindrance to vehicular movements. Even if the TWE were to expand its' operations 5 fold, the 'potential residential amenity inconvenience time' only rises to just under 2.5% of any one year.
- 42 To set a precedent, notwithstanding, which predicates that the amenity of any person has been unduly compromised due to a minor delay of the passage of a vehicle, as a sustainable reason to refuse an application, would bring into question any additional delay brought about by increased car ownership, new development, or traffic management on the public highway where all citizens have a right to pass and repass. To put this into context it has to be an expectation of every driver who commences a journey in a vehicle that he/she will be faced with a plethora of delays en-route. In relative terms, the occasional delay of up to 16 seconds by farm related personnel would be de minimus in relation to any given journey, even a short journey. If the traffic flow to and from the event venue is to be considered as unacceptable on traffic amenity grounds then its impact needs, in our opinion, to be assessed against para 109 of the 2018 publication of the National Planning Policy Framework (NPPF) which states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Although a private road is being assessed, the same tenet should apply.
- 43 The assessment has considered the likely impact of the wedding / event traffic over the legal right of way and demonstrably shows that the access can adequately function as a route to and from the TWE event venue without any significant detriment to Tournerbury farm personnel, the operation of the 'farm' or, the access to and from farm houses. Moreover, when reviewed against the overarching government policy guidance, the TWE wedding & event business cannot, in any way, be regarded as having a severe impact, whether in its current form & use or indeed if venue operations are expanded considerably.
-



APPENDIX 1

Weddings 2019: Guest Numbers

Weddings 2019 - Guest Numbers

Date	Number of Day Guests	Arrival Time	Number of Evening Guests	Arrival Time	Actual Number of Evening Guests	Other Information
30.03.19	84	1pm	116	6pm	80	
20.04.19	90	2pm				
26.04.19	124	3pm				Ceremony off site
27.04.19	132	12.30pm	70	6pm	30	
05.05.19	97	12.30pm				
11.05.19	110	2pm	70	7.30pm	60	
18.05.19	55	2pm	145	7pm	80	
25.05.19	112	12.30pm				
26.05.19	132	2pm	50	7.30pm	30	
28.05.19	85	1.30pm	35	6pm	20	
31.05.19	55	2.30pm	35	7.30pm	15	
01.06.19	120	1.30pm				
08.06.19	63	2pm	80	7pm	40	
14.06.19	68	1.30pm	30	6.30pm	25	
15.06.19	125	1pm	100	7pm	40	
21.06.19	144	1.30pm	70	7pm	30	
22.06.19	128	2.30pm	45	5pm	15	
29.06.19	135	2pm	60	7pm	40	
06.07.19	102	12.30pm	20	6.30pm	10	
13.07.19	94	1pm	40	7pm	20	
20.07.19	125	2pm	60	7pm	40	Ceremony off site
25.07.19	27	12pm	150	6pm	40	
26.07.19	85	1.30pm				
27.07.19	115	2pm	30	7.15pm	20	
28.07.19	99	2.30pm	10	6.30pm	5	
02.08.19	165	1.30pm				
03.08.19	110	1.30pm				
09.08.19	103	2.30pm	40	7.30pm	20	Ceremony off site
10.08.19	150	1.30pm	90	7pm	65	
16.08.19	70	4.30pm	5	8pm	5	Ceremony off site
17.08.19	105	1.30pm				
18.08.19	98	12.30pm	13	7pm	10	
23.08.19	90	2pm	30	7pm	20	
24.08.19	145	1.30pm				
31.08.19	125	1pm	65	6pm	35	Ceremony off site
06.09.19	94	12pm	86	5.30pm	30	Coach both ways
07.09.19	81	2pm	35	7pm	20	
14.09.19	151	2.30pm	40	7pm	25	
21.09.19	150	1.30pm	0	NA	0	
26.09.19	180	2.30pm - 3.30pm	0	NA	0	Corporate conference & party
28.09.19	110	3.15pm	110	7.30pm	70	Ceremony off site
05.10.19	44	1pm	100	7.30pm	60	
Average	107		57		31	



APPENDIX 2

Private Access ATC Survey Results

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 20-Sep-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	20/09/2019	21/09/2019	22/09/2019	23/09/2019	24/09/2019	25/09/2019	26/09/2019	Av	Av
00:00	0	0	10	0	0	0	0	0	1
01:00	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0
07:00	1	0	0	2	1	1	0	1	1
08:00	0	3	1	1	0	0	0	0	1
09:00	1	1	2	2	0	1	3	1	1
10:00	0	2	5	0	0	1	6	1	2
11:00	1	10	3	0	1	1	1	1	2
12:00	3	5	1	0	0	0	0	1	1
13:00	5	50	3	3	0	3	5	3	10
14:00	3	6	3	0	0	2	12	3	4
15:00	2	4	1	1	0	3	40	9	7
16:00	2	2	2	2	3	1	10	4	3
17:00	0	0	0	0	1	1	18	4	3
18:00	1	2	0	0	0	0	3	1	1
19:00	0	1	0	0	0	2	0	0	0
20:00	0	3	0	0	0	0	6	1	1
21:00	0	4	0	0	0	0	10	2	2
22:00	0	5	0	0	0	0	9	2	2
23:00	0	10	0	0	0	0	8	2	3
12H,7-19	19	85	21	11	6	14	98	30	36
16H,6-22	19	93	21	11	6	16	114	33	40
18H,6-24	19	108	21	11	6	16	131	37	45
24H,0-24	19	108	31	11	6	16	131	37	46
Am	11:00	11:00	00:00	09:00	11:00	11:00	10:00	-	-
Peak	1	10	10	2	1	1	6	2	4
Pm	13:00	13:00	14:00	13:00	16:00	15:00	15:00	-	-
Peak	5	50	3	3	3	3	40	11	15

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 27-Sep-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	27/09/2019	28/09/2019	29/09/2019	30/09/2019	01/10/2019	02/10/2019	03/10/2019	Av	Av
00:00	1	0	8	0	0	0	0	0	1
01:00	1	0	2	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	1	0	0	0	0	0	0	0	0
07:00	4	1	0	2	0	0	0	1	1
08:00	1	1	1	0	0	0	0	0	0
09:00	2	4	3	2	2	1	0	1	2
10:00	1	3	2	0	2	1	3	1	2
11:00	4	3	2	0	0	0	0	1	1
12:00	3	3	2	1	1	0	2	1	2
13:00	2	3	1	1	2	2	1	2	2
14:00	1	4	2	0	0	1	0	0	1
15:00	1	32	0	0	1	2	2	1	5
16:00	1	1	0	0	0	0	0	0	0
17:00	0	1	0	0	0	0	1	0	0
18:00	0	2	0	0	1	1	0	0	1
19:00	0	23	0	0	0	0	0	0	3
20:00	0	14	0	0	0	0	0	0	2
21:00	0	0	0	0	0	0	0	0	0
22:00	0	6	0	0	0	0	0	0	1
23:00	0	11	0	0	0	0	0	0	2
12H,7-19	20	58	13	6	9	8	9	10	18
16H,6-22	21	95	13	6	9	8	9	11	23
18H,6-24	21	112	13	6	9	8	9	11	25
24H,0-24	23	112	23	6	9	8	9	11	27
Am	11:00	09:00	00:00	09:00	10:00	10:00	10:00	-	-
Peak	4	4	8	2	2	1	3	2	3
Pm	12:00	15:00	14:00	13:00	13:00	15:00	15:00	-	-
Peak	3	32	2	1	2	2	2	2	6

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: SZ73182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 04-Oct-19

Channel: Northeastbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	04/10/2019	05/10/2019	06/10/2019	07/10/2019	08/10/2019	09/10/2019	10/10/2019	Av	Av
00:00	0	0	3	0	0 -	-		0	0
01:00	0	0	0	0	0 -	-		0	0
02:00	0	0	0	0	0 -	-		0	0
03:00	0	0	0	0	0 -	-		0	0
04:00	0	0	0	0	0 -	-		0	0
05:00	0	0	0	0	0 -	-		0	0
06:00	0	0	1	0	0 -	-		0	0
07:00	1	1	1	0	1 -	-		1	1
08:00	0	2	2	0	0 -	-		0	1
09:00	0	3	5	1	1 -	-		1	2
10:00	0	4	2	1	1 -	-		1	1
11:00	1	4	0	0	0 -	-		0	1
12:00	1	12	1	2	0 -	-		1	3
13:00	0	5	0	3	2 -	-		2	2
14:00	2	0	0	0	1 -	-		1	1
15:00	0	1	0	0	1 -	-		0	0
16:00	2	2	0	0	1 -	-		1	1
17:00	0	3	1	0	0 -	-		0	1
18:00	0	6	0	1	0 -	-		0	1
19:00	0	20	0	0	0 -	-		0	3
20:00	0	10	0	0	0 -	-		0	1
21:00	0	0	0	0	0 -	-		0	0
22:00	0	4	0	0	0 -	-		0	1
23:00	0	3	0	0	0 -	-		0	0
12H,7-19	7	43	12	8	8 -	-		8	13
16H,6-22	7	73	13	8	8 -	-		8	18
18H,6-24	7	80	13	8	8 -	-		8	19
24H,0-24	7	80	16	8	8 -	-		8	19
Am	11:00	11:00	09:00	10:00	10:00 -	-		-	-
Peak	1	4	5	1	1 -	-		1	2
Pm	16:00	19:00	17:00	13:00	13:00 -	-		-	-
Peak	2	20	1	3	2 -	-		2	5

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: S273182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 20-Sep-19

Channel: Southwestbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	20/09/2019	21/09/2019	22/09/2019	23/09/2019	24/09/2019	25/09/2019	26/09/2019	Av	Av
00:00	0	0	15	0	0	0	0	0	2
01:00	0	0	3	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0
07:00	0	0	0	1	1	0	1	1	0
08:00	1	2	6	1	0	0	1	1	2
09:00	0	2	4	0	0	0	0	0	1
10:00	1	0	7	0	0	0	1	0	1
11:00	0	4	5	2	0	1	1	1	2
12:00	2	4	1	0	1	1	0	1	1
13:00	3	24	3	1	0	0	1	1	5
14:00	1	5	0	0	0	1	7	2	2
15:00	2	1	0	0	0	2	14	4	3
16:00	1	6	5	1	1	1	3	1	3
17:00	2	0	3	0	2	2	9	3	3
18:00	6	3	1	1	1	2	6	3	3
19:00	0	2	0	0	0	2	6	2	1
20:00	0	8	0	0	0	0	17	3	4
21:00	0	9	0	0	0	0	27	5	5
22:00	0	13	0	0	0	0	12	2	4
23:00	0	16	0	0	0	0	20	4	5
12H,7-19	19	51	35	7	6	10	44	17	25
16H,6-22	19	70	35	7	6	12	94	28	35
18H,6-24	19	99	35	7	6	12	126	34	43
24H,0-24	19	99	53	7	6	12	126	34	46
Am	10:00	11:00	00:00	11:00	07:00	11:00	11:00	-	-
Peak	1	4	15	2	1	1	1	1	4
Pm	18:00	13:00	16:00	18:00	17:00	19:00	21:00	-	-
Peak	6	24	5	1	2	2	27	8	10

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019

Site No: 24607003

Grid Reference: S273182,99730

Site 3, Private Access, Hayling Island (Tree)

Vehicle Count Report

Week Begin: 27-Sep-19

Channel: Southwestbound

Time	Fri	Sat	Sun	Mon	Tue	Wed	Thu	5-Day	7-Day
Begin	27/09/2019	28/09/2019	29/09/2019	30/09/2019	01/10/2019	02/10/2019	03/10/2019	Av	Av
00:00	1	0	11	0	0	0	0	0	2
01:00	3	0	6	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0
06:00	1	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0
08:00	0	0	0	1	0	0	0	0	0
09:00	4	3	3	0	0	0	0	0	1
10:00	0	2	2	2	1	1	1	1	1
11:00	5	1	7	0	2	1	0	2	2
12:00	3	2	2	0	0	2	1	1	1
13:00	0	1	2	1	0	0	3	1	1
14:00	2	0	1	0	1	1	0	1	1
15:00	2	3	2	0	1	2	2	1	2
16:00	0	6	0	0	0	1	2	1	1
17:00	1	3	0	0	0	1	0	0	1
18:00	0	3	0	0	0	1	1	0	1
19:00	0	15	0	0	0	0	0	0	2
20:00	0	12	0	0	0	0	0	0	2
21:00	0	10	0	0	0	0	0	0	1
22:00	0	18	0	0	0	0	0	0	3
23:00	0	18	0	0	0	0	0	0	3
12H,7-19	17	24	19	4	5	10	10	9	13
16H,6-22	18	61	19	4	5	10	10	9	18
18H,6-24	18	97	19	4	5	10	10	9	23
24H,0-24	22	97	36	4	5	10	10	10	26
Am	11:00	09:00	00:00	10:00	11:00	11:00	10:00 -	-	
Peak	5	3	11	2	2	1	1	2	4
Pm	12:00	23:00	15:00	13:00	15:00	15:00	13:00 -	-	
Peak	3	18	2	1	1	2	3	2	4

K & M TRAFFIC SURVEYS

Created at 14:39:32 on 10 Oct 2019



Soundproof Marquees - Mitigation Strategy

Project. The Tournerbury Woods Estate DRAFT

Proposal No. 388/001

Proposal For: The Tournerbury Woods Estate

Tournerbury Lane

Hayling Island

PO11 9DL

Email: info@tournerbury.com

Tel: 02392 461978

Date: 12/06/2019

Code: TOURPROP001

Prepared by:

Direct Acoustic Solutions Limited
Unit 4 Crawfold Business Park
Balls Cross
West Sussex
GU28 9JT

These are as follows:

- Drum kit – non amplified;
- Guitar amplifiers – amplifies signal from guitars;
- Stage wedge monitors - speakers pointing at the musicians.

All of the above emit sound like a conventional point source system, and the volume these operate at are at the sole control of band members. Due to these speakers emitting sound omnidirectionally, each individual piece of equipment could cause disturbance if played at an excessive level.

To contain the on stage noise generated by visiting live music acts, reduce the impact of patron noise and contain the minimal residual sound emitted from the directional array, Direct Acoustics have employed traditional soundproofing techniques in the form of a 12m x 6m mass acoustic enclosure. Further details on the attenuation composites that were utilised can be seen below.

Mitigation - Soundproof Enclosure

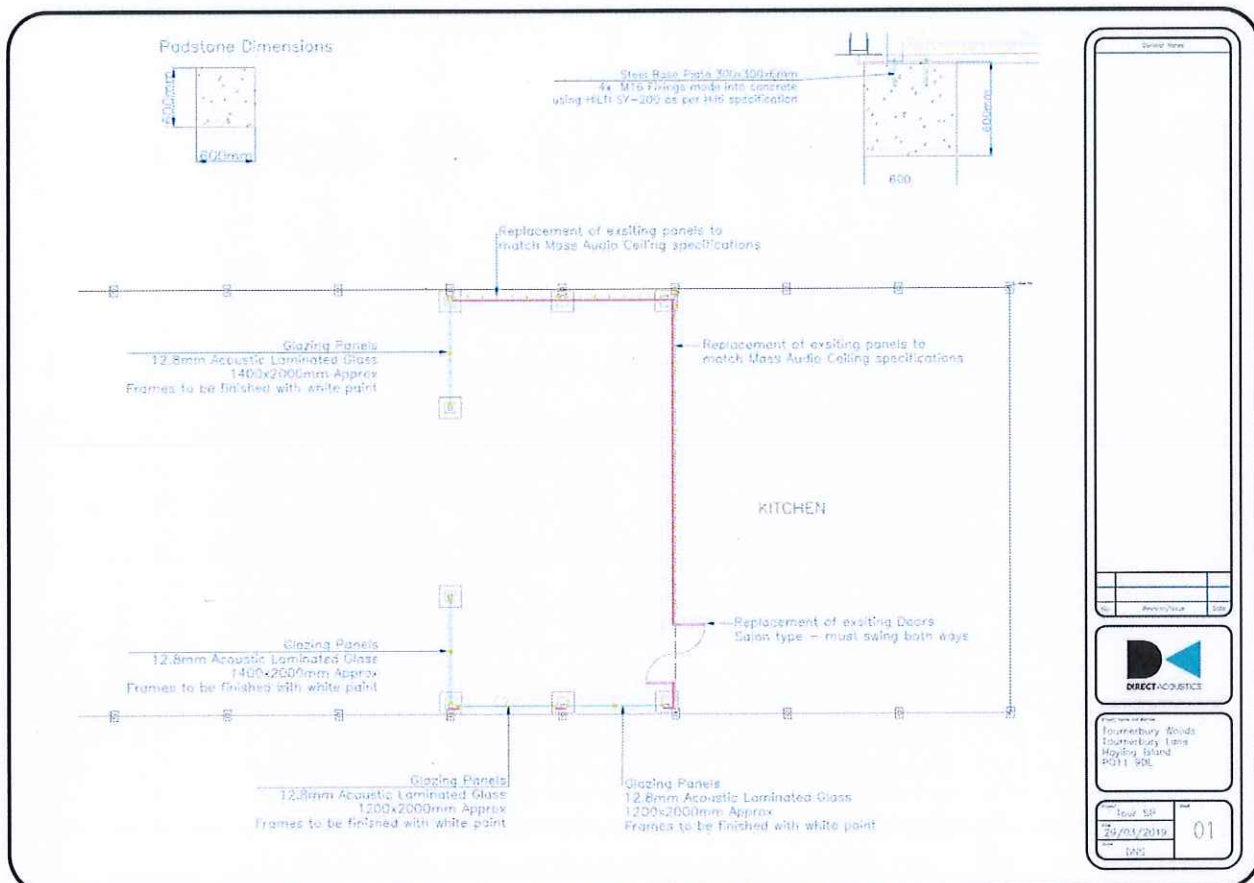


Figure 2

One gable wall was constructed between the catering area and main marquee, with Rw30 doors installed to allow for ingress and egress of staff.

The other gable wall was erected 6m away from the existing with an open frontage to encourage guests into the dance floor area, as detailed in figure 3.

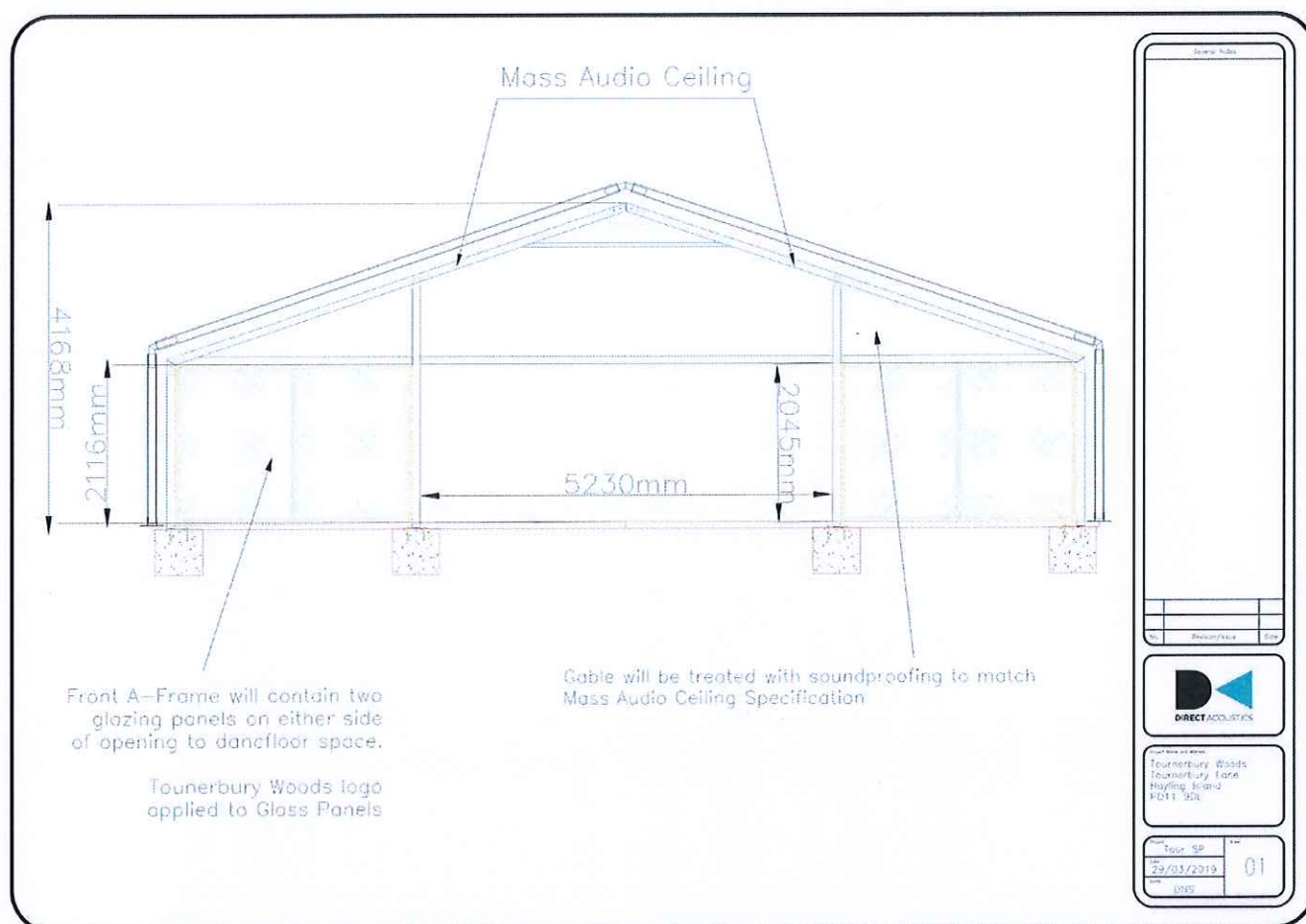


Figure 3

Mass Audio Ceiling/Wall constructions, that are detailed in figures 2 and 3, differ depending on location and access beyond the existing marquee.

Attenuation Composites:

Rear Gable Wall (small aperture)

- 1x 15mm Soundcheck;
- 1 x 3mm acoustic vinyl;
- 1x 15mm Soundcheck;
- 100mm stud - cavity infill - Rw3 60kg/m³ Rockwool;
- 1x 15mm Soundcheck;
- 1 x 3mm acoustic vinyl;
- 1x 15mm Soundcheck;
- 25mm profiled foam.

Using sound reduction computer modelling software, the overall attenuation of the installed

From: Steve Lawrence
Sent: 24 December 2020 17:26
To: Weaver, Steve
Cc: Rachael Clemson; Peter Hughes; Richard Austin; Richard Craven; David Rothery
Subject: APP/18/00943 – Tournerbury Woods – Re-consultation 4-12-2020

Dear Mr Weaver

APP/18/00943 – Tournerbury Woods – Re-consultation 4-12-2020

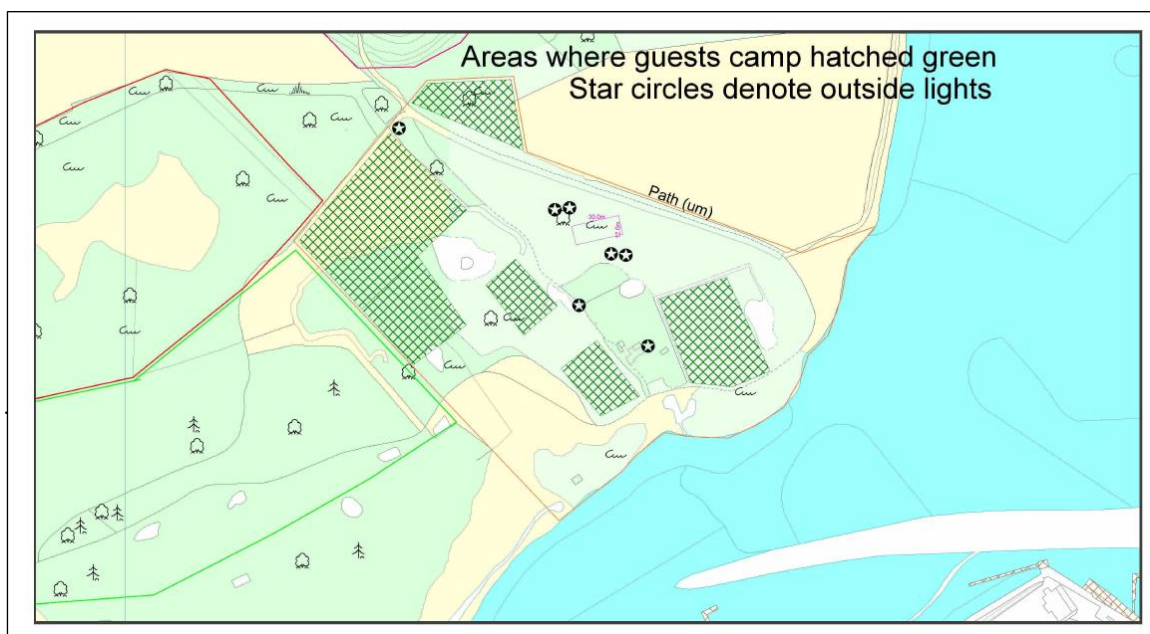
The Conservancy has reviewed the additional information submitted.

Whereas the 18/12/2020 views of The Conservancy's ecologist at the end of these comments* have been taken into account, discussion of this case with The AONB Unit Manager still leaves a number of remaining concerns. The Conservancy therefore maintains its previous objection.

The impact of - (still poorly specified existing) - artificial lighting to wildlife during hours of darkness/night is still not properly assessed.

The applicant's conclusion is that wildlife has become habituated to such impact, but does not even consider what lighting is currently used at the site and whether this meets the specification of lighting they are recommending. Nor do the consultants specify the total number of light fittings that would be appropriate/not result in harm to wildlife.

To date, all anyone knows about lighting used is indicated in the diagram below, which was sent to the Conservancy back in December 2018, although I cannot now find this on the Council's webpage for this case, so am unable to confirm this even forms part of the submitted application.



It would be inappropriate for the Council to grant planning permission subject to all lighting meeting the ecology consultant's specification.

All that could be likely to happen is that the applicant would simply just continue to use the existing lighting and claim that it met that specification. That is not good enough for The Conservancy.

Adopted Core Strategy Policy CS12 sets out planning permission will be granted where it –

1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.
2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.
3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).
4. Meets the policy aims of the Chichester Harbour AONB Management Plan, and
5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.

In respect of 1, the Conservancy asserts the assessment has not been careful enough.

In respect of 2, The Conservancy treats economic considerations as wholly sub-ordinate to environmental considerations being satisfied.

In respect of 3, the Ecological consultant has not considered the impact of an uncapped number of events per calendar year the applicant proposes. Whereas the enhancements and event management plan the applicant's ecological consultant proposes are welcomed, The Conservancy still has very real concerns about an unrestricted number of events per calendar year and this forms the principal element of its objection.

In respect of 4, the applicant has not had regard to The Conservancy's Management Plan nor its planning principle 09, designed to restrict the impact of artificial lighting on the night sky in more remote/rural parts of the AONB. Whereas the applicant has produced their own assessment of light impact perceived from the water at night, there is no way of confirming that the lighting indicated at positions in the diagram above was in fact illuminated, when the photographs were taken. I am also aware of other multi-coloured string lighting closer to the shoreline from my site visit, that is not indicated on this diagram. For the applicant to point at other lighting close-by having greater impact is not the point. The applicant must demonstrate that their lighting does not cause a negative impact to the AONB.

Finally, in respect of strand 5, the Conservancy welcomes the enhancements proposed in 'The Plantation' in terms of Section 5 of the updated ecology report and the events Management Plan, which ought to have been submitted at the very outset.

**"The new application contains information that are important improvements to the application in regards to the ecology of the site, particularly the visitor management strategy and the Bat Survey Report. The visitor management strategy and its implementation is a key component in addressing the potential impacts on the designated features of the SPA (wintering and passage birds) of the proposal.*

Clear statements on the no fireworks rules, dogs on leads and limiting human access to the foreshore are significant measures in reducing likely impacts on wintering birds from visual and noise disturbance.

Regarding the potential impacts to breeding birds within the woodland (an SSSI feature and of particular importance here due to the historic heronry), it is welcome that visitors will be prevented to accessing the woodland during the breeding season, and there is the potential for the access to be re-routed outside the woodland. I am satisfied that, assuming the visitor management strategy is carried out as described, the breeding bird interest in the woodland is unlikely to be significantly

I would recommend that the lighting, mitigation, visitor management measures are, as far as possible, secured by condition.

The Conservancy notes Natural England's on-line comments dated 18-12-2020, but does not consider the matters set out above have been carefully considered, which does not recognise that the jetty does not benefit from planning permission and is contrary to The Conservancy's planning principle PP11, contained within the Chichester Harbour Management Plan 2019-2024.

Confidential information may be contained in this email message and is intended only for use of the addressee. If you receive this email message by mistake, please notify info@conservancy.co.uk and delete this email, which must not be copied, distributed or disclosed to any other person.

To:
Mr Morris
HMPC Limited
8 Charborough Road
Poole
BH18 8NE

For: Mr Snell

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Refusal of Planning Permission**

Application Number: APP/18/00943

Site Address: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposal: A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.

Further to your application received on 18 September 2018, which was valid from 06 November 2018 Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason for the Council's decision to refuse planning permission is:

- 1 Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding, the Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole.

As such the development is considered contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework.

Our Ref: APP/18/00943

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (3) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,

Your application is considered unacceptable for the reasons set out in this Decision Notice.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

25 June 2021

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL
PLANNING AUTHORITY REFUSE PLANNING PERMISSION
OR GRANT IT SUBJECT TO CONDITIONS**

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

To:
Mr J Pavey
Irwin Mitchell
Belmont House
Station Way
Crawley
RH10 1JA

For: Mr & Mrs C Snell

Ref No.: APP/19/01262

**Town and Country Planning Act 1990: Section 191 and 192 (as amended by
Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (General Development Procedure) Order 1995
Article 24
REFUSAL TO GRANT CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 19 December 2019 the uses and operational development described in the First Schedule to this certificate in respect of land described in the Second Schedule was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

- 1 On the basis of the evidence submitted with the application and other material available to the Council, including the planning history of the site, the Council has concluded the following in respect of the application:

Element 1: Change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses.

Woods Cottage and its limited curtilage was once a separate planning unit, and the rest of the area affected by the CLEUD was necessarily part of another planning unit. Within the last 10 years that has changed, and Woods Cottage has become associated with a larger area, thereby creating a different planning unit. Furthermore, over the 10 year period the subject of the application there has been a material change in the mix and balance of uses undertaken at the site, with the result that it cannot be said that the activities being undertaken in 2019 are equivalent to those being undertaken in 2009.

As a result, the mixed use of the larger planning unit to which Woods Cottage now belongs does not benefit from immunity from enforcement action.

Elements 2-4: erection of log cabin and adjoining deck; erection of Victorian style gazebo structure; and erection of marquee structure.

Based on the evidence submitted, officers consider that on the balance of probability, all three structures are part and parcel of the material change of use which has occurred on the land. As none of the structures has been in situ for the period of 10 years prior to the making of the application, they are not immune from enforcement action.

Having regard to these conclusions, a Lawful Development Certificate cannot be issued for the matters the subject of the application.

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

02 June 2021

FIRST SCHEDULE:

This decision relates to the following development:

Application for Certificate of Lawfulness for an existing use or development relating to (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses; (2) erection of log cabin and adjoining deck; (3) erection of Victorian style gazebo structure; and (4) erection of marquee structure as described in the written particulars, plans and other documents submitted with your application received on 24 December 2019, and subsequent submissions during the course of consideration of the application.

SECOND SCHEDULE:

This certificate relates to land at Tournerbury Woods, Tournerbury Lane, Hayling Island as shown edged red on the submitted Location Plan received 24 December 2019.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See www.planningportal.gov.uk/pcs
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above remains liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Our Ref: APP/19/01262

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Further to the re-consultation letter 1.4.2021.

Site - Tournerbury Woods, Tournerbury Lane, Hayling Island

Application - APP/19/01262 – Application for Certificate of Lawfulness for an existing use or development relating to -

- (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses;
- (2) erection of log cabin and adjoining deck;
- (3) erection of Victorian style gazebo structure; and,
- (4) erection of marquee structure.

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Objection maintained.

The Conservancy notes the heavy redaction of photographs and other documents on-line, making it difficult to comment on the veracity and significance of such evidence. If the Council wants The Conservancy to comment on unredacted evidence, it will be happy to do so.

I comment as follows on the other evidence.

Bank statements and bank paying in book

The bank statements run from April 2010 to September 2014. This is only part of the 10 year period the applicant needs to substantiate. All relate to Tournerbury Holdings Ltd. Entries are redacted, so it is difficult to comment on what they relate to and whether the date of payment actually relates to the date of the event the applicant is seeking to evidence taking place.

The bank paying in book slips – completely redacted, albeit paragraph C.18.1 of the Pavey letter says these slips cover the period 2008 to 2012. Some of this pre-dates the period which needs to be proven and does not cover the entire 10 period to be proven.

Booking diary. This single spreadsheet indicates that the number of events per annum between 2009 and 2019 ranged from 40 to 92 and that the nights Woods Cottage was let per annum ranged from 73 to 234. What is the applicant applying for? 40 events or 92. These are significant ranges and do not demonstrate a consistent rate of usage over time. The Conservancy remains concerned that if a Certificate is granted, there will be no other control, other than through non-planning licencing legislation regimes and colder/inclement weather in respect of wedding events, as to the number of events that could be held.

Email to Mr Snell 14.8.12. It is accepted this relates to one wedding event, where hiring involved setting up and the event itself spread over 4 days. The email is referenced in the last piece of evidence (at paragraph C.14.2) –

Letter from Mr Pavey 24.3.2021 (using his paragraph numbering).

(A.1) I see Mr Pavey's letter responds to yours dated 10.3.2021. As The Conservancy has not had sight of your letter, it is difficult to fully understand what Mr Pavey is responding to, or the points being made. Are you able to share your 10.3.2021 letter with The Conservancy? Presumably this would be produced in an Inquiry into a the ground (d) Appeal against the Enforcement Notice in any event.

(A.2-A.3) The Conservancy too is concerned over the time it has taken the Council to process both this application and App/18/00943.

However, given the Appeal lodged relating to an Enforcement Notice served, it is understandable that the Council would wish to fully understand all evidence rather than unnecessarily defend a Ground (d) Appeal.

The Covid 19 situation has not helped matters, but it is still considered that the applicant had not discharged the burden of proof in respect of all the matters for which a certificate is being sought.

(B.4) That matters of operational development are mixed in with issues relating to a material change of use of the land also complicates matters, as I have never seen a Certificate given for parts of what is applied for and declined for other parts, as one sometimes sees with applications for Express Advertisement Consent or more rarely handed down by Inspectors in Appeal decisions.

(B.5 & 5.3) It is agreed that changes which took place to the Use Classes Order for England 1.9.2020, have somewhat confused matters, but The Conservancy, given the amalgam of usage being sought, has always commented on the basis of a mixed sui generis use was claimed to be being operated at the site. What does complicate matters though is that for parts of the year, certain events like corporate shoots, seem to predominate over the 'wedding season'. So not only is the rate of events variable throughout the years, but also within the years too, such that no consistent pattern of activity over the 10 year period is being demonstrated.

(B.8) The Conservancy has commented on the operational development on the basis of a 4 year period of proof being needed.

(C.16) It will be interesting to see the approach taken by the Inspector, when the Appeal against the Enforcement Notice is heard. The Conservancy considers the Enforcement Notice should not be withdrawn. Temporary use of open land not forming the curtilage of Woods Cottage can exist for 28 days in any calendar year, leaving aside uses involving firearms, motor vehicles, etc, where the General Permitted Development Order sets that 14 days (cf. Class B to Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended)). It might be argued that the trigger for a material change of use could be anything exceeding those limits. I return to The Conservancy's concern that the Council or Inspector would issue a Certificate for the upper number of events for which evidence has been submitted. Is it probable that 92 events occurred each year? 'No' is the answer.

(C.17.3) It is noted that some corporate clients paid a flat booking fee and then decided which dates they wanted throughout a season, such that one payment did not necessarily equate to just one 'event' at the application site.

Yours sincerely

Steve Lawrence MRTPI		Chichester Harbour Conservancy
Principal Planning		Harbour Office, Itchenor
Officer		
01243 510001		Chichester, PO20 7AW
		www.conservancy.co.uk

Dear Mr Weaver,

Apologies for the late reply owing to workload pressures.

Tournerbury Woods, Tournerbury Lane, Hayling Island

APP/19/01262 – Application for Certificate of Lawfulness for an existing use or development relating to (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses; (2) erection of log cabin and adjoining deck; (3) erection of Victorian style gazebo structure; and (4) erection of marquee structure.

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Objection. An Enforcement Notice relating to the unauthorised development has been served by the council, so under law it is not possible to grant the Certificate of Lawfulness.

The Conservancy notes that this application was made valid on 9.1.2020 and that the council served an Enforcement Notice relating to similar matters on 17.1.2020. So, whilst the council is obliged to determine this application, under Section 191 (2)(b) of the Town and Country Planning Act (1990(as amended)), it is the Conservancy's opening position that it may not determine it favourably.

If however the council is going to determine the application, the Conservancy makes the following observations on the submitted evidence.

General

It is noted that the site location edged red concurs to that of withdrawn application APP/19/00889.

The location of structures associated with the purported use of the land are shown on evidence Base No. 0878. The plan EB0878, does correspond to where I saw these structures on site and photographed them during my visit to review application 18/00943 on 26.11.2018.

The property deeds documentation evidence Base No. 0879 to 0885, whilst confirming ownership of the Tournbury Woods Estate, performs no other useful purpose. The Ordnance survey extract only shows the footprint of Woods Cottage. The restrictive covenants (a) and (b), would appear to prohibit what has taken place at the site.

Differing activities appear to have occurred at the site at various times, but perhaps not all at the same time in a continuous fashion through the 10 year period that is to be proven in terms of use of the application site.

Large parts of the documents are redacted (presumably by the council for privacy reasons under the Data Protection Act), so it is difficult to fully comment on the veracity and relevance of the evidence presented. This includes –

- Bank statements evidence Base No. 0922 to 0929; and,
- The booking diary.

The booking diary does appear to run from January 2009 (Evidence Base No. 0142) to December 2019 (Evidence Base No. 0197). The first event listed is a shoot event, but it seems corporate, wedding and other events have also occurred. It is not clear what 'WC only' means in terms of any booking, but I have assumed this refers to Woods Cottage. The total number of events is given as a figure at the end of each year, numbers recorded as –

2009 - 55 events spread over 157 days

2010 - 40 events spread over 174 days

2011 - 50 events spread over 179 days

2012 - 49 events spread over 195 days

2013 - 51 events spread over 232 days

2014 - 51 events spread over 186 days

2015 - 53 events spread over 203 days

2016 - 77 events spread over 186 days

2017 - 73 events spread over 112 days

2018 - 92 events spread over 108 days

2019 - 64 events spread over 73 days

Under planning application APP/18/00943, the applicant has stated the following to the council in terms of number and events through recent years –

2018 - 58
2017 - 46
2016 - 39
2015 - 36
2014 - 35
2013 - 36
2012 - 31
2011 - 28
2010 - 30
2009 - 29
2008 - 28

- in the design and access statement, which seem to be significantly at variance with the figures above.

A transportation statement also set out 42 events had occurred between 30 March 2019 to 5 October 2019, with evidence for the same period from the dairy confirming 35 events, during the same period, albeit no diary entries are given for July and August 2019.

Whilst the event flyer (Evidence base No.'s 0930-0931) speaks of 1990, 1990 is not actually on the flyer and the other event in 1996 is also outside the relevant 10 year period to be proven. No weight can be attached to that evidence.

Publicity photograph of trade display (11.5.2008)(Evidence base No.'s 0011-0012), advertising Club Monkey Puzzle 'private party venue': also outside the relevant 10 year period to be proven. No weight can be attached to that evidence.

Press report (29.1.2012) - Evidence base No.'s 0026 – 0027: refers to Woods Cottage and its 'log-cabin cinema' and '300 sq.ft tent for entertaining', marketed by Premier Cottages.

Publicity photograph of trade display (2013) - Evidence base No. 0031, advertising the site as a wedding/events venue. Contains smaller photograph of a marquee. This may be the current marquee.

Publicity photograph of trade display (27.10.2013) - Evidence base No. 0039, advertising the site as a wedding/events venue. Contains smaller photographs of a marquee. This may be the current marquee.

Press report (October [?] 2014) - Evidence base No. 0053 – report of charity event which attracted 150 guests. The current marquee is pictured.

Press report (8.2.2015) - Evidence base No. 0054, refers to the site as a wedding venue, marketed by Premier Cottages. The article refers to a marquee and that so far that year 20 weddings had occurred. (N.B. from 1.1.2015 to 8.2.2015, this is hard to verify as 0170 is wholly redacted).

Tournerbury Holdings Ltd (dated) invoices evidence Base No.-

- 0198 (23.1.2007) to 0330 (22.1.2013)- not all in chronological order,
- 0331 (29.1.2013) to 0664 (13.12.2016),
- 0665 (13.12.2016) to 0876 (8.5.2019).

Those referring to events predating 19.12.2009 (10 years before the date on the current application form) are not relevant to the council's determination (0198 to 0222). Time has not allowed the Conservancy to work through the dates to compare them to the number of events in the booking diary to assess whether consistency of evidence is being presented, but it is suggested that the council does carry out that exercise.

Whilst the application site address is not specified, 'Woods Cottage' is repeatedly mentioned. Not all relate to hire for the purposes of a wedding/wedding reception. Notable invoices include –

- 0198 (23.1.2007) is the first to refer to the renting of Woods Cottage;
- 0199 is the first to refer to Monkey Puzzle annual membership (8.6.2008);
- 0329 (15.1.2013) may be the first recording hiring of the site for a wedding ('Invoice No. TH00233 WEDD');
- 0331 (10.2.2013) first refers to a marquee 24m x 12m footprint;
- 0317 (6.6.2012) first refers to annual membership of a 'Tournerbury Club';
- 0347 and 0350 just refer to 'land hire';
- The first to exclusively refer to camping at the site (1 pitch) is dated 5.8.2013, (evidence Base No. 0421), with 0537 (30.6.2015) the first to refer to motor home pitches as well: many do not refer to the hiring of tent pitches;
- 0494 appears to be the only one referring to the build of a pontoon;
- 0651 refers to the hire of 'festoon lighting – marquee external and 'lasers – external', related to the event;

- One event 3.8.2018 includes the hire of 2 No. ribs (evidence Base No. 0793);
- Another dated 3.8.2018 makes first reference to the hiring of West Plantation for a forest school on several dates (evidence Base No. 0806).

Earlier events seem to be mostly the hire of Woods Cottage and a fair number of corporate/small shooting events.

Evidence base No.'s listed below; photographs of events –

There is no mapped schedule that accompanies the photographs, indicating where the person was stood when they took the photograph and what direction the camera was pointed in.

0001-0003 – 2002: First wedding at the application site. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance.

0007 – 0010 – March to June 2008: refurbishment of Woods Cottage. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance.

0013 – August 2008. Helicopter purportedly associated with a corporate event at the site. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance.

0004 (2006) and 0014-0016 – December 2008 and January 2010 (smaller) marquee to that which exists now and located in a different position on the site to that which exists now.

0018-0019 - 2010 build of log cabin. This is attested to in the statutory declaration and the Conservancy has no contrary evidence to offer.

0020-0023 – 2011 build of deck attached to log cabin. This does not show the full extent of the decking, nor its later roofing ('stretch tent') over.

0024-0025 – 2011 Winter shoot events.

In terms of photographs taken *inside* a marquee and could be a marquee erected anywhere, namely 0032-0036, 0041, 0043-0045, 0047, 0049-0051, 0056-0058, 0060-0061, (there is no 0062 on-line), 0063, (there is no 0064 on-line), 0065-0066, 0069, 0071-0078, 0083, 0085-0086, 0089-0090, 0092-0093.

A number of photographs do not seem to relate to the structures sought to be regularised (at the application site) at all, but broadly indicate how the land was being used when the photograph was taken, notably –

- 0005-0006 and that numbered 0017 relating to property owned by the applicant in London;
- 0028-0029, show a white tented structure, but I am unclear whether it is the same marquee sought for retention – in fact it cannot be because the sworn statement says that marquee was not purchased until 6.6.2013 and the marquee in 0028-0029 are variously dated in 2012;
- 0030;
- 0037-0038;
- Upper part of 0040;
- Lower part of 0041;
- Upper part of 0042;
- Lower part of 0043;
- Lower part of 0045;
- 0046
- Lower part of 0047;
- 0048;
- 0052;
- Lower part 0056;
- Lower part 0057;
- Pink/patterned marquee in lower part of 0058;
- Lower part of 0059;
- Upper part 0060;
- Lower part 0063;
- 0064;
- 0066;
- Lower part 0067;
- Upper part 0068;
- 0070;
- Lower part 0074;
- Upper part 0075;
- Upper part 0077;
- Lower part 0079;
- Lower part 0080;
- Lower part 0081;
- Lower part 0082;
- Upper part 0084;
- 0088;
- Upper part 0090;
- 0091;
- Lower part 0092.

Evidence base No. 0094-0095 – Applicant's commentary on 3rd party objections to APP/18/00943. Residents referring to a marquee standing 'in some form or another' since the early 2000's is ambiguous, as to whether it is the same marquee throughout or indeed located in the same position, especially when evidence base No. 0032 refers to 'new marquee build'. That none of the residents offer a statutory declaration as to how they know what was on the site and how exactly it was being used make such evidence weak and unreliable on a 'balance of probabilities'. The last note from an Austrian national, whilst saying they attended a wedding a Tournerbury woods 10 years ago, only offers a snapshot in time.

The marketing flyer for 'Monkey Puzzle Country Club', with an associated invoices from 2007 and 2008, evidence Base No. 0886 to 0891; these also pre-date the relevant 10 year period the applicant needs to establish. No weight can be given to this evidence.

Applicant's correspondence (25.11.2014 to 11.5.2016) with Natural England evidence Base No. 0892 to 0894. This offers no proof of the site's purported use nor structures associated with that. No weight can be given to this evidence.

Evidence base No. 0096-0117 –documentation dated between 1998 and March 2019. 0096 being an Insurance certificate for a holiday cottage, namely Woods Cottage at Tournurbury Woods. Subsequent renewal certificates/renewal reminders. Some documents redacted so it is difficult to tell if they relate to Woods Cottage at the application site. That evidence pre-dating the relevant 10 year period the council must scrutinise, has no relevance.

Evidence base No. 0118-0121 – 3 No. invoices first dated 2004, 2nd redacted date and last 2006. Last seems to be for the purchase of a marquee. It is not clear if this is the marquee that exists on the site today or indeed whether it was then erected on the application site. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance and is not clear that it relates to the application site.

Evidence base No. 0121-0125 – email correspondence September 2001 to June 2002 agreeing to rent a cottage some time after someone had been married and returned from their honeymoon, addressed to Chris Snell and printed off at the Tournurbury Woods Estate Office. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance and is not clear that it relates to the application site.

Evidence base No. 0126-0127 – March 1998 bank letter account name Snell CMV – Woods and cheque dated 2000 – Council tax paid to Havant Borough Council. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance and is not clear that it relates to the application site.

Evidence base No. 0128 – April 1996. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance and is inclusive as to whether the 'location manager' agreed to 'list' Wood Cottage, Tournurbury Woods as a holiday letting opportunity.

Evidence base No. 0129 – November 2008, addressed to 'christopher@monkeypuzzleribs.com', printed off at the Tournurbury Woods Estate Office, confirming registration with 'owners direct holiday rentals ltd'. No mention is made of the property to be a holiday rental. As this evidence pre-dates the 10 year period the council must scrutinise, it has no relevance.

Evidence base No. 0130-131 – March 2009 correspondence with firm marketing 'BabyFriendlyBoltholes', offering a temporary listing on their website, addressed to Chris Snell and printed off at the Tournerbury Woods Estate Office.

Evidence base No. 0132-135 – November 2010 correspondence with firm marketing holiday cottages/accommodation, with specific reference to Woods Cottage and 'christopher@monkeypuzzleribs.com', printed off at the Tournerbury Woods Estate Office, with subsequent confirmation of membership of 'Premier Cottages'.

Evidence base No. 0136-137 – January 2011 correspondence with wedding-fayre organiser, printed off at the Tournerbury Woods Estate Office

Evidence base No. 0138 – November 2012 correspondence with marketing executive of 'wedding-venues.co.uk', offering a website 'listing' for privately owned wedding venues, printed off at the Tournerbury Woods Estate Office.

Evidence base No. 0139 – November 2013 correspondence with marketing executive, renewing a website 'listing' for a further year, printed off the Tournerbury Woods Estate Office.

Evidence base No. 0140 – Companies House entry. Whilst this verifies the Tournerbury Holdings Ltd business address (incorporated 15.9.2006) to be the same as the applicant's home address, it does not mention the application site address, nor does it detail what the business is.

Evidence base No. 0141 – Companies House entry. Whilst this verifies the Monkey Puzzle Ribs Ltd business address (incorporated 5.1.2005) to be the same as the applicant's home address, it does not mention the application site address, nor does it detail what the business is. It is noted that company was dissolved 3.12.2013, before the end of the 10 year period to be evidenced.

Specific

The statutory declaration dated 9.12.2019.

The Conservancy considers the council - if it had not served the enforcement notice - would have some difficulty untangling the variety of uses area/element 1 has been put to, not all occurring at the same time and having a wide ranging number of 'attendees'. The Conservancy considers the relative scale of each event is important. If some events were only attracting a couple staying at Woods Cottage, rather than

hundreds of people attending a wedding, it would be unreasonable to suggest all events were the same and grant a Certificate for any sort of event.

Point 7: it would appear Woods Cottage was constructed as a dwelling and that this was its most probable 'appointed day' use on 1 July 1948, although it is not clear if use of part of the estate as a commercial brickworks had ceased at that time and one took the view that use of Woods Cottage were purely ancillary to the primary use of the (whole) site. Its hiring as holiday accommodation represents a material change of use.

Points 8 & 32: there is no planning history basis for the applicant claiming the curtilage of Woods Cottage is the area 'element 1' shown on 0878. However, if it truly is the curtilage, it is clear permitted development rights for temporary use of land for 28 days in any calendar year would not have been applicable, due to restriction B1.(b) of Class B to Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The uses set out in *Point 31*, needed planning permission to be lawfully undertaken from the outset.

Point 8.4: the applicant seems to suggesting that the 3 unauthorised structures are ancillary outbuildings to Woods Cottage, yet they cannot be domestic outbuildings because of their commercial use.

Points 9 to 18: As these pre-date 19.12.2009, they are irrelevant to the council's determination.

Point 19: Only those dates in December on sheet 0146, which occurred after 19.12.2009 can be taken into consideration to assess this application. Sheet 0146 lists 16 days on which the site was booked. It is unclear how many of these were on or after 19.12.2009 as the document has been redacted on-line.

Point 20: The marquee in 0014-0016 is smaller than the one on site now and located in a different position.

Point 21: The applicant says 2011 was the year that the main focus of events switched to holding weddings at the site. This is less than 10 years ago.

Point 23: It is noted that the current marquee was purchased in 2013 and erected in its current position for the first time. There appears to be a typographical error; sheet 0165 gives an annual total for 2013 of 232 bookings days, not 234.

Point 26: There appears to be a typographical error; sheet 0178 gives an annual total for 2016 of 186 bookings days, not 183.

Point 31: Any events which occurred between 1998 to 18.12.2009 are not pertinent to the council's assessment of this application.

Points 34 to 41 (and that part of *Point 42* between 20.3.2009 to 18.12.2009) are irrelevant to the council's determination of this application.

Point 44: If this was the first marketing of the application site as a wedding venue, this is less than 10 years ago. Subsequent marketing listed under points 45-47 & 49 also all less than 10 years ago.

Point 53: being as complaints to planning enforcement are confidential, it is not possible for the applicant to know if any complaints about use of the site had been made during the last 10 years and earlier.

Points 54, 56 & 57: the decking's extent has been added to over time and this includes its covering over with a canopy ('stretch tent'). The Conservancy does not consider all parts of the decking to be more than 4 years old in existence, on the basis of dated photography provided to it by a third party (see attached), but accepts that the log cabin may be more than 4 years old from the statements made in *Point 55*. Under the latter part of *Point 57*, the applicant seems to appreciate that a certificate of lawfulness cannot be granted for the additions to the decking and presumably is seeking to regularise those under extant planning application APP/18/00943, which is currently undetermined - (website says an extension of time has been given to determine to 28 February 2020) - and to which the Conservancy has made a formal objection.

Points 58-59: On the evidence presented (0055), the Conservancy could not oppose an application for a Certificate of Lawfulness of the Victorian style gazebo alone.

Point 62: the applicant confirms the marquee was taken down and not re-erected until March 2016. If the Marquee has periodically been taken down out of season, the Conservancy asserts that each time it is put up has been a separate time period of existence. For the council to grant the Certificate in respect of the marquee therefore the Conservancy suggests it would have needed to have been permanently up for the 4-year period sought and not taken down during that period. The Conservancy understands a third party will be sending you evidence claiming that the marquee was taken down during the winter of 2015-2016 and not re-erected until sometime in the spring of 2016. If this is true, then the 4-year period would not seem to have been reached yet.

Evidence base No.'s 0932-0935 merely show historic mapping and do not add anything to the submitted evidence, other than showing the footprint of Woods Cottage, which is not in dispute.

Photographs, evidence Base No. 0895 to 0913: whilst these clearly relate to refurbishment works to Woods Cottage, rather than demonstrating how the accommodation was being used. Only one slide has a date on it: the first, stating 1998.

The Note and Annex 1 and 2 to it

A/Point 2/Element 2: given what has been said in *Points 54, 56 & 57* above, even if the council had not served a planning enforcement notice, it would not have been tenable for the council to grant a Certificate for all parts of the decking.

B/Point 4 – see response to *points 8 and 32* of the witness statement above.

B/Point 6.2 – the council can only consider the red line and related evidence in front of it.

C – All this conjecture is irrelevant if one accepts that Woods Cottage is no longer being used as a dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or perhaps was not being used in that way on 1 July 1948. All that is relevant is the area that has been used for the specified purposes under 'element 1' of the application (the planning unit) and the evidence that is produced to prove that on the balance of probabilities. The Conservancy in the foregoing comments has raised queries about the veracity of various pieces of evidence produced. To that extent, why the applicant has drawn the red line to include, for example the Tournier Bury, other than the vehicular access running through it leading to the events area, it not understood.

C/Point 20 – The putting up and taking down of the marquee constitute separate episodes of development. The marquee was last re-erected in March 2016. 4 years have not elapsed since that time.

The Conservancy has no comments to make about Annex 1 and 2, other than to say the dates the photographs were taken is not recorded.

It is not clear from the photographs and witness statement when the 'stretched tent' awning was added over the decking structure associated with the log cabin, which is depicted 20.4.2018 in the lower part of 0087. Earlier photographs 0020 and 0021 show the deck beginning to be constructed dated 11.6.2011, yet the Conservancy is in receipt of alternative electronic photography dated 14, 17, 20, 21 and 27.4.2017, showing that decked platform being enlarged (to a much greater extent than depicted in 0020-0023), but without the awning fitted.

The Conservancy is aware that the timeframes to taking Enforcement Action/providing evidence relate to each structure being substantially completed, under S.171B(1) of the town and country Planning Act 1990 (as amended).

The Conservancy is of the view that the 4-year period to be demonstrated for the log cabin/decked structure at point 2 on EB0878 started when the awning was finally added, which does not appear in any of the photography submitted until 2018.

In this respect the Conservancy would suggest other council officers could usefully be interviewed for their recollection of what was in place at the site, when they made their visits, especially if any (dated) photography was taken. E.g. Environmental Health Officers looking into noise matters or other officers commenting on the Premises licence granted 24.8.2017 (PL) granted by the council.

Indeed, does the PL require the marquee to be taken down at the end of every season?

The Conservancy is still rather surprised no builders' invoices have been produced to show when the decking was built or when the (current) marquee was purchased.

There are two items the Conservancy notes the applicant is not claiming to have been in place for the 4-year period to be proven for operational development. These are –

- (1) the parking areas (for which the Conservancy has been informed that stone scalping materials by the truckload have in recent time been taken onto the site according to a neighbour commenting on this to the Conservancy; and,
- (2) the 'Versadock' pontoon (photographs on pages numbered 0079, 0081 and 0092). When the Conservancy's Planning Officer visited on 26.11.18, this structure was not in place.

The Conservancy is unlikely to grant a works licence for such a structure described in (2) as it is its policy not to do so, given the ecological importance of the intertidal mud it would rest upon/cover in the SPA/SAC/SSSI/Ramsar designation.

Yours sincerely

Steve Lawrence MRTPI,
Planning Officer,
Chichester Harbour Conservancy,
Harbour Office,

The Street,
West Itchenor,
PO20 7AW

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Havant
BOROUGH COUNCIL

Public Service Plaza
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Hampshire PO9 2AX

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DX 50005 Havant
www.havant.gov.uk

Mr C Snell
198 Sea Front
Hayling Island
PO11 9HR

THE TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) ORDER 1995
Approval of Details

Application Number: APP/12/01333

Site Address: Land within Tournurbury Farm curtilage and adjacent to Laburnum Grove

Proposal: Application to determine whether prior approval will be required for the siting and means of construction of a private way.

Further to your application received on 21 December 2012, Havant Borough Council, as Local Planning Authority, having determined that prior approval is required for the siting, design and appearance of the above development **Grants Approval** for the siting of the proposed development in accordance with the details submitted.

This approval is subject to:

- (1) Compliance with the plans and other documents submitted with regard to your application,

Application form dated 21/12/2012
Letter from Christopher Snell dated 21/12/2012
Letter from English Heritage dated 3/12/2012
1:2500 plan - New Access at Tournurbury Farm
Gifford Tree Service Tree Report dated 14/1/2013
New Track to Woods cross-section drawing dated January 2013

and

- (2) The development commencing before the expiration of 5 years from the date on which this approval was given.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town Country Planning (General Permitted Development) Order 1995 (as amended). It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Any failure to adhere to the details of the submitted plans, and other documents may lead to enforcement action being taken by the Council. If you wish to depart from the approved details in any way you should contact the Development Control Service at the Civic Offices or by telephoning (023)9244 6581/2.

Our Ref: APP/12/01333

- (3) Your attention is drawn to the provisions of Part 6 of schedule 2 of the above Order which requires that any development authorised by this approval shall only be used for agricultural purposes. Additionally any building shall not be used for the accommodation of livestock or the storage of slurry without first obtaining planning permission from the Council
- (4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) take a positive and proactive approach to development proposals focused on solutions. HBC work with applicants and agents in a positive and proactive manner by;
- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions

In this instance:

- You were updated about issues after the initial site visit,



Mr Chris Murray
Service Manager (Planning Development)

18 January 2013



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

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Mr C Snell
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New Track to Woods cross-section drawing dated January 2013

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- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions

In this instance:

- You were updated about issues after the initial site visit,



Mr Chris Murray
Service Manager (Planning Development)

18 January 2013

Tournerbury Farm

Access to Tournerbury Woods

SCALE : 1 : 2500 on A3
DATE : 20/12/2012

MAP FILENAME :
New Access at Tournerbury Farm

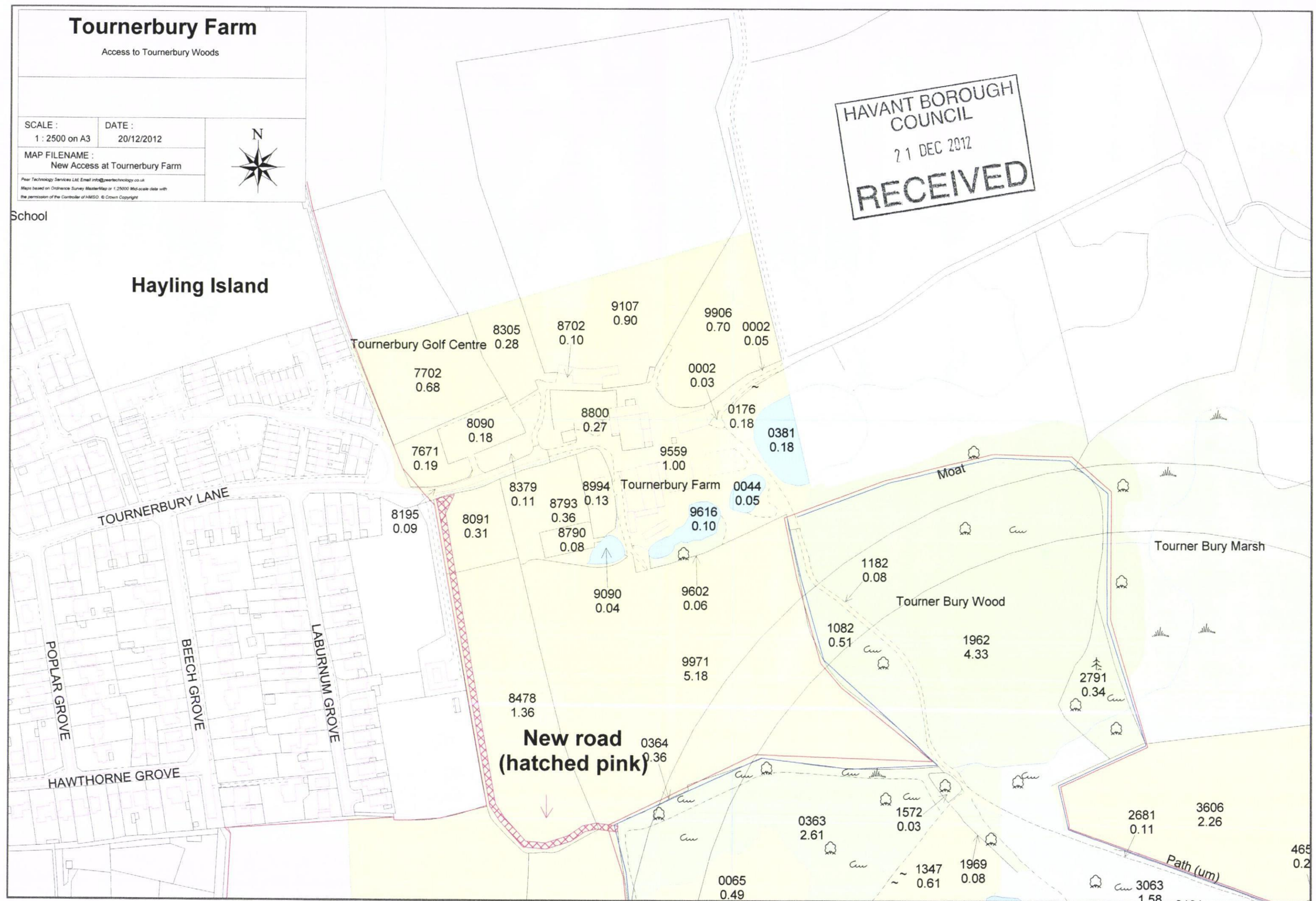
Peer Technology Services Ltd. Email: info@peertech.co.uk
Maps based on Ordnance Survey MasterMap or 1:25000 Mid-scale data with
the permission of the Controller of HMSO. © Crown Copyright

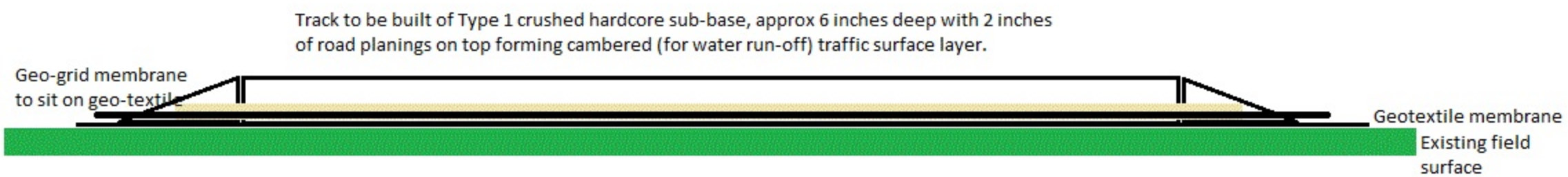


HAVANT BOROUGH
COUNCIL
21 DEC 2012
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School

Hayling Island







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BOROUGH COUNCIL

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Hampshire PO9 2AX

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F 023 9248 0263

www.havant.gov.uk

Mr Morris
HMPC Limited
8 Charborough Road
Poole
BH18 8NE

For: Mr Snell
The Tournembury Holdings Ltd

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015**
Grant of Planning Permission

Application Number: APP/17/00207

Site Address: Tournembury Woods, Tournembury Lane, Hayling Island

Proposal: Construct vehicular track from the public highway to Tournembury Woods Estates for the purpose of avoiding agricultural operations in Tournembury Farm.

Further to your application received on 27 February 2017, (which was valid from 03 March 2017, Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

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:

Plan showing new access to Tournembury Woods - P1

Location Plan - DN: A101

Site Plan and Section - DN: A102

Reason: - To ensure provision of a satisfactory development.

- 3 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all drainage pipes proposed have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as

Our Ref: APP/17/00207

are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of the track has been submitted to and approved in writing by the Local Planning Authority. The track hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The development shall be carried out in strict accordance with the Tree Report and Tree Protection Plan received on 3/5/17 unless otherwise agreed in writing the Local Planning Authority.

Reason: To ensure the protection of trees on and adjacent to the site and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development shall commence until details of the species of trees to be planted along the access track hereby permitted and a timescale for their planting, shall be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs planted which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

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

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pes.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

04 May 2017

Michelle Houghton

From: Linda Park <Linda@conservancy.co.uk>
Sent: 29 March 2017 15:59
To: Planning and Development Shared Mailbox; Rachael McMurray
Cc: Steve Lawrence; Richard Austin; Havant Auto-Reply
Subject: APP/17/00207 – TURNERBURY WOODS, TURNERBURY LANE, HAYLING ISLAND

Dear Rachael,

APP/17/00207 – TURNERBURY WOODS, TURNERBURY LANE, HAYLING ISLAND - CONSTRUCT VEHICULAR TRACK FROM THE PUBLIC HIGHWAY TO PROVIDE ACCESS TO ESTABLISHED WEDDING VENUE AND HOLIDAY COTTAGE IN REPLACEMENT OF AGRICULTURE TRACK SUBJECT TO PRIOR NOTIFICATION APPROVAL APP/12/01333

Fully delegated Officer Decision from Chichester Harbour Conservancy

This application seeks to create a more direct vehicular access route to an 'established wedding venue and holiday cottage' in Tournerbury Woods, although the exact location of these are not clear as they are not shown on the plans. We would question whether planning permission has been or should be granted for the 'wedding venue and holiday cottage' referred to in the application, as we have no record of this.

We understand that the current route to the 'wedding venue' involves driving around the edge of the farmland, including along the shoreline, through an internationally designated nature conservation area (SSSI and Ramsar). On this basis, the proposed track would be likely to reduce disturbance to this internationally important site (and the farm itself) and would appear to provide a more direct and therefore efficient access to Tournerbury Woods.

In terms of landscape impact, the proposed track lies on the boundary of the AONB, and would be sited along a field edge, adjacent to an existing hedgerow. It would not be situated in an exposed position in wider landscape terms, since there would be limited views of the track from Tournerbury Lane itself and from the public footpath to the southwest. On this basis, provided the existing hedgerow boundary is retained, appropriate new planting is provided, and the surface materials are appropriate to this rural location within the AONB, the proposed track should not create an intrusive or urbanising feature within the landscape.

The application mentions a preference for Green Olive trees to create a 'tree-lined avenue' and the submitted computer images suggest a rather formal appearance to the proposed driveway. We would ask that rather than Olive trees which are not native to Chichester Harbour AONB, the applicant plants a native hedgerow mix incorporating species such as Hawthorn, Blackthorn, Field Maple, Hazel, Dogwood and Holly (for evergreen leaf coverage), with standard trees such as English Oak. This would be more appropriate to this rural setting on the edge of the AONB and would be more beneficial to wildlife than the proposed Green Olive trees.

We would also ask that the proposed 'stone chippings' surface be in a more muted / darker colour than indicated in the computer image, which would also be more appropriate to the rural location.

Overall, it is considered that subject to the retention of the existing field boundary hedgerow alongside the proposed track, the planting of a native species hedgerow with standard trees to line the proposed track rather than lines of Green Olive trees; and the provision of a muted or darker coloured stone chippings finish for a more restrained appearance appropriate to the rural location, then the proposed access track would not be harmful to the AONB and should reduce disturbance to the SSSI/Ramsar site which is currently used for access into the woods.

The Local Planning Authority is therefore advised that the Conservancy raises no objection to this application, but asks that the following matters be negotiated if possible:-

- Retention of western field boundary hedgerow alongside proposed track;

- Proposed planting to line either side of track to be composed of native species hedgerows with standard trees to include the species suggested above, rather than Green Olive trees as suggested; and
- 'Stone chippings' finish to the proposed track to be in a muted or darker colour than indicated in the computer images.

If you have any queries relating to the above, please do not hesitate to contact me.

Regards,
Linda.

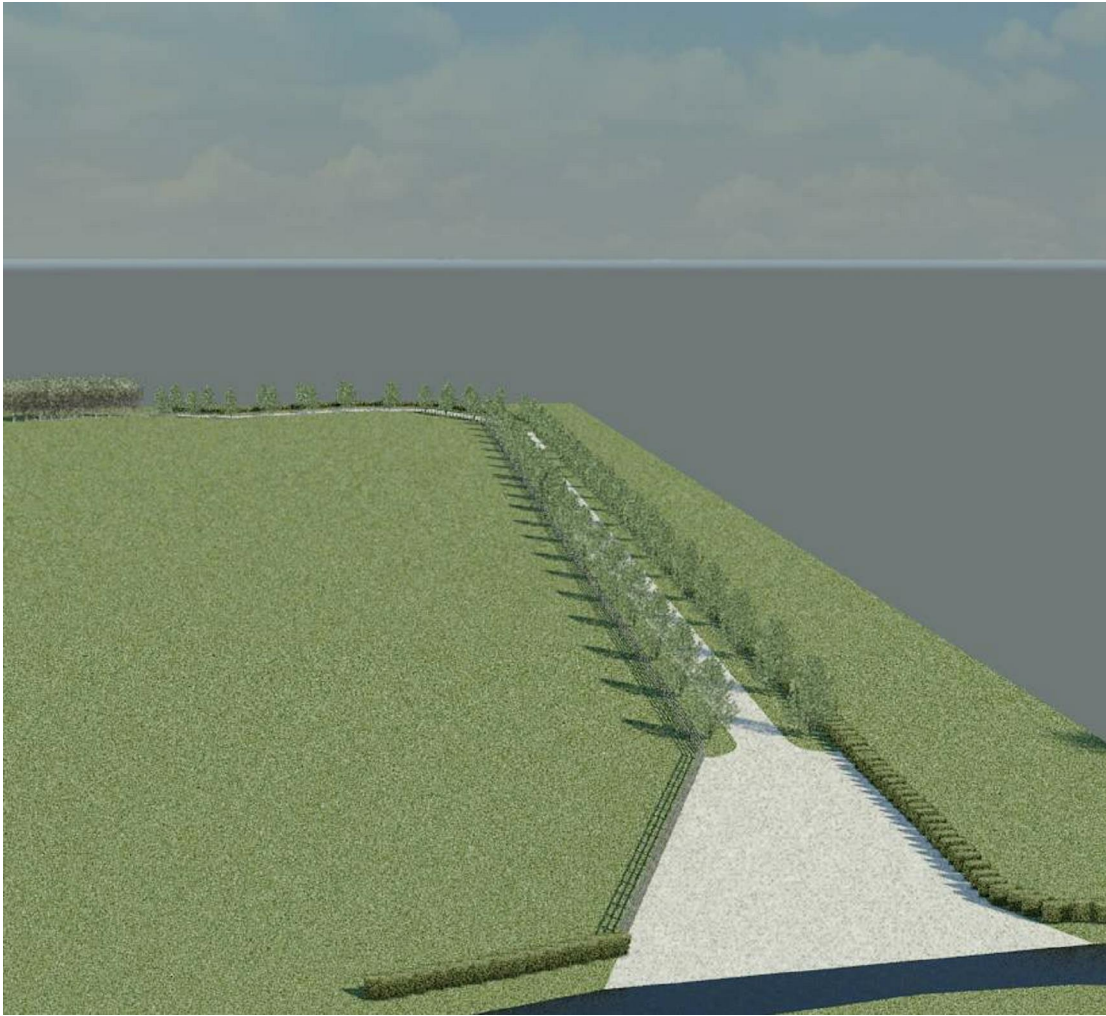
Linda Park MRTPI		Chichester Harbour Conservancy
Planning Officer		Harbour Office, Itchenor
(Job-share with Steve		
Lawrence MRTPI)		
01243 512301 / 510001		Chichester, PO20 7AW
		www.conservancy.co.uk

There's always something happening in the Harbour, read all our latest news or sign up for one of our regular newsletters [here](#).



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IJ Murray Associates

www.ijma.co.uk

No.	Description	Date

Chris Snell

Tournerbury woods Drive

Views

Project number	Project Number	A103
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale

1 : 1

HMPC Ltd

8 Charborough Road
Broadstone
Dorset
BH18 8NE

VAT Reg No: 246 5560 93

Contact: haydn.morris@hmpcltd.co.uk
07887 772082

2^{4th} February 2017

Head of Planning
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

Dear Sir

Tournerbury Woods

Construct vehicular track from the public highway to provide access to established wedding venue and holiday cottage in replacement of agriculture track subject to prior notification approval APP/12/01333

This letter accompanies an on-line planning application submission for development by Tournerbury Estate Holdings Limited, comprising the construction of an access to serve the existing wedding venue and holiday cottage at Tournerbury Woods, Tournerbury Lane, Hayling Island, PO11 9DL. The planning application fee (£195) will be paid direct to the council under the planning portal reference: PP-05862780

This letter provides a brief planning statement to accompany the application.

The council will be aware of an approval for prior notification granted on 18th January 2013 for the construction of an agricultural access track (LPA reference APP/12/01333). Although work on the track's construction was planned to commence soon after, it was not implemented.

The prior notification was submitted by the same applicant as for this proposal in order to improve access to activities within the Tournerbury Estate, whilst ensuring that the farming activities, husbandry, safety and security at Tournerbury Farm remain unencumbered. The reasoning was set out fully in a letter to the council dated 21/12/2012 (copy included with application for information).

Since that time the existing business at Tournerbury has evolved and to move forward a more formal, separate access is required rather than share the existing farm access. In agreement with the farmer it has been decided that the approved agricultural track should be used for this purpose, with ownership of the access transferred following the grant of planning permission.

The intention is to construct the new access on the line of the approved scheme, but to utilise more robust materials and to provide tree planting. It is not intended that the access will be surfaced with tarmac but will comprise a stone chipping surface over sub-bases of crushed concrete and hardcore.

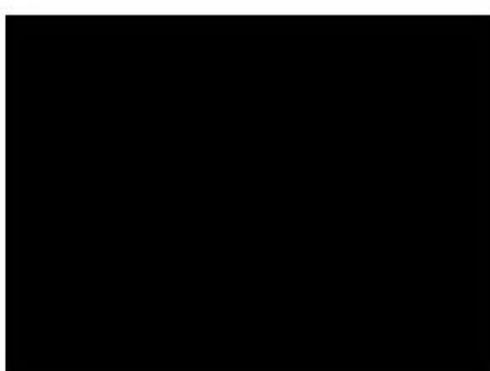
The width of the access will generally be 4.5m, widening to 6m at passing places with 3.75m grassed verges either side. The route will link the public highway with existing woodland roads within the Estate.

The route will retain an informality that is suitable for this countryside setting but will be landscaped to provide a tree-lined avenue. The number, size and species of tree to be planted has yet to be confirmed, although the applicant's preference is for *Phillyrea Latifolia* (Green Olive) to provide year- around leaf coverage. This matter is open for further discussion with the planning authority.

There has not been any significant change of circumstance since the prior approval was granted in 2013 and traffic levels should not be dissimilar from that predicted at the time. We are not aware of any additional material consideration applicable to this proposal and therefore consultee responses should once again be similar to those for APP/12/01333.

I trust that the proposal is self-explanatory, but if there is any further clarification you require or any additional information, please do not hesitate to contact me.

Yours sincerely



Haydn Morris
For and on behalf of HMPC Ltd

PP 2 2 – To ne y oo To ne y ane aylin lan

Dear Steve,

Apologies for the delay in replying, owing to staff being on leave and prioritising Committee work.

Tournerbury Woods, Tournerbury Lane, Hayling Island

APP/20/00626 – Variation of conditions 2 and 7 of Planning Permission APP/17/00207 (Construct vehicular track from the public highway to Tournerbury Woods Estates for the purpose of avoiding agricultural operations in Tournerbury Farm) to substitute a new plan "BJC Location and Site Plan (Plan no. H125/2020.07.03L/SP)" in lieu of approved plan "Site Plan and Section DN: A102"; and revised landscaping and tree planting proposals from those previously approved.

lly ele ate ice eci ion from Chichester Harbour Conservancy

eco en ation – No objection, subject to conditions securing –

- Retention of western field boundary hedgerow alongside proposed track, with consideration given to the council making a formal hedgerow order on it, to ensure its retention;
- Specified proposed planting to line to eastern side of track to be planted in this coming autumn planting season and if any plantings die, become deceased or fail within 5 years of planting, they are to be replanted with similar species, unless an alternative native species is agreed in writing with the local planning authority; and
- 'Stone chippings' finish to the proposed track to be in a muted or darker colour.

I visited the site on 24.9.2020, which is within the Chichester Harbour AONB, viewing the site from Tournerbury Lane, accompanied by the applicant. We walked the entire length of the track that has so far been provided and I made a photographic record of the visit. Where the limit of the public highway stops and the private road begins, are two substantial brick, stone-capped piers. The applicant remarked that he was going to remove these, so that larger vehicles could swing into/out of the bellmouth access to the track.

I noted the access track had largely been constructed on top of a geotextile membrane of what appeared to be inert building rubble. The works were not complete and a final surface was still to be applied to the track. The track just stops short of the Tournerbury Woods boundary, marked by posts and strands of barbed wire.

A plastic drainage pipe has been placed across the bellmouth access to allow an existing ditch there to continue to drain. I noted a sign in this private road leading to the golf centre and Tournerbury Farm inviting drivers to keep speeds to 5 mph and warning of a concealed entrance.

I did not observe any drainage ditches either side of the track, but saw that it would be possible for surface water run-off to easily percolate through the track or drain away naturally to either the hedgerow verge or field to the sides of the track.

The hedgeline to the west of the track is well-established and contains a number of mature trees along its length of various heights. Immediately west of that is another unmade track leading to a cattery.

Adjacent fields were laid to pasture and I did not see any arable farmed produce being grown in the fields the track now gives access to. The applicant advised me that crops had been grown in the past, but many years ago. They are currently just used to graze livestock. No drainage pipes had yet been laid to the eastern side of the track to allow the track to drain through a natural dip in the land towards a pond close to the Tournerbury farmhouse.

Having regard to the policy framework* below make the following comments.

The Conservancy took no issue with application APP/17/00207, although did query use of land it was intended to serve, which the Council is now taking appropriate action over separately. My previous colleague Linda Park's comments in 29.3.2017 read –

“Overall, it is considered that subject to the retention of the existing field boundary hedgerow alongside the proposed track, the planting of a native species hedgerow with standard trees to line the proposed track rather than lines of Green Olive trees; and the provision of a muted or darker coloured stone chippings finish for a more restrained appearance appropriate to the rural location, then the proposed access track would not be harmful to the AONB and should reduce disturbance to the SSSI/Ramsar site which is currently used for access into the woods.”

Whereas the applicant is different to that for APP/17/00207, permission of course runs with the land and I note the current applicant successfully applied to the Council to discharge pre-commencement conditions and commenced work prior to that earlier permission lapsing. I note this included native-species tree planting, which is something Linda had asked for in 2017.

As I understand it, the only other differences between APP/17/00207 and APP/20/00626, looking at both sets of approved plans are –

- A single line of a lesser number of (Hornbeam) trees to only be planted at 30m centres on the east side of the access track, underplanted with a new hedgerow and backed by field fencing;
- Retention of a mature ash tree within the access bellmouth; and,
- A 2.5m western verge instead of a 3.75m western verge.

I still concur with Linda's comments from 2017, namely

“In terms of landscape impact, the proposed track lies on the boundary of the AONB, and would be sited along a field edge, adjacent to an existing hedgerow. It would not be situated

in an exposed position in wider landscape terms, since there would be limited views of the track from Tournerbury Lane itself and from the public footpath to the southwest. On this basis, provided the existing hedgerow boundary is retained, appropriate new planting is provided, and the surface materials are appropriate to this rural location within the AONB, the proposed track should not create an intrusive or urbanising feature within the landscape.”

The site is within an uncertain area for Brent geese and waders and located in the EA Flood Zone 1 (least risk of flooding). I did not see any Brent geese or waders using the adjacent fields during my visit, but did see what may have been either rooks or crows. I have discussed the application with Peter Hughes, The Conservancy's Ecology Officer, who did not consider this and adjacent fields to be significant in terms of past WeBS count data for Brent geese or other waders.

The new access track is still intended to give better access to Tournerbury Farm fields to facilitate efficient farming and as such considered necessary and reasonable development (immediately) outside the Borough's defined urban areas. It could also still provide an alternative access point to Tournerbury Woods, covered by a woodland TPO/S.S.S.I./SPA also covering the 'Tournerbury' (a Scheduled Ancient Monument), allowing for their maintenance and sound management.

Whether the applicant will allow such access rights is a private matter between the two landowners and outside the determination of this application.

Matters of highway safety in terms of the adequacy of the junction of the access track with the private road which is the continuation of the public highway known as Tournerbury Lane is a matter for Hampshire County Council to determine, but did not seem to have been an issue when APP/17/00207 was approved. Pedestrians navigating Tournerbury Lane to reach the AONB would have good visibility of vehicles emerging from the access track and vice versa.

I am aware of an objection on-line, pointing out 'contraventions' in terms of how the track has been constructed so far, in terms of what had been approved for APP/17/00207. However, the applicant has now asked for the merits of the current application to be considered and do not consider that any additional significant harm would or has occurred to the AONB landscape, from what has been and remains to be provided.

Whereas an arboricultural impact assessment is still valid from APP/17/00207, unless the council's tree officer has objections, the porous nature of the track provided and limited weight/frequency of vehicles traversing the track, albeit impinging on the root protection areas of identified trees, would not seem to have – at this stage caused either hedgerow or trees within it to have failed. Whereas the ash tree in the bellmouth was noted to be in poor condition, its retention as a natural feature within the AONB landscape is supported.

*Policy framework

PP - 1-3, 6-12, 17-20, 28, 38-42, 47-48, 54-55, 80-81, 83, 102, 108-110, 117-118, 124-127, 130, 157, 163, 170-172, 175, 180, 212-213; **PP** – ID's 8, 26; **P** – CS11-CS12, CS15-CS16, CS19-CS20; DM8-DM10; **P** – AL1-AL2, DM23; **PP** – DR1, IN3, E1, E3, E5, E12, E14-E15, E17-E20, E24; **P** – 1-2; **PP** – 01; **SP** /**SP** .

PP – National Planning Policy Framework – (Revised Feb 2019)

PP – National Planning Practice Guidance (March 2014 onwards)

P – Havant Borough Local Plan (Core Strategy)(2011)

P – Havant Borough Local Plan Allocations DPD (December 2013)

PP – Havant Borough Local Plan (up to 2036) pre-submission version (2019)

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

SP

- Havant Borough Design Guide (2011)

- Joint CHAONB SPD (2017)

Yours sincerely

Steve Lawrence | Chichester Harbour Conservancy
MRTPI

Principal Planning | Harbour Office, Itchenor
Officer

01243 510001 | Chichester, PO20 7AW
 | www.conservancy.co.uk

According to the Havant BC webpage, application APP/20/00626 was still undetermined at
31-8-2021

Our Ref:- H/125/MK

Your Ref:- APP/17/00207

Havant Borough Council
Development Control
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

3rd August 2020

Dear Sir/Madam

Tournerbury Woods, Tournerbury Lane, Hayling Island

I am instructed by Mr Grahame Phillips of A.G. Phillips & Son to submit an application for a minor material amendment to application APP/17/00207, by varying conditions 2 and 7 imposed on the original permission. The variation seeks to substitute a new plan for Site Plan and Section – DN: A102 listed on the permission under condition 2. The new Location/Site Plan is submitted with this application. It also affects that details of tree planting submitted pursuant to condition 7.

The applicant has discharged planning conditions imposed on permission APP/17/00207 and then commenced the development on 2nd May 2020, by starting the construction of the vehicular track, which will, once finished, provide an alternative route through to the Estate instead of the current route via the farmyard.

There is an Ash tree adjoining the existing Tournerbury Lane carriageway and the applicant can see no reason why this should be felled to facilitate the approved road bellmouth, which was considered to be of excessive dimensions. It is now proposed to retain this tree and just build the new road up to it. Earth will be reinstated so that the access track just runs up to the Ash tree in due course. The road for the first 30m inside the site would be 12m in width and this would still be sufficient for vehicles to turn around. The remainder of the approved access track would be unchanged.

The details submitted pursuant to condition 7 were sent by email to the Case Officer and this application seeks to change point no. 1 within that email, namely that trees should be planted in the positions shown on the approved Site Plan A102. The new Location/Site Plan identifies alternative landscaping to that indicated on the approved Site Plan and Section – DN: A102. It is now not intended to have any new landscaping along the western boundary verge as originally

approved, as there is already a hedgerow boundary of trees insitu along this boundary, or to plant as many trees as envisaged on the approved Site Plan A102.

The applicant proposes to plant the proposed 3.75m verge on the eastern side of the new track. Hornbeam trees planted at 30m centres are to be set within a double row of hawthorn hedging planted at 500mm centres.

The additional planting along the eastern side of the new track would still create an avenue feel for drivers driving along it to visit the Woods Estate.

It is considered that the proposed change to the road bellmouth and landscaping should be acceptable and would still provide for an attractive, landscaped new track to be created.

I trust that sufficient information has been submitted for this application to be registered and validated. Please do not hesitate to contact me should you have any queries.

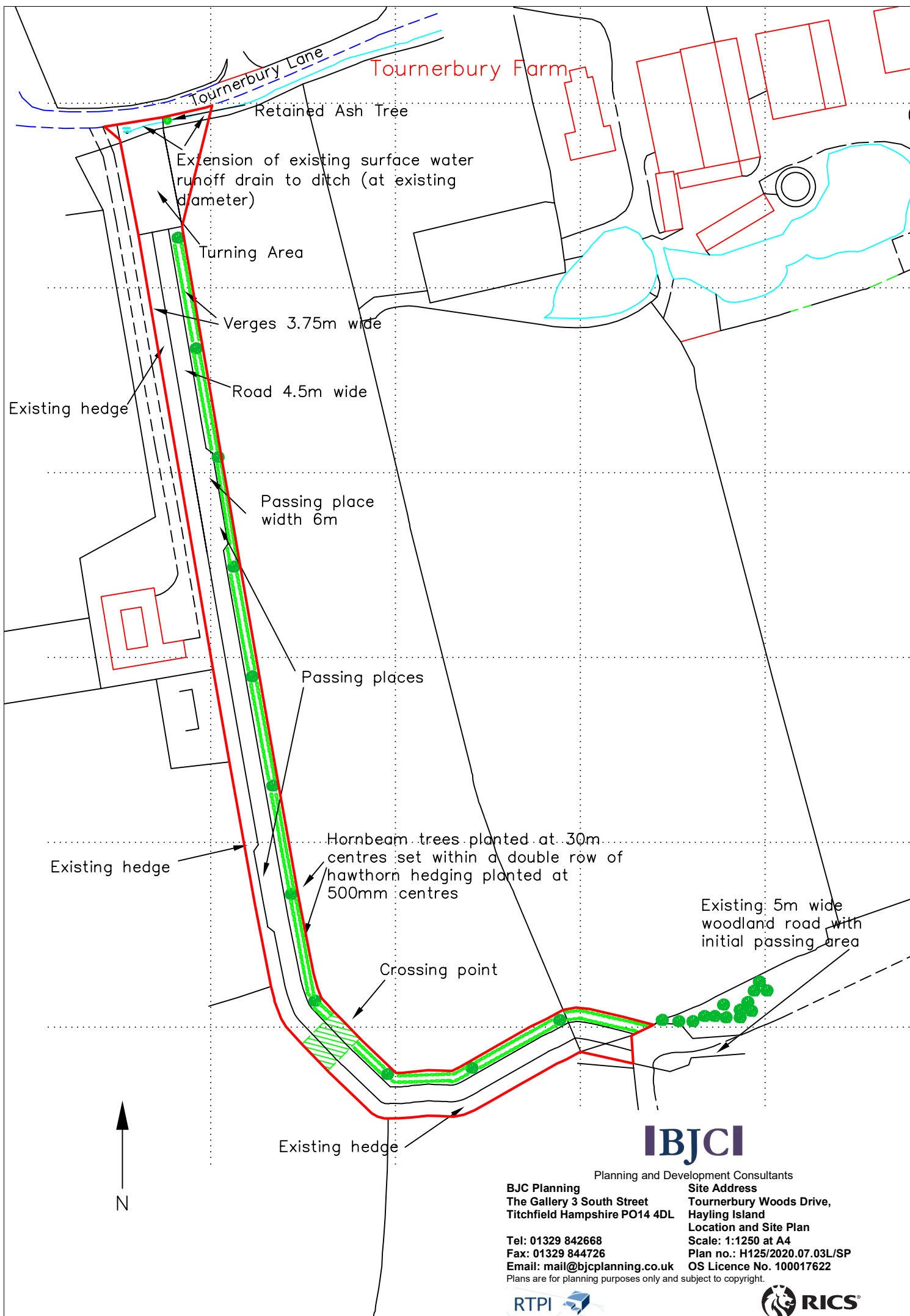


Photograph of existing Ash tree adjoining Tournurbury Lane, to be retained

Yours faithfully



Michael Knappett



IBJCI

Planning and Development Consultants

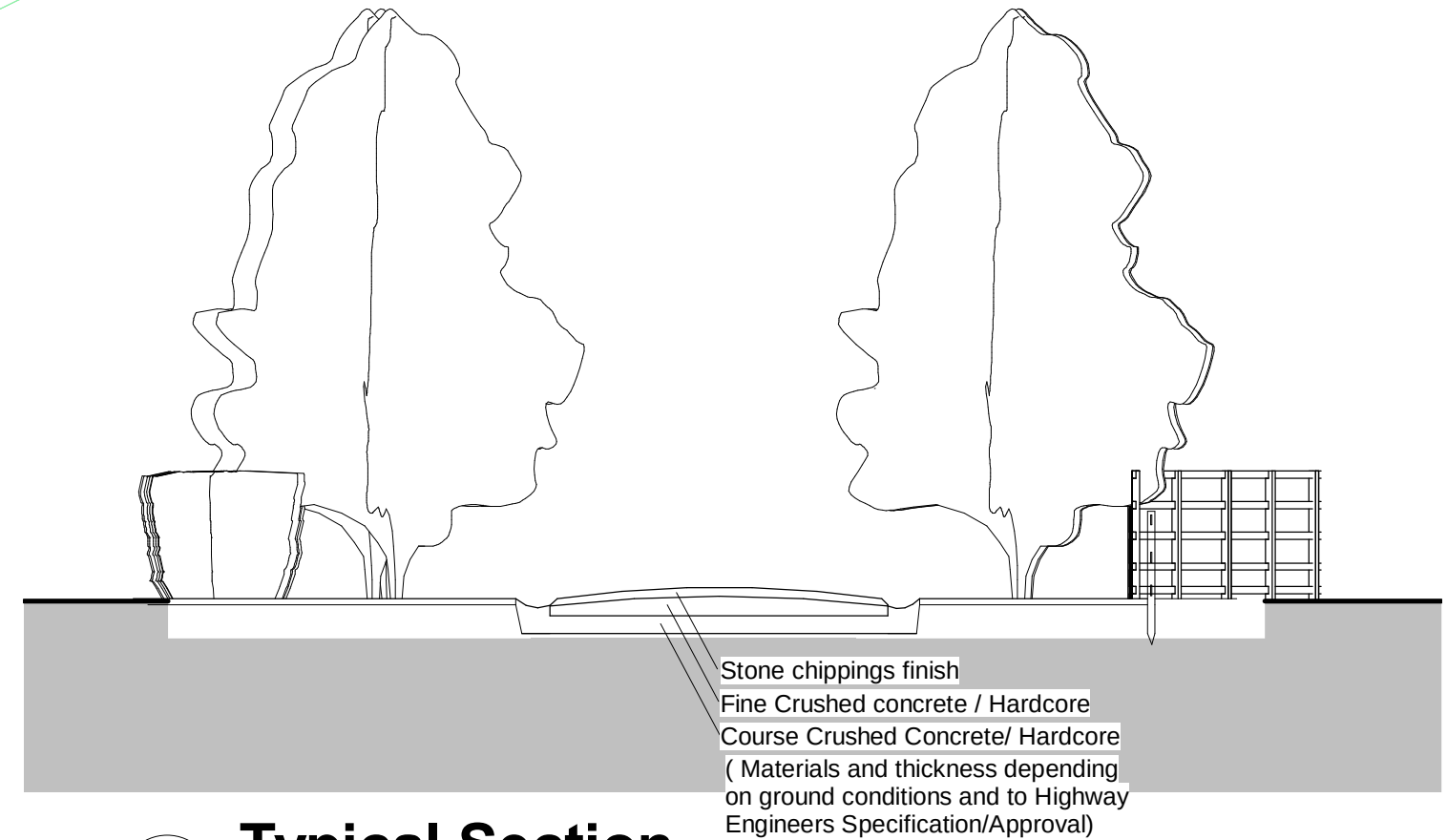
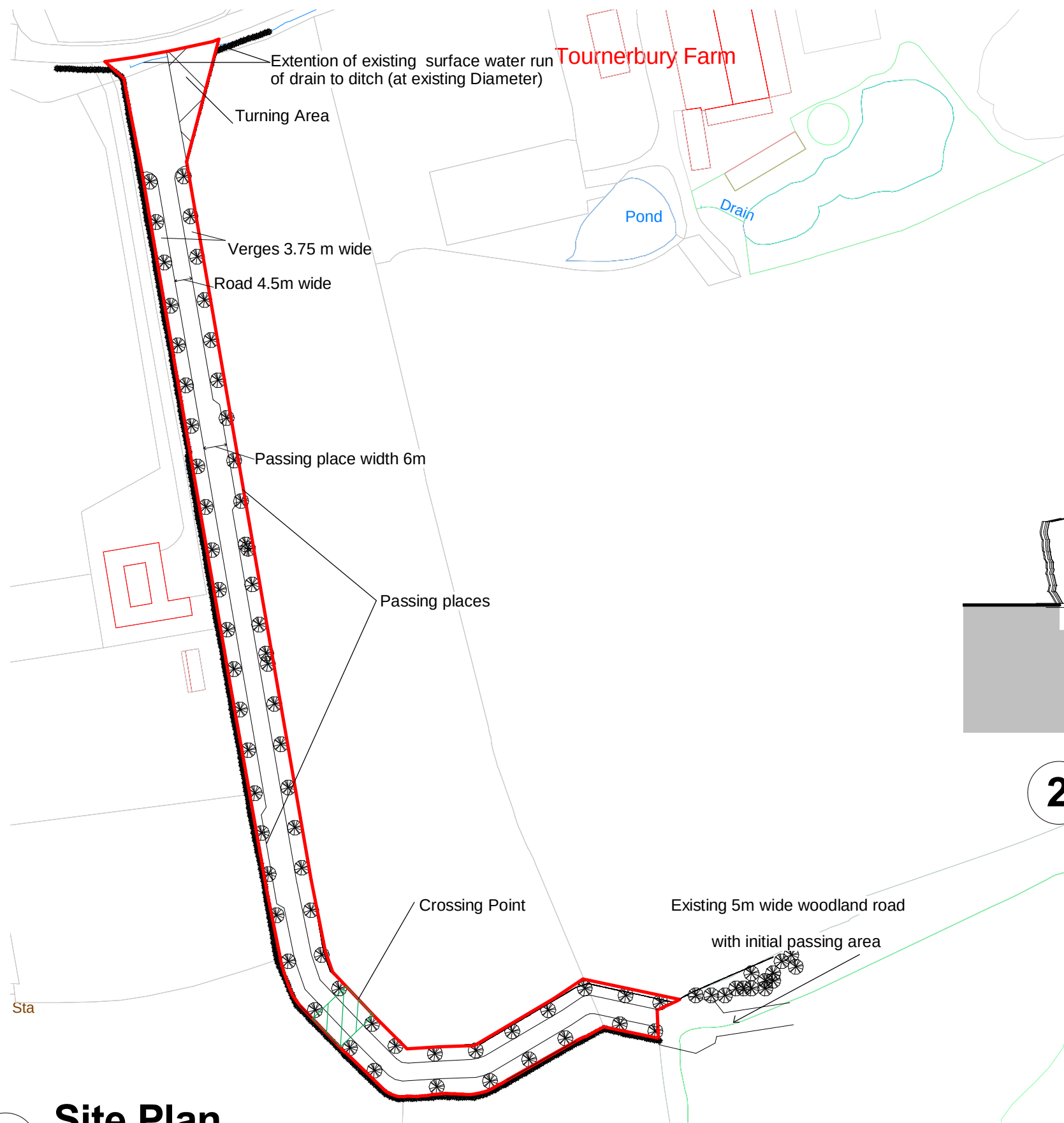
BJC Planning
The Gallery 3 South Street
Titchfield Hampshire PO14 4DL

Tel: 01329 842668
Fax: 01329 844726
Email: mail@bjcplanning.co.uk
Plans are for planning purposes only and subject to copyright.

Site Address
Tournembury Woods Drive,
Hayling Island
Location and Site Plan
Scale: 1:1250 at A4
Plan no.: H125/2020.07.03L/SP
OS Licence No. 100017622



According to the Havant BC webpage for APP 21/00536, this application is still undetermined at
31-8-2021



2 Typical Section
1 : 100

1 Site Plan
1 : 1250

IJ Murray Associates

www.ijma.co.uk

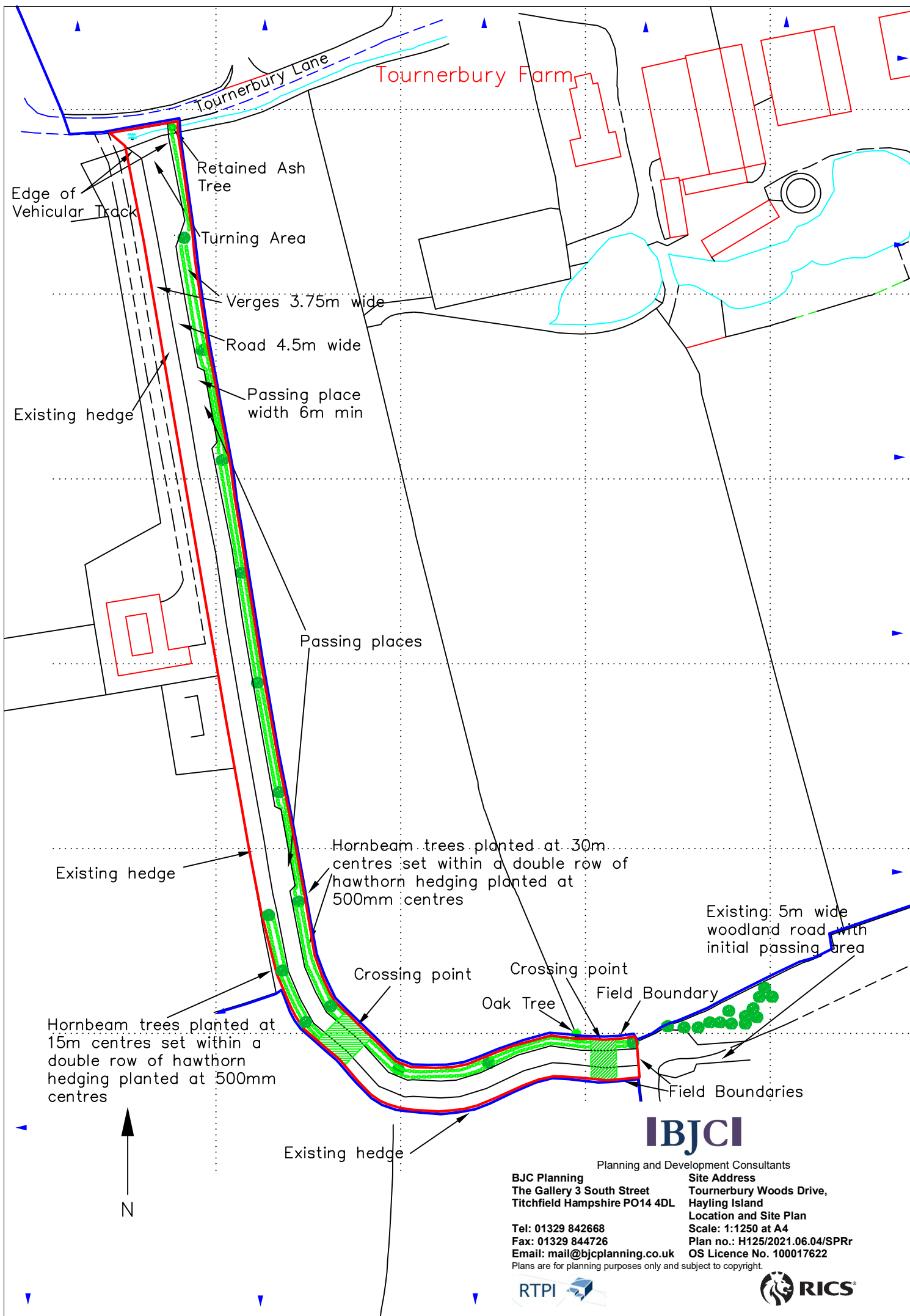
No.	Description	Date

Chris Snell

Tournerbury woods Drive

Site Plan & Section

Project number	Project Number	A102
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	Scale
		As indicated



Photographs taken at the site in 2020 and 2021



Photograph taken in May 2020. The bellmouth and first 30m section of the road is still a work in progress. Brick piers outside have now been removed.



Photograph taken in May 2020 of straight alignment of road looking southwards from the entrance.



Photograph taken in December 2020 of the road built to date. This has been built to the south of the T15 oak tree on the southern side and is not yet complete. It remains 9.2m short of the boundary with the Woods Estate.



Photograph taken in March 2021 showing the road construction to date on the southern side of the T15 oak tree.



Photographs taken in March 2021 of the pegging out of approved road alignment (APP/17/00207) past the T15 oak tree from both directions. The road route in this direction would be too close to overhanging branches.



Photograph taken in March 2021 of the pegging out of the end of the approved road alignment (APP/17/00207). Building the road along this alignment would have meant the road entering another field paddock before terminating at the boundary with the Woods Estate.

Our Ref:- H/125/MK

Havant Borough Council
Development Control
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

30th April 2021

Dear Sir/Madam

Tournerbury Woods, Tournerbury Lane, Hayling Island

I am instructed by Mr Grahame Phillips of A.G. Phillips & Son Ltd to submit a new application for a road across Tournerbury Farm to serve the Tournerbury Woods Estate. This application is described as: 'Part alternative to permission APP/17/00207. Construction of vehicular track from the public highway to Tournerbury Woods Estate for the purposes of avoiding agricultural operations in Tournerbury Farm'.

The applicant discharged the planning conditions imposed on permission APP/17/00207 and then started the development on 2nd May 2020. An application (APP/20/00626) was then received by the Council on 27th July 2020 to vary conditions 2 and 7 imposed on the original permission. Following receipt of a letter on behalf of the Tournerbury Woods Estate raising objections to application APP/20/00626 and advising the Council that the vehicular track construction had not been built in accordance with the original planning permission, a site visit was arranged in late December 2020 to assess the issues on site.

This new application is required because the road construction to date has deviated from the approved course and beyond the red line within application APP/17/00207. The applicant now wishes to retain the road deviation, especially at the southern end and modify the entrance and bellmouth to the site. The track has only been partially constructed to date, and there is still work to do to at both ends of the site to complete the road. The road has not yet been constructed to the boundary with the Woods Estate and is currently 9.2m short of the boundary. The first 30m section of the vehicular track and bellmouth is still a work in progress and the construction to date does not reflect the plan submitted with this application.

Directors: Bryan S Jezeph BA DipTP MRTPI FRICS FRSA Caroline J Jezeph BA BTP MRTPI Christopher I Ward BA LL.M MRTPI
Principal Planner: Michael D Knappett BSc BTP MRTPI Office Manager: Kirstin N Geary

This application also includes a number of other changes to permission APP/17/00207 and these are outlined below. An additional crossing point has been added to the vehicular track in the south-eastern corner, which would provide access to adjoining agricultural fields for the applicant.

Officers were satisfied with the straight alignment of the road as built and associated western grass verge at the site meeting in December 2020.

Building the approved road alignment would have meant the road entering another field paddock. Deviating the road to the south of the final oak tree T15 avoids this additional paddock.

It is intended that, once finished, the vehicular track will provide an alternative route through to the Woods Estate instead of the current route via the farmyard.

Reduced Width Bellmouth

This application proposes a reduced width bellmouth. There is an ash tree adjoining the existing Tournerbury Lane carriageway and the applicant can see no reason why this should be felled to facilitate the approved road bellmouth, which was considered to be of excessive dimensions.

It is now proposed to retain this tree and just build the new road up to it. The road for the first 30m inside the site would be of a width sufficient for a large coach to be able to access and egress, before reducing to 4.5m in width after 30m.

Hampshire County Council was consulted on application APP/20/00626 and raised no objections to the reduced bellmouth proposed as part of that application.

The applicant has commissioned a topographical survey of the entrance and has appointed Paul Basham Associates to undertake tracking of the entrance for a National Express coach to enter and leave in the forward gear. The applicant has recently removed the two brick piers which were located on the road outside the entrance. The tracking diagram demonstrates that a National Express coach would be able to enter and leave the proposed vehicular track. It was also based on a topographical survey of the extent of the road currently constructed (indicated with a dotted line). It is clear to see that there is more of the road still to construct on the eastern side.

Revised Landscaping

This new application includes the same revisions to the landscaping as included in application APP/20/00626 and some new additional landscaping on the eastern side of the proposed track for the first 30m and landscaping recommended by Officers in the south-western corner. The additional landscaping in the south-western corner was suggested at the site visit in December 2020.

The new landscaping on the eastern side of the road for the first 30m between the retained ash tree and first proposed hornbeam is required to block vehicle headlights. A verge of 1.75m would be planted as shown on the submitted plan.

The Council's Landscape Architect was satisfied with the revised landscaping proposed as part of application APP/20/00626.

It is not intended to have any new landscaping along the western boundary verge as originally approved, as there is already a hedgerow boundary of trees insitu along this boundary, or to plant as many trees as envisaged on the approved Site Plan A102.

The applicant proposes to plant the proposed 3.75m verge on the eastern side of the new track. Hornbeam trees planted at 30m centres are to be set within a double row of hawthorn hedging planted at 500mm centres. In the south-western corner, 3 Hornbeam trees would be planted at 15m centres and set within a double row of hawthorn hedging planted at 500mm centres.

The additional planting along the eastern side of the new track would still create an avenue feel for drivers driving along it to visit the Woods Estate.

Passing Places

This application proposes two passing places on the eastern side of the vehicular track. These would both be 12m in length and the passing places would increase the width of the road to 6m.

Arboricultural Matters

The applicant did not adhere to the tree protection measures as part of the original planning permission for the vehicular track and so has engaged Kim Gifford of Gifford Tree Service to advise on appropriate tree protection measures now the vast majority of the track has been constructed. His report focuses on tree protection around trees T1 ash, T3 oak and T15 oak.

Directors: Bryan S Jezeph BA DipTP MRTPI FRICS FRSA Caroline J Jezeph BA BTP MRTPI Christopher I Ward BA LL.M MRTPI
Principal Planner: Michael D Knappett BSc BTP MRTPI Office Manager: Kirstin N Geary

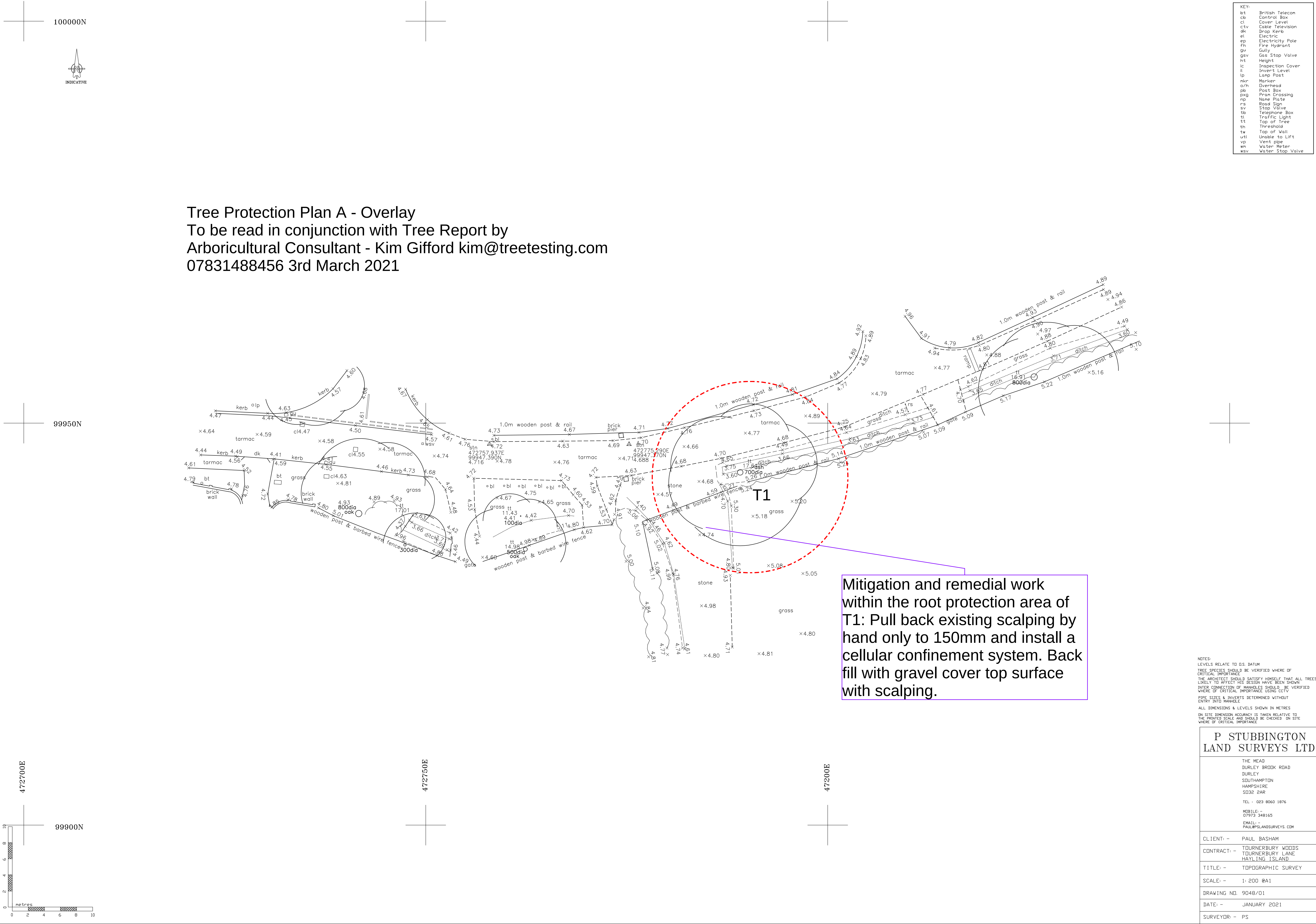
The road deviation from the approved alignment is especially apparent in the south-eastern corner, where the track has been built to date on the southern side of T15 oak tree. It is evident from the pegging out of the end of the approved road on site that this would have been too close to the final oak tree T15, resulting in overhanging limbs over the road (see photographs submitted with the application). Building the track away from this final oak tree on the southern side avoids overhanging limbs and means that a shorter, more convenient track could be provided to the boundary with the Tournembury Woods Estate.

I trust that sufficient information has been submitted for this application to be registered and validated. Please do not hesitate to contact me should you have any queries.

Yours faithfully



Michael Knappett





198 Seafront Road,
Hayling Island,
Hants,
PO11 9HR
21/12/2012

Dear Sir / Madam,

Ref: Application for prior notification of agricultural or forestry development – proposed road.

In regard to the attached application, this letter lays out the answers as required to Section 5, 'Is the proposed development reasonably necessary for the purposes of agriculture?' And section 5 'Is the proposed development designed for the purposes of agriculture?'

The application has been submitted as an agreed joint application between myself as owner of The Tournerbury Woods Estate and my neighbour, Mr Graham Phillips, owner of Tournerbury Farm. Currently I am entitled to a 24 hour a day, unencumbered Right of Way through the middle of Tournerbury Farm yard for all persons and vehicles travelling to and from Tournerbury Woods. This Right of Way is causing difficulties for Mr Phillips in running Tournerbury Farm, especially in regard to his Beef livestock herd (Part of the successful local produce initiative – The Three Harbours Beef scheme).

Health and Safety and Animal Welfare –

Under the terms of the Right of Way, Mr Phillips is not allowed to prevent free passage to and from Tournerbury Woods for any reason, at any time. This causes extreme difficulties and raises Health and Safety issues, both for farm workers and for the well-being of the cattle during times of movement both to and from the barns and when veterinary procedures are taking place in the farm yard. [REDACTED] Right of Way in order to form a safe working corral however if a vehicle arrives in the farm yard on route to [REDACTED] required by law to stop what he is doing, move the cattle [REDACTED] Tournerbury Marsh or into the barns and open the gates to the corral immediately to allow free passage.

This inevitably leads to considerable difficulties in managing cattle movements and undertaking veterinary procedures in the farm yard and tends to become a stressful situation for both farm workers and the cattle through adding complexity and unnecessary delays to what should be normal farm operations.

Security –

The terms of The Right of Way make no allowance for locking or padlocking of gates across the Right of Way. This causes Mr Phillips extreme difficulty in that he is unable to secure the farmyard during the night or when on holiday, leaving valuable equipment and livestock potentially vulnerable to theft.

The Right of Way makes no allowance even for gates to be erected; however I have not as yet taken the matter of Mr Phillips's corral gates through the legal process as we get on well as neighbours and I am sympathetic to his needs in running a small farming operation and the difficulties my Right of Way causes.

Access to the West of the farm / Disturbance to neighbours in Beech Grove / Tournerbury Lane –

Currently, when agricultural work is being undertaken in the 12 acre field to the south of Laburnum Grove and Beech Grove, heavy machinery is driven up Tournerbury Lane and down Beech Grove. Whilst this activity is not 'every day', it nonetheless causes disruption and inconvenience to the residents of Beech Road and therefore having a dedicated road that is contained within the farming unit will aid both local residents and the farming operations.

Forestry operations in Tournerbury Woods –

Tournerbury Woods is managed as a diverse and vibrant woodland estate and over the next few years, some of the 14,000 trees that were planted after the 1987 October Hurricane will require coppicing and felling for timber sales and healthy woodland management. Alongside this, seawall repair work is urgently required to protect the woods along our foreshore and once a plan of action has been agreed with Chichester Harbour Conservancy, a program of works will be implemented. Both of these operations will result in increased disruption in Tournerbury Farmyard over a substantial period of time and without the proposed road, will result in ongoing and increased hampering of both Farming operations in Tournerbury Farm and Forestry operations in Tournerbury Woods.

Sustainable Conservation and Protection of Scheduled Ancient Monument –

Part of Tournerbury Woods is the Tournier Bury, a scheduled ancient monument consisting of a unique earthwork fortification believed to be up to 2000 years old. The existing access road runs right across it and through it. English Heritage has recently come to inspect the monument's condition and to ensure that we are managing the environment in and around the monument to high standards of conservation and sustainability. The only negative point that came from that inspection was how much better it would be for the long term conservation of the monument if the Woods access road ceased to run through it. Given this, English Heritage fully supports this application. Please see attached letter.

I hope the above covers all relevant points and look forward to hearing from you, if necessary,

Yours sincerely,



Christopher Snell

Tournerbury Woods Estate



PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
- (d) APP/X1735/X/21/3278706 (Appellants - Mr C Snell & Mrs A Snell)
- (e) APP/X1735/W/21/3278661 (Appellant - Mr C Snell)

**Local Planning Authority (LPA)
REFERENCES:**

- (a) APP/21/00006 & 18/00051/CMP/UNCU
- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
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APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

List of Policy framework that Chichester Harbour Conservancy will rely on at the Public Inquiry

NPPF (July 2021) paragraph numbers – 1-3, 6-12, 19-21, 28, 31, 38-39, 43, 47-48, 55-56, 59, 81, 84-85, 92-93, 99-100, 104-105, 107-108, 110-113, 119-120, 126-127, 130-131, 134, 152-154, 159-161, 163-165, 167-171, 174-177, 179-182, 189, 218-220.

NPPG ID's –

- 4 (Environmental Impact assessment);
- 8 (Natural environment);
- 17b (Ensuring effective enforcement);
- 17c (Lawful Development Certificates);
- 21a (Use of planning conditions);
- 31 (Light pollution);
- 34 (Water supply, wastewater and water quality);
- 36 (Tree Preservation Orders);
- 37 (Open space, sports & recreation facilities, public RoW and local green space);
- 42 (Travel plans, transport assessments and statements in decision taking).

Havant Borough Core Strategy (2012) Policies –

- CS5 – Tourism
- CS8 – Community safety
- CS11 – Protecting and enhancing the special environment and heritage of Havant Borough
- CS12 - Chichester Harbour AONB
- CS13 – Green infrastructure
- CS15 – Flood and erosion risk
- CS16 – High quality design
- CS17 – Concentration and distribution of development within the urban areas
- CS20 – Transport and access strategy
- DM1 – Recreation and open space
- DM8 – Conservation, protection and enhancement of existing natural features
- DM9 – Development in the coastal zone

DM10 – Pollution

DM11 – Planning for more sustainable travel

DM12 – Mitigating the impacts of travel

DM14 – Car and cycle parking on development (Excluding residential)

Havant Borough Local Plan (Allocations) DPD 2014 Policies –

AL1 – Presumption in favour of sustainable development

DM20 – Historic assets

DM23 – Sites for Brent Geese and waders

DM24 – Recreational disturbance to SPA's

Havant Borough Local Plan 2036: 23-6-21 Submission draft Policies

DR1 – Delivering sustainable development in Havant Borough

IN3 – Transport and parking

E1 – High quality design

E3 – Landscape and settlement boundaries

E4 – Development on the coast

E5 – Chichester Harbour AONB

E11 – Sports and recreation

E13 – Historic environment and heritage assets

E14 – Local ecological network

E15 – Protected species

E16 – Recreation impact on the Solent European sites

E17 – Solent wader and Brent Goose feeding and roosting sites

E18 – Trees, hedgerows and woodland

E19 – Managing flood risk in new development

E20 – Drainage infrastructure in new development

E22 – Amenity and pollution

C2 – Tourism

C8 – Food, drink and entertainment uses

Havant Borough SPD

Borough Design Guide (2012)

Joint Chichester Harbour AONB SPD (2017)

PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
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**Local Planning Authority (LPA)
REFERENCES:**

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- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL

CHICHESTER HARBOUR CONSERVANCY RULE 6 STA

List of other documentation that Chichester Harbour Conservancy will rely on at the Public Inquiry

Chichester Harbour Conservancy documentation

Chichester Harbour AONB Management Plan 2019-2024 Policies –

- 1 – Conserving and enhancing the landscape
- 2 – Development management
- 3 – Diversity of habitats
- 6 – Water quality
- 8 – Thriving wildlife
- 12 – Connecting people with nature
- 13 – Prosperous economy
- 15 – Historic environment and heritage assets.

Chichester Harbour Planning Principles

- 01 – Chichester Harbour as a protected area
- 05 – Package treatment plants, cesspits and septic tanks
- 06 – Conversion of buildings inside and outside of defined settlements
- 07 – New/extended farm and woodland buildings
- 08 – New tourist accommodation
- 09 – Dark skies
- 11 – Intertidal structures
- 18 – Access infrastructure

EMENT

APPENDIX 7

PINS REFERENCES:

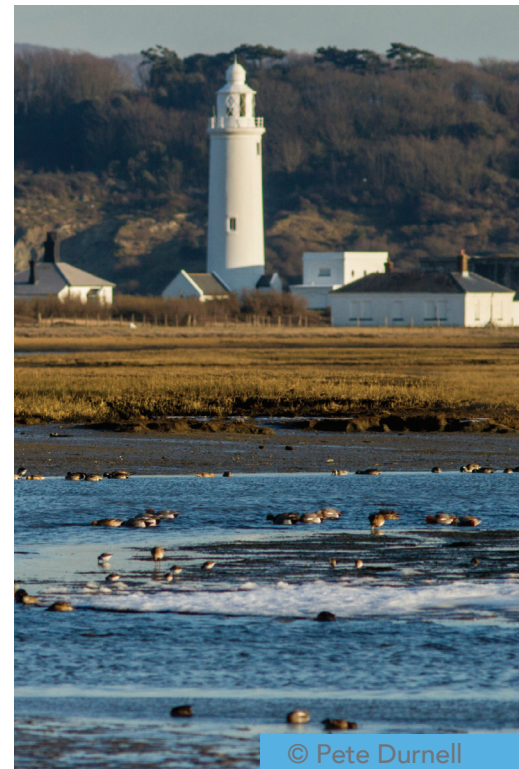
- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
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- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
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**Local Planning Authority (LPA)
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- (e) APP/18/00943

APPEAL SITE ADDRESS:

Tournerbury Woods Tournerbury
Lane Hayling Island PO11 9DL



Solent Recreation Mitigation Strategy

Foreword by Cllr Seán Woodward - Chairman, PUSH



The value of good partnerships cannot be overstated. Clear thinking, practical application and professional commitment really can change the world.

The Partnership for Urban South Hampshire (PUSH) has been proud of its involvement with the Solent Recreation Mitigation Partnership (SRMP) from its very inception. True concern about protecting the coastline of the wider Solent region, backed up by valid research and a pragmatic approach to dealing with developers and the public alike has led to some ground-breaking progress, with the work of the SRMP being regarded nationally as best practice.

The existence of the SRMP means that our coastline can remain evolving and vibrant, benefitting from considered and relevant development whilst also ensuring ecological needs are duly met. With a public-facing brand - Bird Aware – the SRMP has achieved unprecedented success in engaging with the wider public and is developing into a major and positive force for behaviour change.

I am proud to present to you the Solent Recreation Mitigation Strategy – a document that embodies a progressive way of thinking and an opportunity to ensure our landscape is developed to meet the needs of society and our unique ecological assets. I look forward to seeing the many benefits that will arise as a result of this strategy and I invite you all to take steps to become more bird aware when visiting our beautiful coastline.

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The Solent Recreation Mitigation Partnership was established to formulate, implement and monitor the strategy using developer contributions transferred from the local planning authorities. The Partnership comprises the fifteen Solent local authorities, Natural England, the Royal Society for the Protection of Birds, Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The authorities are: Chichester District Council, East Hampshire District Council, Eastleigh Borough Council, Fareham Borough Council, Gosport Borough Council, Hampshire County Council, Havant Borough Council, Isle of Wight Council, New Forest District Council, New Forest National Park Authority, Portsmouth City Council, Southampton City Council, South Downs National Park Authority, Test Valley Borough Council, Winchester City Council.

Further information about the Partnership and its work including answers to frequently-asked questions is available at: www.birdaware.org

Summary

Tens of thousands of coastal birds fly from as far as Arctic Siberia to spend the winter on the Solent. They need to be able to feed and rest undisturbed, if they are to survive the winter and fly back to their summer habitats. Three Special Protection Areas (SPAs) have been designated to safeguard the birds.

Over 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds.

The strategy set out in this document, aims to prevent bird disturbance from recreational activities. It seeks to do this through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities that take place there. Prepared by the Solent Recreation Mitigation Partnership of local authorities and conservation bodies, the strategy was published for consultation in July 2017 and changes incorporated as a result.

The Strategy proposes:-

- a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc;
- communications, marketing and education initiatives and an officer to implement them;
- initiatives to encourage responsible dog walking and an officer to implement them;
- preparation of codes of conduct for a variety of coastal activities;
- site-specific projects to better manage visitors and provide secure habitats for the birds;
- providing new/enhanced greenspaces as an alternative to visiting the coast;
- a partnership manager to coordinate and manage all the above.

Implementation of these measures and monitoring of their effectiveness, will be funded by 'developer contributions' calculated according to the bedroom numbers of the property, equivalent to an average of £564 per dwelling (increased annually to take into account inflation). This applies to new homes built within 5.6 kilometres of the SPAs. (This 5.6 kilometre zone is where the majority of coastal visitors live.) Some developments may require additional mitigation due to their size or proximity to a SPA.

The developer contributions will be collected by the local authorities and transferred to the Partnership which will implement the measures. Some of the money received will be set aside to fund the measures 'in-perpetuity' (calculated on an 80 years basis) after 2034.

Council leaders will steer and oversee the Partnership's activities and expenditure. Progress on implementation and financial accounts will be published in an annual report.

Further information about the Partnership is at: www.birdaware.org

Introduction

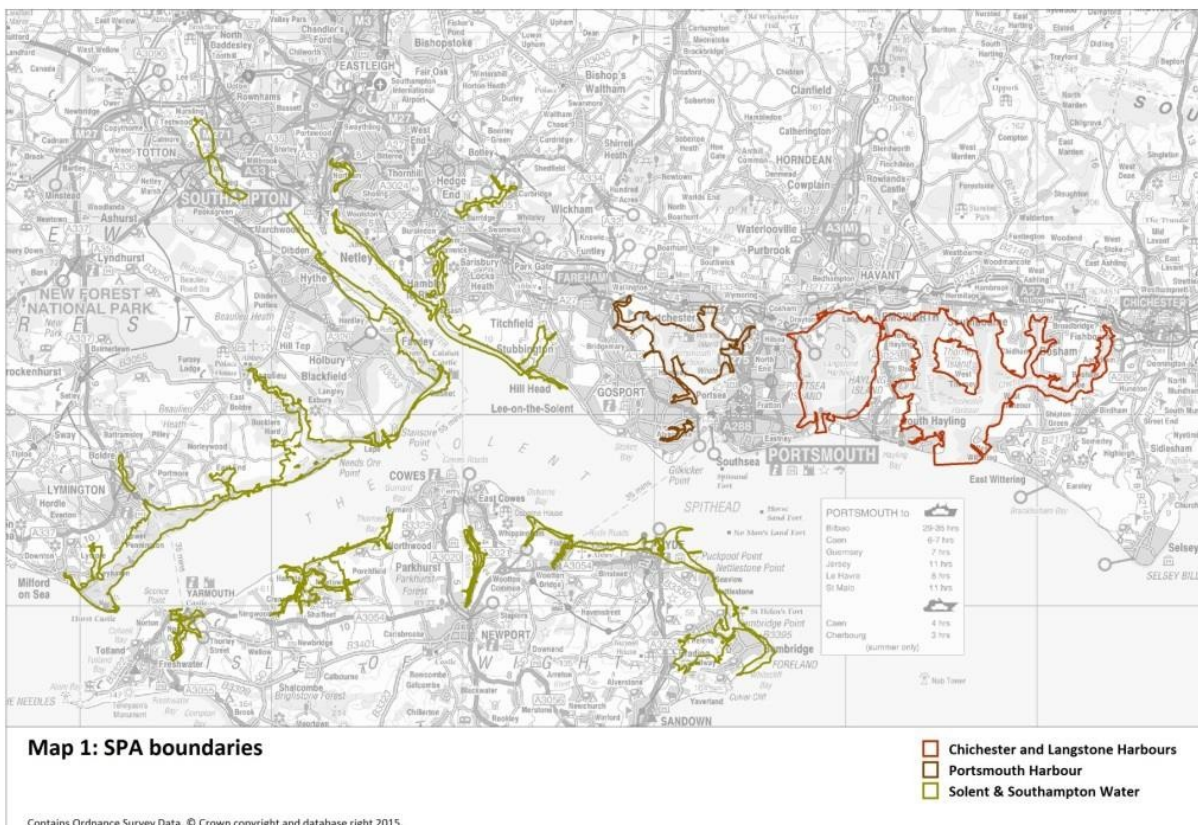
- 1.1. The Solent is internationally important for its wildlife. Each winter, the Solent hosts over 90,000 waders and wildfowl including 10 per cent of the global population of brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. Three Special Protection Areas (SPAs) were designated by the Government predominantly to protect these over-wintering birds (see map on page 6).
- 1.2. Legislation requires mitigation for any impact which a proposed development, in combination with other plans or project, is likely to have on a SPA. It requires local planning authorities before they grant planning permission for the project, to ensure the necessary mitigation will be provided. In practice this means that that development proposals cannot be consented or proceed unless there are no impacts on the integrity of European sites. If significant effects are predicted to occur, suitable measures for mitigation are required to reduce impacts to acceptable levels.
- 1.3. The Strategy provides a strategic solution to ensure the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
- 1.4. The Conservation of Habitats and Species Regulations 2017 consolidate all the various amendments made to the Conservation of Habitats and Species Regulations 2010 and the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. Further details are available [here](#).
- 1.5. The Strategy seeks to provide mitigation for the duration of the impact (in-perpetuity) in line with the Habitats Regulations. Throughout this period, regular strategic reviews will take place every 5 years or more frequently if changes in the legislation or evidence necessitate.
- 1.6. A development can have various impacts, but one which is likely to arise from all new housing around the Solent SPAs is the impact of additional recreational visits, and therefore potential bird disturbance to the SPAs. Although the developer has the legal duty to provide the mitigation, the local authorities and conservation groups have devised a strategic approach to the provision of the mitigation for recreational impacts in order to facilitate delivery and ensure a consistent approach.
- 1.7. This document sets out that strategic approach, the mitigation measures to be implemented, and the arrangements for governance, reporting, and monitoring. It provides mitigation for the impact of in-combination recreational visits arising from housing which is planned around the Solent up to 2034. It does not address the impact of existing activities, which is the role of the separate Solent European Marine Sites (SEMS) initiative. It should also be noted that the Strategy does not deal with any other impacts on the SPAs such as loss of habitat, increased noise, effect on water quality etc - which may arise from new housing, or the potential impact of other types of development such as new employment sites. Separate mitigation may be required to address these additional impacts on the SPAs that arise from new development. These will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage.

1.8. The strategy enables a housebuilder to make a monetary 'developer contribution' for the strategic mitigation of recreational pressures that would otherwise occur over a wide area, instead of needing to provide bespoke mitigation themselves. A developer can still provide their own mitigation, if they have the ability to do so, but for the vast majority it will be simpler, quicker and less costly to make a contribution towards the Strategy. This approach provides clarity and certainty for both developers and local authorities. It helps to deliver coordinated and effective mitigation, whilst simultaneously speeding up the development approval process and reducing the costs for all parties. It also provides a means for mitigating the impact of small developments for which it would not be practical to provide bespoke mitigation for.

2 The need for mitigation

- 2.1. The Solent coast, particularly its mudflats, shingle and saltmarshes, provide essential winter feeding and roosting grounds for birds that spend the winter here. The wide range of recreational activities which take place on this coast can result in disturbance to the birds, albeit often unintentional.
- 2.2. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may move away from the disturbance. A bird which moves away forgoes valuable feeding time whilst in the air and also uses energy in flying - a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food.
- 2.3. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

The Solent Special Protection Areas



- 2.4. Extensive research was undertaken during 2009-2013 to assess the impact of recreational activity on wintering birds on the Solent coast. This work was known as the Solent Disturbance Mitigation Project and formed part of the Solent European Marine Sites (SEMS) Scheme of Management. The research was coordinated by the Solent Forum, who coordinated it. This work included recording the response of birds to disturbance, face-to-face surveys of visitors at the coast, and a postal survey of households living around the Solent. Computer modelling using that information predicted the number of additional recreational visits which would be generated by planned housebuilding.
- 2.5. By far the most popular activity taking place at the coast is walking, with jogging and cycling also proving popular. The research shows that these account for 91% of all recreational activity¹. The same research also highlighted that dogs off lead were a cause of 47% of all 'major flights' i.e. bird(s) flying more than 50 metres to escape disturbance². This is why understanding the needs of dog walkers and proactively working with them is a priority for the Partnership.
- 2.6. Although other types of recreational use such as surfing, horse riding and rowing only amount to a total of 9% of activities carried out, each occurrence can create substantial disturbance³. Therefore the Partnership has longer term goals to work with each of these groups too.
- 2.7. The research predicted a 13% increase in visitor numbers at the Solent coast as a result of planned new housing, with the change on individual sections varying from 4% to 84%⁴. This highlights that the planned new housing will mean a large increase in coastal visits with a likely impact on the birds unless mitigation measures are put in place.
- 2.8. The research showed that how people behave, and how access is managed at each location determines the extent of disturbance⁵.
- 2.9. On the basis of this research, Natural England - the Government's advisor on the natural environment - issued formal advice to the Solent local planning authorities in March 2013. Their letter⁶ stated: *"This follows the completion of Phase II of the Solent Disturbance and Mitigation Project (SDMP), which reported that there is a Likely Significant Effect associated with the new housing planned around the Solent. Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided."*
- 2.10. Ecological consultants Footprint Ecology were then commissioned to recommend a package of appropriate mitigation measures. Drawing on an evaluation of measures used elsewhere in the UK and the expert opinion of leading academics and practitioners, they recommended⁷:-
- A delivery officer
 - A team of wardens/rangers
 - A coastal dog walkers project
 - A review of parking
 - A review of watersport zones/watersport access
 - Codes of conduct pack
 - Series of site specific projects
 - Watersport permits & enforcement
 - Suitable Alternative Natural Greenspaces/additional green Infrastructure/alternative roost sites.

- 2.11. Of these, the main recommendation (in terms of resource allocation) would be the team of wardens/rangers. Footprint Ecology recommended that around 5-7 rangers would form a core team, supplemented with casual staff if necessary⁸. The main ranger presence would be required from September through to the end of March, they advised, but that summer tasks - such as delivering projects, liaison with local landowners and stakeholders - might make it appropriate for some staff to be employed all year.
- 2.12. Suitable Alternative Natural Greenspaces (SANGs) are a key mitigation measure at some other Special Protection Areas, but Footprint Ecology recommended caution in using them for the Solent SPAs⁹. In large part this was because a survey showed that many people visit the Solent coast for the sea views and the feeling of 'being beside the sea': 34% of those surveyed stated that nothing could be done to make an alternative site more attractive to them¹⁰. A subsequent study¹¹ concluded that SANGs may have a role to play in providing mitigation if they are closely linked to management at the coast, are targeted in the right locations, and are accompanied by active promotion of their existence.
- 2.13. The evidence¹² showed that mitigation should be required from all dwellings built within 5.6 kilometres of the boundaries of the SPAs. This is the zone from which 75% of coastal visitors live. The zone boundary is defined by using straight line distances from the SPA boundary. This approach is the same as that adopted for Thames Basin Heaths and Dorset Heathlands SPAs.
- 2.14. Two research studies were commissioned to help identify which measures would be the most effective in encouraging responsible dog walking. The first was market research with dog walkers¹³ involving interviews at the coast and an on-line survey.
- 2.15. The second study¹⁴ reviewed measures which have been successfully used elsewhere in the UK and would be relevant to the circumstances of the Solent. It recommended the use of a website, social media and other initiatives to raise dog walkers' awareness of bird disturbance and to promote alternative inland greenspaces. The study emphasised that these initiatives would require adequate resourcing and this has been taken into account with the staffing numbers to carry out this Strategy. They allow for a full time dedicated resource to work with dog walkers and dog interest groups to achieve a way forward that fully considers their needs.

NB: References for the documents mentioned above are in Appendix E.

3 Overall approach and benefits

- 3.1. The aim of this strategy is to prevent any net increase in bird disturbance as a result of additional recreational pressures arising from the approximately 64,000 new dwellings which are planned around the Solent SPAs up to 2034 (see Appendix A for the derivation of this figure). This will be achieved by:-
- raising awareness and encouraging behavioural change of coastal visitors;
 - implementing projects to better manage visitors and provide secure habitats for the birds;
 - providing and promoting new/enhanced greenspaces in less sensitive areas as an alternative to visiting the coast.
- 3.2. This overall approach of better managing visitors at the coast, rather than attempting to restrict access through bylaws, permits, etc, reflects the research (paragraph 2.4 above) which found that the level of disturbance is determined more by peoples' behaviour than purely by the number of visitors.
- 3.3. Public access to the coast provides benefits including health, education, inspiration, spiritual and general well-being. Visitor access is also important in the management of the sites for nature conservation, because people are more likely to want to be involved with and protect local sites if they have close links with them. So by maintaining public access but with measures to ensure that recreational activity and nature conservation interests are not in conflict, the coast can be managed for the benefit of both wildlife and the public.
- 3.4. Based on the findings on the level of disturbance caused by various recreational activities (paragraphs 2.5 and 2.6 above), this strategy places a particular focus on walkers, cyclists, and dog walkers, but with proportionate mitigation measures for other recreational activities. So the package of mitigation measures comprises:-
- A team of rangers
 - Communications, marketing and education initiatives
 - Initiatives to facilitate and encourage responsible dog walking
 - Codes of conduct
 - Site-specific visitor management and bird refuge projects
 - New/enhanced strategic greenspaces
 - A delivery officer (called 'Partnership Manager' from here on)
 - Monitoring to help adjust the mitigation measures as necessary.
- 3.5. These measures are described in more detail in the next section. The package echoes the recommendations of consultants Footprint Ecology (paragraph 2.10 above) except for their proposal for watersport permits and enforcement. The latter would be contrary to the Partnership's overall approach which is aimed at managing rather than preventing activity at the coast. The consultants' recommendations for a review of watersports zones and parking may be considered again if monitoring of the Strategy's effectiveness suggests additional steps are required and these actions are judged likely to assist with providing further mitigation.
- 3.6. Implementation of these measures will help avoid disturbance to the birds which fly thousands of miles to spend the winter here. There will be benefits for people too, with a wider range of greenspaces and better facilities at many of them. It will be a win-win outcome: an enhanced range of quality recreational opportunities **and** safeguarding of the birds which are such an important feature of our shores.

4 The mitigation measures

- 4.1. This section sets out the mitigation measures required. How they will be resourced is dealt with in section 5.

Rangers

- 4.2. The rangers are the key mitigation measure. A small interim team was established in late 2015. They have begun to establish themselves and their presence has generally been well received. However, a larger team is needed in order to a satisfactory minimum Ranger presence along the 250 kilometer Solent coastline and build the necessary profile amongst people who regularly visit the coast, local communities, land owners and partner organisations.
- 4.3. During the winter period (1 October - 31 March), a team of seven rangers will focus their time on engaging with visitors at the coast, explaining the vulnerability of the birds, and advising people how they can avoid bird disturbance.
- 4.4. Five of the seven will be employed all-year. During the summer period (1 April - 30 September), the five will undertake tasks for which there is insufficient time during the winter period or which are best done during better weather. Those tasks will include meeting with landowners and stakeholders, installing/maintaining signs and interpretation panels, assisting with dog walking initiatives, staffing a stand at outdoor shows/events; hosting school visits, and preparing codes of conduct in consultation with local clubs (see paragraph 4.9 below). Once the enlarged ranger team is in place, they will prepare the Access Management Assessments described in paragraph 4.18 below.
- 4.5. The Ranger programme seeks to bring positive changes in behavior through promoting a better understanding and appreciation of the Solent's birds and the threats they face. If the monitoring or new research suggests that this approach is not working or needs to be adjusted, the Ranger programme will be adapted to improve its effectiveness.

Communications, marketing and education initiatives

- 4.6. The overall approach of this strategy is to secure behavioural change through awareness raising. Communications, marketing and education are central to that mission. The 'Bird Aware Solent' brand name, a presence on Twitter and Facebook, and a high quality website provide sound foundations for further communications and education initiatives. Those further initiatives are likely to include further development of the website, regular press releases, longer articles for magazines, educational materials for schools, and a range of leaflets targeted at different coastal visitor groups. A gazebo or a mobile display vehicle would enable key messages to be disseminated at local events/shows events.

Initiatives to encourage responsible dog walking

- 4.7. Key messages for dog walkers will be part of the general communications, marketing and education initiatives described above, but online and printed materials specifically targeted at dog walkers will also be produced.
- 4.8. A dedicated member of staff for dog walker engagement will roll out a series of positive measures to actively work with this group and will draw from measures that have been successful in other areas.

Codes of conduct

- 4.9. Codes of conduct will be developed, in conjunction with user groups, as the mitigation measure for activities such as horse-riding and water-based recreation (sailing, rowing, kite surfing etc). This measure is proportionate to the impact of these activities which is small compared to walking, jogging and cycling.
- 4.10. Codes of conduct are particularly effective for club-based activities, but their availability - via smartphone access to the Partnership's website for example - can also be promoted to casual visitors through signs at locations where the activities take place. Preparing the codes in conjunction with local clubs/user groups will ensure that appropriate language is used and will help secure buy-in as a result of the clubs being signatories to the codes.

New/enhanced strategic greenspaces

- 4.11. The research showed that some coastal visitors would be prepared to visit alternative greenspaces for at least some of their recreational trips. That would help moderate the predicted increase in visitors at the coast and thus the potential for bird disturbance. It will be done through a combination of an enhanced portfolio of alternative greenspaces plus increased promotion of them by the rangers and through on-line/printed media.
- 4.12. The creation of two completely new strategic greenspaces and enhancements to other existing greenspaces is already underway^a. In the medium-longer term, there may be a need for additional strategic greenspaces - known as Suitable Alternative Natural Greenspaces (SANGs). These could be created by a developer as part of a very large housing scheme or alternatively will be implemented through the Solent Recreation Mitigation Partnership. (NB: funding for these will not be from developer contributions – see paragraph 5.12 below.) Whether delivered by developers or the Partnership, new SANGs should be sited and be laid out in accordance with the guidelines in Appendix B.

Site-specific visitor management and bird refuge projects

- 4.13. These projects could include small scale minor works which are designed to help manage the impact of recreational visits on the coast: signs and interpretation boards, provision of a low wall/fence/planting to discourage coastal users from accessing particularly sensitive spots, screening to reduce visual and noise disturbance to birds (but low enough to enable people to still see the birds and the sea), bird roosts to make them more secure, improving an inland footpath to encourage walkers to skirt around a vulnerable site. Such measures may reduce the need for the rangers to visit the stretches of coast so frequently where they have been implemented.
- 4.14. Any party wishing to suggest a project within an identified site should make the local authority within which it is sited aware of the project and ask that they assess it and consider putting it forward for potential funding.
- 4.15. The projects put forward by local authorities are then assessed on their proposal in relation to the mitigation objectives of the Strategy and the evidence base that supports their ability to alleviate pressure on sensitive parts of the coast. Assessment factors relate

^a At Alver Valley Country Park; Manor Farm Country Park; Horsea Island Country Park; Shoreburs Greenways.

to the project scale, deliverability, effectiveness, monitoring and cost. Projects are assessed by a team that includes representatives from Natural England, the RSPB, Hampshire and Isle of Wight Wildlife Trust, the New Forest National Parks Authority and the Partnership Manager.

- 4.16. Once assessed, the projects are then prioritised based on their overall score for the factors listed above and where possible funding will be recommended for those with the highest scores, in the annual budget report to PUSH.
- 4.17. The Partnership has evaluated an initial tranche of potential projects for implementation. These projects were identified by Partnership members as having the potential to contribute to the mitigation aims of the Strategy. This work will be refreshed/reviewed closer to the funding being available (anticipated to be 2020) and repeated annually thereafter. Once funding is available, the site specific projects and their scores will be published annually on the Bird Aware website.
- 4.18. Further projects will emerge from a detailed assessment of each section of coast, of the recreational uses, bird numbers, and what might be done to resolve any current and future potential bird disturbance. This work will form an Access Management Assessment. The first of those Access Management Assessments will be undertaken during 2017/18: the rest will follow once the enlarged ranger team is in place.
- 4.19. The Access Management Assessments will seek to review the activities of all coastal users and make recommendations about how their needs can be accommodated without causing recreational pressures and disturbance on the overwintering birds. These will include the identification of site specific projects (such a screening and creating all weather surfaces, re-routing of small stretches of footpath) as well as further establishing links with stakeholders.

Monitoring

- 4.20. Monitoring will help confirm that mitigation measures are working as anticipated, and whether refinements or adjustments are necessary. Monitoring is therefore integral to the mitigation 'package'. In the longer term, it will establish whether the mitigation strategy is being effective. The monitoring is explained further on the Partnership's website at <http://www.birdaware.org/article/28103/Monitoring>

5 Resource costs and funding

- 5.1. Implementation of the mitigation measures set out in the preceding section will require resources - a mix of staff and funds for projects, communications, monitoring etc.

Rangers

- 5.2. The cost of the ranger team (five all-year and two winter-only rangers - see section 4) is based on the rangers who are currently employed on the Partnership's behalf. It also includes the higher salary which will be paid to the lead ranger who will manage the team and reflects the cost of vehicles. Further details are in Appendix C.

Other staff and operating budget

- 5.3. The volume of communications, marketing and education initiatives and the specialist skills required justify a dedicated part-time communications post.
- 5.4. Drawing on the experience of the other established projects (see paragraph 2.13 and 2.14 above), a dedicated full-time officer will liaise with dog walkers to devise initiatives to encourage responsible dog walking.
- 5.5. A dedicated Partnership Manager post is crucial to successful delivery of this mitigation strategy. The post will coordinate implementation of the mitigation measures, procure and manage the required staff and other resources, and provide the necessary reporting.
- 5.6. An operating budget will fund the procuring of graphic design skills, IT staff time to maintain/expand the website, leaflet printing etc. and any consultancy support which may be needed from time to time. A small contingency is provided for the possibility of some unforeseen essential but incidental expenditure.

Site-specific visitor management projects

- 5.7. The site-specific visitor management projects will be implemented through a rolling five-year programme with a budget of £400,000 per year. The completed projects will need routine maintenance: a 5% per annum figure for ongoing maintenance is included in the £420,000 figure in the table below.
- 5.8. It should be noted that a number of local planning authorities in the zone of influence of the New Forest Special Protection Area (SPA) / Special Area of Conservation (SAC) have adopted habitat mitigation strategies in place; and are liaising to explore opportunities to develop a co-ordinated strategic approach in the future to ensure significant adverse effects on these New Forest designated sites are avoided. In the vicinity of the New Forest, Bird Aware site-specific projects will provide mitigation for the Solent designated sites, but some may be able to also give some additional benefit to the New Forest SPA/SAC.

In-perpetuity

- 5.9. This strategy mitigates the recreational impact of new housing up to 2034, but the mitigation measures need to be in place for the duration of the impact. The Partnership has decided that this 'in-perpetuity' payment should be calculated on an 80 year basis and this has been accepted by Natural England. This is the same time period as that adopted for South East Devon European Site Mitigation Strategy for example.

- 5.10. So this strategy includes a mechanism for funding the mitigation measures after 2034 when the developer contributions from those planned new homes will come to an end. That mechanism is described in more detail in Appendix D, but in summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in-perpetuity fund' will grow each year through those annual cash transfers and the interest earned. By 2034, the fund will be sufficiently large to fund the mitigation measures in-perpetuity.
- 5.11. Some of the mitigation measures will not continue after 2034 or will be resourced at a reduced level. The programme of site specific visitor management projects will end, the dog walking initiatives post and the communications & education post will be combined, the operating budget will reduce, monitoring will continue at a reduced scale, and the Partnership Manager post will cease. The work of the latter will be much diminished after 2034; the local authorities have agreed to take on the remaining tasks in-perpetuity.

Funding

- 5.12. The current strategic greenspace projects (paragraph 4.12 above) are funded through the Solent Local Growth Deal with complementary local funding from the local authority which is implementing it. Funding for the further strategic greenspaces will be sought from future local growth deals or other similar sources, unless the greenspace is provided as part of a large housing scheme in which case the developer will fund it. PUSH has produced a Green Infrastructure Strategy which may be able to help secure funding for further greenspace enhancements.
- 5.13. The other resource costs need to be funded from developer contributions. Those costs are summarised in the table below and are set out in greater detail in Appendices C and D.

Summary of annual costs up to the year 2034

	£thousands per annum
Rangers	272
Other staff	93
Operating budget and monitoring	90
Site specific visitor management projects	420
Contingency	10
In-perpetuity funding	1111
Total annual cost	1996

All figures are at 2016 prices because the developer contribution is index linked and will automatically rise with inflation.

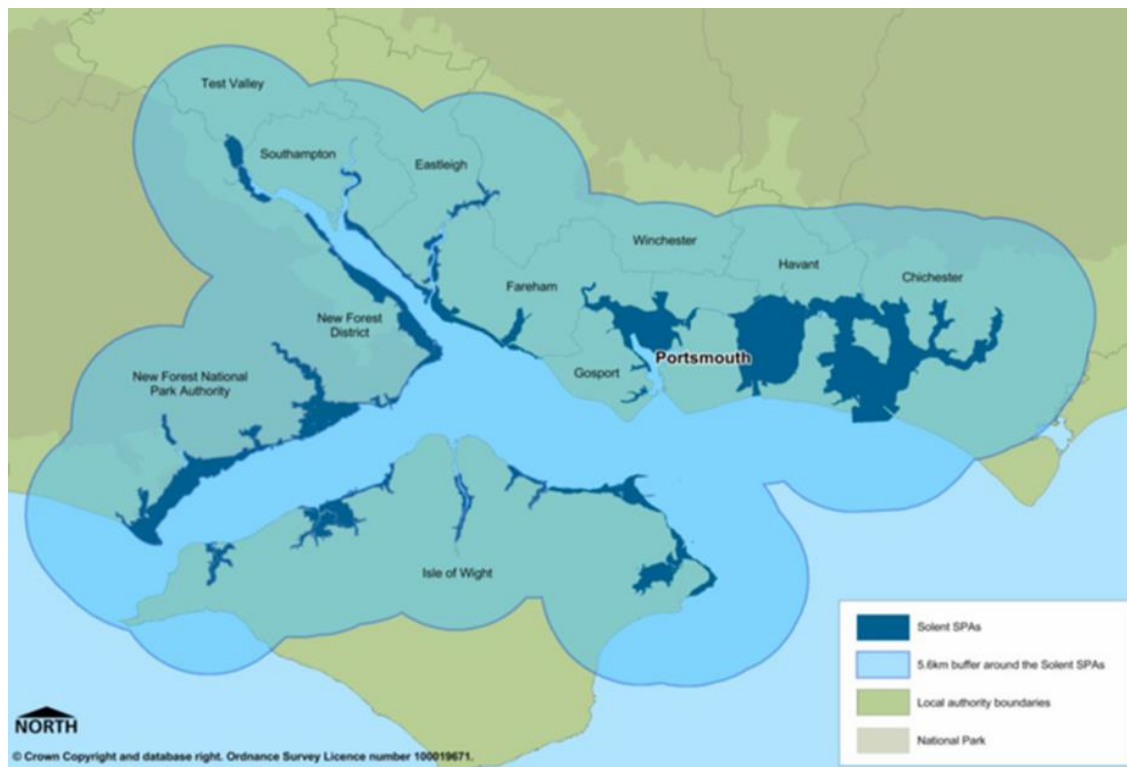
- 5.14. This total cost when divided amongst the number of new dwellings to be mitigated each year (estimated as 3,538 - see Appendix A), means that an average developer contribution of £564 per dwelling is required (These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.)
- 5.15. Although that figure is the best estimate of the number of planned new homes, the number actually constructed could be different to the estimate. However, the package of mitigation measures in this strategy is 'scalable', which means that the amount of mitigation can be increased or decreased in line with actual housebuilding.

6 Developer contributions

- 6.1. As explained in the previous section, the baseline developer contribution is the equivalent of £564 per dwelling (though in practice this will be charged on a sliding scale based upon bedroom numbers per dwelling). These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.
- 6.2. Immediately following the adoption of the Strategy by a given local authority, the new developer contribution rate will apply to all relevant applications within the 5.6km zone, determined after that date within the authority's area. It is anticipated that all Solent local authorities will have adopted the Strategy by the end of March 2018.
- 6.3. That developer contribution will be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Solent Special Protection Areas (see map below) unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that it will provide alternative 'bespoke mitigation' which will fully mitigate the recreational impact of the development.
- 6.4. In this context, 'dwelling' includes net new dwellings created through the sub-division of existing dwellings, second homes, dwellings to be used as holiday accommodation, self-contained student accommodation, and new dwellings created as a result of approval granted under the General Permitted Development Order e.g. change of use from office to residential (including houses and flats). It includes permanent accommodation for gypsies and travellers; temporary/transit pitches will be assessed on a case-by-case basis by the local planning authority in consultation with Natural England.
- 6.5. In the case of self-contained student accommodation, a case by case approach is taken because it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order^b). The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.
- 6.6. Whilst these units of accommodation are assessed on a case by case basis, not purely on their numbers of bedrooms, a general model for calculation follows: As the average number of study bedrooms in a unit of purpose built student accommodation is five, for the purposes of providing SPA mitigation, every five study bedrooms will be considered a unit of residential accommodation and charged accordingly (i.e. 50% of the rate of the 5 bedroom property charge). However, the final figure will be derived in consultation with Natural England and the local planning authority and developers are urged to hold early discussions with them on this matter.

^b https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

The 5.6 kilometre zone around the Solent Special Protection Areas



6.7. Some housing schemes, when accounting for their scale or relationship with the SPAs, may need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance/mitigation of impacts on the SPA. A very large scheme could have a disproportionate impact on particular sections of coast compared to the dispersed impact of smaller schemes providing the same overall number of new homes. Similarly, mitigation in addition to the standard developer contribution may be needed for new dwellings which are close to the SPAs because the occupants are much more likely to visit the coast with the potential for a greater impact.

6.8. Other influencing factors that might be considered in the need for additional mitigation could include (but are not be limited to), existing access to inter-tidal areas, type of frontage - beach, sea wall, adjacent habitats - deep mud or shingle/sand, the height of the site in relation to the inter-tidal level and proposed design of the new scheme. Therefore even very modest housing schemes could have a greater impact, whilst some larger schemes may have less of an impact due to their specific location. The assessment as to whether a particular scheme will require additional mitigation is complex and will depend on a range of factors so it is not possible to say, as part of Strategy, when development will need to provide further measures. The local planning authority, with advice from Natural England, will consider the mitigation requirements for such housing proposals on a case-by-case basis. Developers are encouraged to hold early discussions with Natural England and the local planning authority on the mitigation which will be needed for such schemes.

6.9. The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential

accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

- 6.10. New hotels and other holiday/tourist accommodation - defined as both wholly new establishments and extensions of existing ones - is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the local planning authority in relation to the 'tests' set out in the paragraph above. Mitigation is unlikely to be required for new hotel accommodation in a city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast. On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend some time walking or pursuing other recreational activities at the coast.
- 6.11. Where mitigation is deemed to be necessary for new hotel and other holiday/tourist accommodation, the mitigation may take the form of a developer contribution calculated on the basis of the number of new bedrooms and the monetary contributions (or a proportion thereof) in paragraph 6.1 above. Such contributions will be pooled and spent on mitigation measures in the same way as developer contributions from new dwellings.
- 6.12. This scope of this strategy is mitigating the recreational impact of new residential-related accommodation on the Solent Special Protection Area(s). Separate mitigation may be required for other impacts which may arise from new housing, e.g. impacts on water quality, noise disturbance, high buildings obstructing bird flight lines, loss or damage to supporting habitats. Those will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage to identify whether, and if so what, mitigation is required. However, developers are encouraged to hold early discussions with Natural England and the Local Planning Authority

A sliding scale of developer contributions?

- 6.13. Currently, the same developer contribution is paid irrespective of property size - a 'flat rate' contribution. However, larger properties can accommodate more people, with the potential for a larger number of visitors to the coast, creating a higher level of impact so a sliding scale of contributions has been developed to reflect this. There are practical difficulties with trying to vary it by floorspace or sale price, but for some SPA mitigation strategies elsewhere in the UK, it has been determined fairest that the developer contribution varies according to the number of bedrooms in the new property.
- 6.14. So instead of a £564 flat rate, the Partnership will use a sliding scale of contributions. This will be:-
- £337 for 1 bedroom dwelling
 - £487 for 2 bedroom dwelling
 - £637 for 3 bedroom dwelling
 - £749 for 4 bedroom dwelling
 - £880 for 5 bedrooms or more

6.15. The figures above are based on an estimate of the mix of housing that will be proposed and the need to secure a total income level that is equivalent to that which would be raised through charging a flat fee. The methodology used to calculate the figures is based on that developed by LPA's within the Thames Basin Heaths mitigation scheme. It accounts for the existing occupancy of properties and the projected mix going forward based on a sample of authorities within this area. These will be reviewed every two years throughout the duration of the Strategy.

7 Implementation, governance and reporting

Implementation

- 7.1. The developer contributions are paid to local planning authorities. Each authority decides which legal mechanisms to use to secure the developer contributions from schemes in its area and the potential for phased / staged payments in relation to specific proposals.
- 7.2. The authorities pool the developer contributions received and implement the mitigation measures through the Solent Recreation Mitigation Partnership. The contributions received by the authorities are transferred quarterly to the Partnership.
- 7.3. The Partnership sets a budget for each year, including the amount to be transferred that year into the in-perpetuity fund (see paragraph 5.13). Some money will be held in reserve at all times to cushion against variations in the amount of developer contributions received each quarter: such variations are inevitable due to market-driven fluctuations in the number of sites/development phases on which construction begins. The value of the contributions received by the Partnership each year and details of all expenditure, are set out in an annual statement of accounts.
- 7.4. The higher developer contribution will mean increased funding for mitigation. However, many developer contributions are only paid on the commencement of development, so there is a time delay between a planning permission being granted and the money being paid to the authority. For some schemes this can be a matter of weeks; for others it can be several years. So that time delay will mean that the amount of money received by the Partnership will increase only gradually over the next 2-3 years. This will constrain the implementation of mitigation measures in the short term: so, for example, it will probably not be possible to have the full ranger team in place until 2019 or 2020.

Governance

- 7.5. The Partnership's management structure comprises a small Project Board of senior officers and a Steering Group which includes an officer from each of the nineteen partner organisations. The Project Board sets the Partnership's overall direction and budget. Working within those, the Steering Group manages the operational tasks. The Partnership Manager has delegated responsibility for managing day-to-day activities.
- 7.6. Further details of the composition and roles of the Project Board and Steering Group are in the Partnership's Terms of Reference, which can be seen at: <http://www.birdaware.org/CHttpHandler.ashx?id=27311&p=0>
- 7.7. The governance, political steer and oversight of the Solent Recreation Mitigation Partnership (SRMP) is provided by the Partnership for Urban South Hampshire (PUSH) with the involvement of representatives of the three local planning authorities which are not members of PUSH - Chichester District Council, New Forest National Park Authority, and South Downs National Park Authority. This is done through reports to the PUSH Joint Committee, which comprises the Leader of each PUSH authority supported by their Chief Executive. A representative from each of the three non-PUSH authorities is invited to participate in the Joint Committee meeting whenever there is discussion of a SRMP-related matter.

Reporting

- 7.8. Normally, the SRMP presents two reports each year to the PUSH Joint Committee: one to seek approval for the proposed SRMP budget and Project Board membership for the ensuing year, and the other to seek approval of the SRMP's Annual Report. Those reports to the PUSH Joint Committee can be seen at: http://www.push.gov.uk/work/latest_joint-committee.htm
- 7.9. The Annual Report records the progress made in implementing the mitigation measures and summarises the conclusions of completed monitoring. It also contains the statement of accounts for the preceding year and the budget for the coming year. It is published immediately after approval by the PUSH Joint Committee.
- 7.10. Partnership reports on research and monitoring are published as soon as they have been completed.
- 7.11. All those reports, this strategy, and a range of other documents/information can be seen on the SRMP's website at: www.birdaware.org

Review

- 7.12. The Strategy seeks to provide mitigation for development planned until 2034. In order to keep the Strategy relevant throughout this period, regular strategic reviews will take place every 5 years from implementation (or more frequently if changes in legislation or evidence necessitate). This will allow for lessons learnt, new best practices and variations over time to be incorporated into the Strategy, making it more relevant for longer. Following each review, an update report will be made available on the website.

Appendix A: Calculation of number of new dwellings mitigated

- A1. This strategy has been prepared to mitigate the 63,684 new dwellings which are planned between 2016 and 2034 - an average of 3,538 per annum. This estimate is derived from the PUSH Spatial Position Statement which looks to 2034^c and an assumed continuation to 2034 of the currently planned building rate in the three non-PUSH authority areas.
- A2. The PUSH Spatial Position Statement envisages an average of 4,537 new dwellings each year in the whole PUSH area. It is estimated that around 3,195 of these could be located within 5.6km of the Special Protection Areas. This estimate is based on information provided by the local planning authorities for a sub-regional transport model which uses localised zones and thus provides a reasonably good basis for calculating development within 5.6km. Working from these figures has provided the best available estimate.
- A3. In the three non-PUSH authority areas - Chichester District, New Forest National Park, South Downs National Park - the currently planned building rate is a combined 343 dwellings per annum. The adopted Local Plans for those three areas only look ahead to varying dates between 2026 and 2031, so for the purpose of this strategy it is assumed that the currently planned rate of 343 dwellings per annum will continue to 2034.
- A4. Therefore, the figure for the whole Partnership area is 3,538 per annum - a total of 63,684 between 2016 and 2034.

^c View at: www.push.gov.uk/work/planning-and-infrastructure/push_spatial_position_statement_to_2034-2.htm

Appendix B: Criteria for Suitable Alternative Natural Greenspaces (SANGs)

The following guidelines have been created to reflect responses to Solent specific research and may further evolve over time as more research is undertaken.

These guidelines are focused towards strategic SANGs, rather than bespoke mitigation packages for individual developments and include locational criteria for siting wholly new sites, and criteria for their design and facilities. The latter criteria are also relevant to projects to enhance existing strategic sites: they set out the priorities for new facilities to be provided, and the improvements to be made to the layout and design. The guidelines take account of the research findings¹³ on the features/facilities which would make an alternative site attractive to people seeking places for recreation. Monitoring is being undertaken at the strategic SANGs which will further inform future SANG design.

Locational criteria

Essential

- a wholly new site or an enhancement of existing public open space if the site is currently underused and has substantial capacity to accommodate additional recreational activity or could be expanded, taking into account the availability of land and its potential for improvement;
- be in a location where it will divert visitors especially dog walkers away from sections of SPA coast which are sensitive to additional human disturbance and where a significant increase in visitors is predicted;
- be located where it will attract visitors who would otherwise have gone to those sections of coast ^d;
- be large enough to include a variety of paths which enable at least one circular walk of at least 5 km (approx. a 60 min walk);
- be in a location where a SANG would be acceptable in terms of planning policy and traffic generation, and would not have an unacceptable impact on biodiversity e.g. a nature conservation site protected under a local or national designation;
- be sufficiently large to be perceived as a cohesive semi-natural space, offering tranquility, with little intrusion of artificial structures (except in the immediate vicinity of car parks) and with no unpleasant intrusions of other kinds e.g. wastewater treatment odours;

Desirable

- has views of the sea which are not too distant or includes a sizeable water feature;
- has a varied topography with some gentle slopes, a mix of open and wooded areas, and a focal point such as a viewpoint, monument etc.

Criteria for design and facilities

Essential

- includes a variety of paths which enable at least one circular walk of at least 5km (approx. a 60 min walk);

^d Generally, proposals will be within the Partnership area but sites located just outside might be considered.

- includes adequate car parking for visitors with that car parking being well located in relation to the road network;
- be clearly signed at access points and at key junctions on the surrounding road network, with an information panel at each access point which explains the layout of the SANG and the routes available to visitors.
- access points for visitors arriving on foot must be well located in relation to nearby residential areas;
- designed so that the SANG is perceived by users as a cohesive semi-natural space which is safe and easily navigable;
- paths must be clearly discernible, well signposted/waymarked, and have firm, level, well drained surfaces (albeit unsealed to avoid any 'urban feel') in order to be useable throughout the winter;
- movement within the SANG must be largely unrestricted, with plenty of space away from road traffic;
- Dogs are welcome and the majority of the sites is suitable for safe off-lead dog exercise.
- Dog swimming area.
- Dog waste bins.

Desirable

- car parking would be free of charge in the winter and preferably all year round;
- has multiple access points and with car parking at each rather than in a single location;
- incorporates innovative and attractive dog walking facilities such as dog activity trails, agility courses, enclosed off-lead training/exercise areas, dog washing facilities.

Appendix C: Resource costs

The table below sets out the estimated annual costs of each expenditure item, for the period up to 2034 and during the in-perpetuity period thereafter.

Expenditure item	Up to 2034	After 2034	Notes
All-year rangers	200,000	200,000	5 posts @ £40k pa ^e
Extra salary payment for Lead Ranger	5,000	5,000	
Branded vehicles for all-year rangers	25,000	25,000	£5k pa each (all-year rangers only)
Winter-only rangers	42,000	42,000	2 posts @ £21k pa
Sub-total	272,000	272,000	
Communications & education post and Dog Walking Initiatives Post	63,000	-	Total of 7.5 days per week
Combined communications, education and dog walking initiatives post	-	21,000	2.5 days per week
Partnership Manager	30,000	-	3 days per week
Operating budget	60,000	30,000	
Monitoring	30,000	15,000	
Site specific visitor management projects	400,000	-	
Maintenance of capital projects	20,000	20,000	5% of the £400k projects funding
Contingency	10,000	5,000	
Total expenditure	885,000	363,000	
In-perpetuity funding for expenditure beyond 2034	1,111,000		See Appendix D
Grand total	1,996,000		
Divided by number of new dwellings	3,538		See Appendix A
Developer contribution - £ per dwelling	564		

Notes

All the figures are at 2016 prices: the developer contribution is index linked, so that annual increase will cover inflation-related rises in the above figures.

The winter-only rangers costs provide for their employment for seven months from 1 September, in order to allow one month for training and familiarisation ahead of winter patrols between 1 October and 31 March.

Each all-year ranger will have a small van to transport equipment for displays to local events etc. The seasonal rangers will use their own vehicles to get to sites.

All the staff cost figures include the employer's national insurance and pensions contributions, office accommodation, IT costs, as well as the individual's salary.

The operating budget will cover website development and maintenance, graphic design and printing costs, display/exhibition materials, consultancy support. for all communications/education, dog walking initiatives and generic Partnership activities.

^e This cost does not represent the Rangers salary level as it also includes other employment costs such as uniform, office space, national insurance and pension contributions.

Appendix D: In-perpetuity funding

D1. Paragraphs 5.9 - 5.10 explained the need to fund the key mitigation 'in- perpetuity' - defined in agreement with Natural England as 80 years beyond 2034 i.e. to the year 2114. In summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in- perpetuity fund' will grow each year through those annual cash transfers and the interest earned, such that by 2034 it will be sufficiently large to fund the mitigation measures every year thereafter. This Appendix provides more details of methodology and assumptions used in the in-perpetuity funding calculations.

Creating the in-perpetuity fund

D2. The amount of money which needs to be transferred into the in-perpetuity fund each year to 2034 is determined by the annual cost of the mitigation measures during the ensuing in-perpetuity period (£363,000 - see Appendix C) and predicted interest rates during that same period. Capita - a leading expert body which provides financial advice to many of the Solent local authorities - predicts that interest rates will rise from 0.25% in 2018/19 to 2.50% in 2024/25, and thereafter remain at 2.50%.

D3. As explained in paragraph 7.4, the amount of money received by the Partnership will only increase gradually over the next 2-3 years. Taking that into account, the £122,000 which was transferred into the in-perpetuity fund in 2016/17 needs to rise to £1,110,000 in 2020/21 and each year thereafter, in order that the value of the fund in 2034 is sufficiently large to fund the planned expenditure during the ensuing in-perpetuity period.

D4. The table below shows the situation in 2016/17 and 2017/18, and the predicted situation in the final year 2033/34. All the figures are at 2016 prices because the developer contribution is index linked and will rise with inflation. There is only space here to show three years, but full calculation for all 18 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/faqs

		2016/17	2017/18						2033/34
a	Fund value at year start	£0	£122,000						£18,790,302
b	Interest rate	0.25%	0.25%						2.50%
c	Interest generated	£0	£305						£469,758
d	Money transferred in	£122,000	£267,000						£1,111,000
e	Fund value at year end	£122,000	£389,305						£20,370,060

row (a) = (e) of previous year row

(b) = forecast interest rate row (c) =

row (a) x row (b)

row (d) = amount transferred into the fund in that year rom

(e) = (a)+(c)+(d)

Funding the mitigation measures during the in-perpetuity period

D5. At the start of the in-perpetuity period in 2034/35, the fund is predicted to have a capital value of around £20million. Spending on mitigation measures during the 80 year in-perpetuity period will be funded partly by drawing on that capital and partly from the interest earned on the remaining balance. So at the end of the in-perpetuity period in 2113/14, the capital will have reduced to around zero.

D6. This calculation incorporates an assumed inflation rate of 2% per annum during the in-perpetuity period. (That 2% rate is based on the latest OECD forecast which looks to 2060.) Factoring in that 2% assumption over an 80 year period has a big impact on the calculations. The planned spending during the in-perpetuity period is £363,000 at 2034 prices. Increasing that figure by 2% per annum means it becomes £1.74million by 2113/14.

E7. The table below shows the first and last years of the 2034-2114 in-perpetuity period. The full calculation for all 80 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/strategy

		2034/5						2113/4
a	Fund value at year start	£20,370,060						£1,888,146
b	Spent during year	£363,000						£1,735,083
c	Amount left in fund	£20,007,060						£153,064
d	Interest earned	£500,176						£4,592
e	Fund value at year end	£20,507,236						£157,656

row (a) = (e) of previous year

row (b) is the cost of the in-perpetuity mitigation measures, increased by 2% each year to allow for inflation

row (c) = (a) - (b)

row (d) = (c) x 2.5%

row (e) = (c) + (d)

Appendix E: References

1. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.7
2. Ibid. Paragraph 3.15
3. Ibid. Figure 8
4. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraph 2.9
5. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.18
6. Natural England (31 May 2013). Letter from to all local authorities
7. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.1 - 5.66
8. Ibid. Paragraph 5.6
9. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.61 - 5.63
10. Fearnley H, Clarke R T & Liley D (2010) Solent Disturbance & Mitigation Project Phase II On-site visitor survey results. Paragraph 2.26
11. Panter C & Liley D (2015) Alver Valley SANG Study
12. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 7.28 – 7.30
13. Clarke C (2016) Market research relating to initiatives to encourage responsible dog walking
14. Jenkinson S (2016) Mitigation options for influencing the behaviour of walkers with dog in the Solent area
15. Ibid. Paragraph 9.4.2.1

All these documents can be accessed via:

<http://www.birdaware.org/article/28102/Research>

PINS REFERENCES:

- (a) APP/X1735/C/20/3248610 (Appellant - Mr C Snell)
- (b) APP/X1735/C/20/3248611 (Appellant – The Tournerbury Estate)
- (c) APP/X1735/C/20/3248612 (Appellant - Mrs A Snell)
- (d) APP/X1735/X/21/3278706 (Appellants - Mr C Snell & Mrs A Snell)
- (e) APP/X1735/W/21/3278661 (Appellant - Mr C Snell)

**Local Planning Authority (LPA)
REFERENCES:**

- (a) APP/21/00006 & 18/00051/CMP/UNCU
- (b) APP/21/00006
- (c) APP/21/00006
- (d) APP/19/01262
- (e) APP/18/00943

APPEAL SITE ADDRESS:

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S I T E

Management Statement



ENGLISH
NATURE

S I T E

Management Statement

CHICHESTER HARBOUR
SITE OF SPECIAL SCIENTIFIC INTEREST

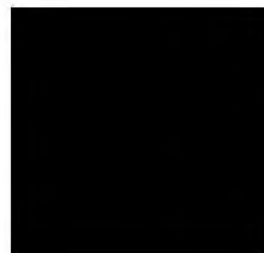


April 1997



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1. INTRODUCTION

Some of the land belonging to [REDACTED] (part of Chichester Harbour Site of Special Scientific Interest) is an important site for wildlife. This management statement aims to:

- Explain what is special about the land and identify objectives necessary for the land to remain of special scientific interest.
- [REDACTED] objectives in managing the land
- Summarise the common objectives.
- List what is agreed to manage the land for wildlife enhancement.
- State whether or not the agreed management is likely to achieve English Nature's conservation objectives.

It also identifies a contact at English Nature who is available to advise on nature conservation management. English Nature hope that the management statement will help both parties to understand each other's interests and that it will help build a positive relationship in managing the site.

2. NATURE CONSERVATION IMPORTANCE

Chichester Harbour Site of Special Scientific Interest is an estuarine basin which has extensive areas of inter-tidal sand and mud exposed at low tide. The coastline is long and varied, contributing to a wide range of inter-tidal and terrestrial habitats which are important for birds, plants and other wildlife.

International importance

Together with Langstone Harbour, the site has been designated a **Special Protection Area** for wild birds (EU Birds Directive) and a **Ramsar site** (wetland of international importance). The inter-tidal mudflats are the feeding grounds of internationally important numbers of waders and wildfowl, including ringed plover, grey plover, redshank, black-tailed godwit, dunlin, sanderling, curlew, shelduck, teal and dark-bellied brent goose.

The estuary is also included within the possible **Solent Maritime Special Area of Conservation (SAC)** under the EU Habitats & Species Directive because of its high quality, semi-natural habitats and the wildlife they support.

Areas of unimproved pasture behind the sea wall are used by waders and wildfowl as roosting and feeding sites. Some of the pastures are rich in wild plants such as adder's tongue fern and green winged orchids. Freshwater marshes such as Thorney Deep provide further habitat diversity.

Saltmarsh can be found around the estuary and is often dominated by cord grass but there are also significant areas of sea lavender/sea purslane saltmarsh. Shingle spits and islands are largely devoid of vegetation but remain important as breeding grounds for ringed plover, black-headed gulls and three species of tern.

An extensive sand dune system is present at East Head, supporting the characteristic marram grass.

The SSSI is of high value for a number of invertebrate species, including three nationally scarce crickets (long-winged conehead, short-winged conehead and the grey bush cricket) and a number of nationally scarce moths, including the sand dart and the shore wainscot. Chichester Harbour SSSI also supports a species of weevil listed in the Invertebrate Red Data Book and only recorded from a few coastal sites in Western Europe.

The area of Chichester Harbour SSSI owned by [REDACTED] includes coastal and woodland habitats. The woodland is comprised of well-spaced oaks with the occasional beech, holly and yew. The north-east corner of the woodland on Tournembury Fort supports a heronry. Storm damage has resulted in the loss of the canopy in many places. The semi-natural broadleaved woodland and scrub areas are valuable for breeding birds. Behind the coastal bank there are areas of brackish marsh as well as occasional pools influenced by saltwater.

3. NATURE CONSERVATION OBJECTIVES

English Nature's objectives are to sustain the various habitats and their communities of plants and animals that make Chichester Harbour of special interest and of international importance. To achieve this involves the maintenance (and where appropriate, enhancement) of the following habitats and species on the land.

- a) Population of overwintering, migratory and breeding birds
- b) Coastal and inter-tidal habitats (brackish ditches, brackish marsh/grassland, water bodies influenced by saltwater) by allowing natural coastal processes to operate where possible and appropriate
- c) Semi-natural broad-leaved woodland
(including elements such as wet woodland, ground flora, dead wood habitat, heronry, woodland fauna)
- d) Populations of plants, particularly nationally scarce or rare species
- e) Populations of invertebrates, particularly nationally scarce or rare species

4. OBJECTIVES OF [REDACTED]

- a) To run the estate economically as a profitable concern. This will facilitate future conservation management.
- b) To maintain the area for shooting purposes. To protect against coastal erosion. To conserve the woodland and manage the land in sympathy with the wildlife interest.

5. AGREED OBJECTIVES

To work in partnership and to manage the land in sympathy with wildlife and as a financially viable concern taking into account the nature conservation interest where possible.

6. AGREED MANAGEMENT ACTIONS (See Management Statement Map 1)

6.1 Woodland management

a) Rides

Rides to be mown twice a year, once in March and once in September. Cuttings should be removed if at all possible, in order to avoid nutrient enrichment of soils. Removing the cuttings will enhance the ground flora along rides.

b) Woodland tracks

These are mainly earth tracks and where waterlogging and rutting occurs, limited infilling of ruts with rubble is acceptable in order to allow continued vehicular access. Gradual change or upgrading of tracks is not acceptable from a nature conservation point of view and the earthen/unimproved character of the tracks should be retained as far as possible.

c) Saplings

Oak, beech, ash, cherry and yew saplings were planted to ensure future woodland canopy trees following the storm of 1987. On-going management with regard to these saplings includes:

- i. removal and replacement of broken sapling shelters
- ii. replanting and sheltering of blown over saplings
- iii. sky-lighting of saplings in shelters
- iv. maintaining light levels to saplings by managing/topping intervening scrub
- v. clearance of vegetation from around base of saplings by hand or mechanical means

No new planting is envisaged, though a Forestry Commission Woodland Grant Scheme may be appropriate to help with ongoing and annual management costs. English Nature would support a scheme which was favourable to nature conservation.

d) Dead wood and timber extraction

Fallen and standing dead wood is to be retained as far as possible. Where standing dead wood presents an unacceptable hazard it can be made safe and either removed or left in the woodland where it will provide a habitat for dead wood invertebrates and fungi. Where fallen trees block access, they can be cleared as necessary. Where removal and cutting up of timber is necessary, whenever possible, the butts and root plates of the trees should be left in situ. This provides benefits for wildlife but is also important for the conservation of archaeological features.

e) Prevention of further spread of rhododendron

There are several clumps of rhododendron in the south of the woodland. This species is non-native and spreads easily, smothering and replacing native ground flora. Additionally, the wildlife it supports is minimal and it therefore presents a threat to wildlife nature conservation. If necessary, steps will be taken to prevent the further spread of this species.

5.2 Domestic curtilage and amenity area consent (area outlined in red on attached map)

The house and its immediate surroundings should have been excluded from the original designation. Consultation with English Nature is not required, subject to the following conditions:

- i. domestic plants and animals need to be adequately contained to ensure that the wildlife and character of the surrounding SSSI is not eroded
- ii. no shooting
- iii. creation of wildfowling ponds (and duck feeding) cannot be consented to
- iv. peripheral hedges and trees will be retained subject to any tree surgery required to make them safe.
- v. operations having a negative impact on the surrounding SSSI should be avoided where possible
- vi. all land to the east of point 'c' is the business amenity area, consent is not required for operations provided that points i, iii, and iv above are met, however this area excludes the 'Bury' and heronry
- vii. If the local planning authority decide that planning permission is required because a change of use has occurred on area E, the curtilage consent will lapse unless it can be proved that Area E was a raised, garden area in the past, prior to notification. Area E may have been subject to land raising with earth in the past and may also have been used as a garden area. Recent works have occurred (land raising and re- seeding). In the event of planning permission being required, it will need to be proved to the local planning authority that the land has been raised prior to notification and was used as a lawn prior to notification.

6.3 Shooting and associated operations

a) Pheasant feeders

These will be limited to their existing number in order to avoid any deterioration in ground flora. No straw or feed will be scattered around them, thus ensuring a higher quality ground flora.

b) Pheasant pens (marked 'a' and 'b' on map)

These will be restricted to two in number, and located as shown on the accompanying map. Use of straw will be kept to a minimum in order to allow some natural ground flora to survive. The pens will be maintained as necessary but kept to their current size, the smaller ('b') being located in the south west corner of the area.

c) Shooting

Shooting is restricted to approximately 5 or 6 shoots per season, with 3 – 5 guns on each occasion. Shooting will not be carried out in the proximity of the coastal bund and associated wet/marshy habitats. The heronry will also be avoided towards the end of the shooting season in order to minimise disturbance to any nesting herons. (Close season begins 1st February).

d) Feeding of pond

This will not be carried out in the close season of 1997 in order to allow vegetation to establish itself. Subsequently feeding of the pond will be kept to minimum and suspended if monitoring indicates that natural vegetation is not establishing itself. Feeding of the pond is not ideal and is consented to (within the shooting season) only at levels which allow aquatic and semi-aquatic vegetation to recolonise the pond naturally.

6.4 Ponds (Marked as numbers 1 and 2). See also accompanying map.

a) Regrading

The recent works to restore the main pond (marked as number 1) have created a water body which has far too steep sides to be of optimum benefit to wildlife. It is agreed that the western and north-western banks will be re-profiled by pushing some soil inland and some into the water in order to create a shallow gradation from water to land. This will allow a range of aquatic and emergent vegetation to grow and provide more diversity of habitat. The central island will also be taken down to a lower height than the current 1.5 metres (approx). In principle, the excess soil could be used to make alterations or improvements to the coastal bank (see also **proposed management actions** below). However such use has not yet been consented to and will have to await the go-ahead for the coastal works.

b) Natural colonisation by aquatic vegetation will be allowed to take place.

c) The two ponds will be stocked with mallard and the numbers maintained at approx. 70 birds in total

6.5 Tracks (other than woodland earth tracks)

The tracks marked in green on the accompanying map have been up-graded with limestone scalplings to allow access to the coastal bank and to the cottage. Further up-grading of these tracks will not be carried out. Repair and maintenance of the track to the house to the existing specification is acceptable.

6.6 Conservation of archaeological features - Tournerbury Fort

Tournerbury Fort is a scheduled ancient monument. To conserve the feature requires appropriate woodland management. This will involve a policy of no new planting on the earth bank feature and sensitive treatment of existing mature trees already growing on the bank. Wind-blow can be detrimental to archaeological sites because the ripping up of root plates can alter and damage man-made features. It is therefore appropriate to remove dead or weakened timber whilst leaving the root plate and stump of the tree in situ.

Eileen Moss (Field Monument Warden - English Heritage) has visited the site (February 1997) and endorsed the existing management as appropriate. As a Scheduled Ancient Monument, any further planting would require Scheduled Monument consent. Eileen Moss: Tel: 01962 869476

6.7 Coastal bank - Interim measures only.

English Nature consent to short-term, interim repair measures which do not involve expansion of the coastal bank inland, into the harbour or in height. Soil (from pond restoration) can be used to repair holes and gaps in the existing coastal bank only. Coastal bank highlighted blue on accompanying map.

6.8 Fencing

Repairs to boundary fencing as necessary. Avoiding heronry from February to July if possible.

Annex 1

PROPOSED COASTAL BANK WORKS - (NOT YET CONSENTED)

(See attached plan)

One of English Nature's objectives is to maintain coastal and inter-tidal habitats by allowing natural coastal processes to operate where possible. Natural processes are compromised by the presence/enlargement of sea walls. However, it may be possible to achieve a degree of coastal defence which protects against erosion of the land whilst maintaining natural habitats and wildlife communities.

The following scheme has been discussed as a possible way forward at a site meeting between [REDACTED] (consultant), [REDACTED] (land manager/son of owner) and [REDACTED] (shooting manager/warden).

As the works represent an alteration and enlargement of the existing coastal bank and also fall within a declared Special Protection Area they will be subject to agreement from the relevant authorities (Local Authority, Environment Agency, English Nature, Chichester Harbour Conservancy). If work is proposed below mean high water, a FEPA licence (issued by Ministry of Agriculture Fisheries and Food) may be necessary. (FEPA = Food and Environmental Protection Act).

The proposed works are as follows (see also attached plan):

- i. Creation of earth and brick rubble bund c. 4 metres wide and at approximately the same height as the existing coastal bund. Earth to be profiled back on the inland side. Spoil to be locally derived where possible (e.g. from re-profiling works on main pond - see 6.4 above). Coastal bank works to extend no further than extent of existing coastal bank and not onto higher ground to the west, though [REDACTED] would like this considered at a future date.

Occasional (if infrequent) over-topping of the bank will help maintain brackish water habitat inland and also make the coastal bank less prone to erosion from high energy waves in times of high water/storms. As such, an increase in the height of the coastal bank is not necessarily desirable, though this will need to be a subject of future discussions as [REDACTED] wishes the sea wall to be raised in height.

- ii. Limited re-profiling and adequate facing of sea-ward slope using an appropriate material and in a method approved by Chichester Harbour Conservancy, English Nature, Environment Agency. Dredging/raking back of gravels and estuary sediment is unacceptable from a nature conservation viewpoint and also adds to tidal energy (and erosive power) in front of the coastal bank.
- iii. Creation of new brackish ditch habitat.
As a 4 metre wide bund would involve loss of a tidal influenced ditch, it is proposed that a new ditch is dug and the sediment from the original ditch transferred to the new one. In conjunction with water level control (see below), the new habitat will allow the conservation interest to be maintained.
- iv. Water level control measures.
Renewing the tidal flap which leads through the coastal bank, will allow controlled inundation of the ditch system and low lying ground situated between the woodland edge and the coastal bank. This will be essential in making the coastal bank repair/enhancement works environmentally acceptable. A control structure is required (using tidal flap and/or sluice boards as necessary) which enables brackish water to be maintained at a predetermined level (within 30 centimetres of ground level is often recommended because it favours conditions for feeding waders such as redshank).
Some over-topping (albeit very infrequent) will be necessary to maintain brackish inland ditches.

You have consent for the management activities listed above (6.1 - 6.7). Any additional activities (including the possible coastal bank works - see Annex 1) listed as 'OPERATIONS LIKELY TO DAMAGE THE SPECIAL INTEREST' in the notification documents, require consultation and agreement from English Nature prior to undertaking the work.

Should you have any queries about the SSSI, or if we can be of help in any way, please do not hesitate to contact:

Dr Rue Ekins
English Nature
1 Southampton Road
LYNDHURST
Hampshire
SO43 7BU

Tel: 01703 283944
Fax: 01703 283834

7. MANAGEMENT RECORDS

It is helpful to keep a record of management on the SSSI in case subtle changes affect the plants and animals. English Nature encourage land managers to make a note of the date, location and nature of specific management operations.

8. EFFECTIVENESS OF AGREED MANAGEMENT ACTIONS

Bearing in mind the points listed below, the agreed management actions should be effective in maintaining the conservation and archaeological interest of the area.

1. It will be important for the **main pond** to be managed in a way which allows natural vegetation and wildlife to colonise and survive as well as being of value for shooting.
2. **Herons** may start to nest towards the end of the shooting season and it will be important to try and avoid end of season/late shoots in the vicinity of the heronry for this reason.
3. Maintaining **coastal habitats** such as brackish ditches will rely upon effective consultation over proposed measures to control coastal erosion (see Annex 1). Given sufficient mitigation measures and full consultation with interested parties, the measures proposed should be effective in maintaining the conservation interest.
4. Applying for a **Countryside Stewardship Grant** (Waterside Landscapes) may be a way of funding the coastal work (erosion protection and habitat creation) which you may like to consider. Information from: Stewardship Adviser, ADAS Statutory, C Block, 98 Epsom Road, Guildford, Surrey, GU1 2LD. Tel 01483 452050.

SITE MANAGEMENT STATEMENT (Plan to accompany Annex 1)

north

south

New brackish ditch/wetland
habitat to be created

Earth and brick rubble coastal
bank reinforcement

facing

Sluice boards to retain brackish water

Tidal flap can allow limited salt water incursion if necessary to maintain brackish water levels
(one sluice already repaired/completed, the other awaiting agreement)

---- = proposed re-profiling

— = current profile

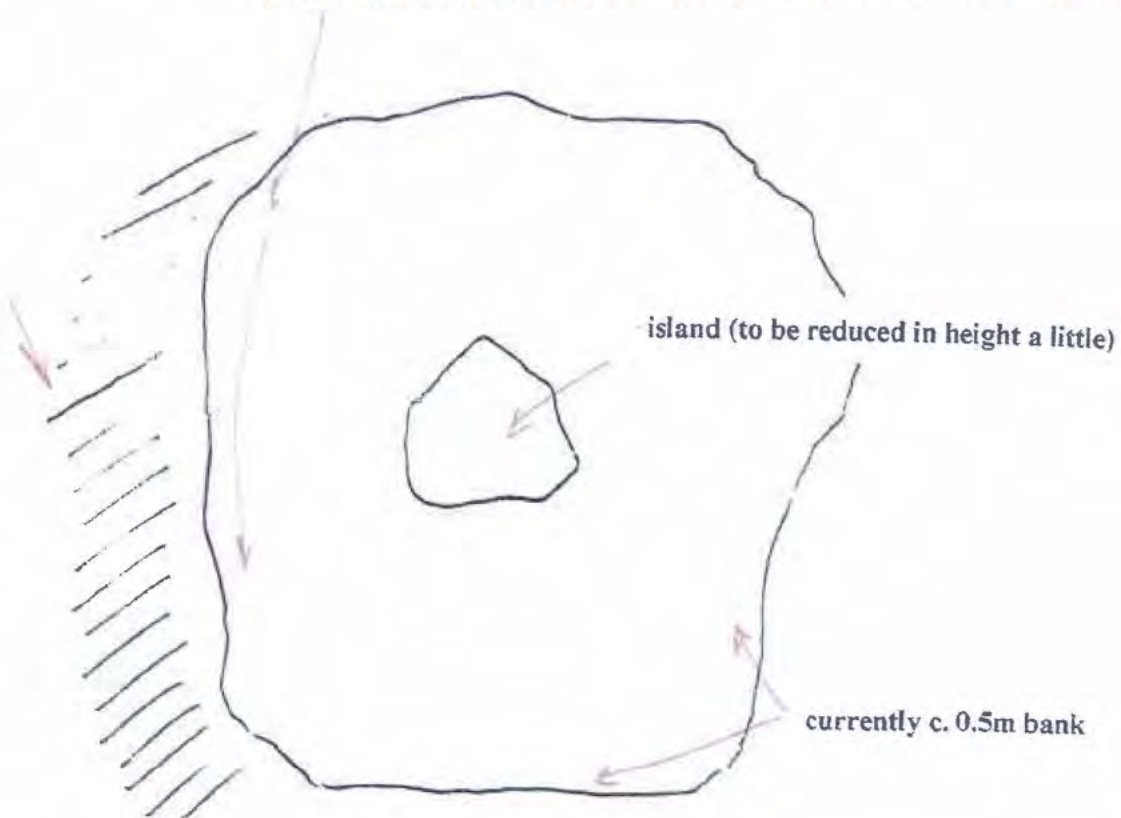


SITE MANAGEMENT STATEMENT
(Plan to accompany pond re-profiling works. See 6.4)

(not drawn to scale, measurements approximate)

earth may need to be pushed back 2 metres into scrub (sallow/oak), in order to achieve appropriate gradient of pond bank

earth will need to be pushed forward into water to help achieve gentle gradient



western and northern banks to be re-profiled to gently shelving slope rather than steep sided bank

shallow gradation to be created to allow aquatic and emergent vegetation to develop

(currently c. 1.2m bank to be lowered to c. 0.5 bank at highest point)

CURRENT PROFILE



DESIRED PROFILE



SITE MANAGEMENT STATEMENT - MAP 1

CHICHESTER HARBOUR SITE OF SPECIAL SCIENTIFIC INTEREST

