
Site Address:	Sparkes Marina, 38 Wittering Road, Hayling Island, PO11 9SR		
Proposal:	Engineering works to reinforce ground slab to facilitate launching of boats		
Application No:	APP/21/01204	Expiry Date:	16/12/2021
Applicant:	Mr Makaruk Marina Developments Ltd		
Agent:	Mr Jobbins Luken Beck	Case Officer:	Julie Terzoudis
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The subject site relates to a working marina known as 'Sparkes Marina', which is located at 38 Wittering Road, upon Hayling Island. The Marina is located on the south-eastern end of Hayling Island and sits on an artificial promontory that extends out into Chichester Harbour. The Harbour is relatively small and maintains 140 berths with some being reserved for visitors.
- 1.2 The site is located within Chichester and Langstone Harbours Special Protection Area (SPA), the Solent Maritime Special Area of Conservation (SAC), Chichester Harbour Site of Special Scientific Interest (SSSI), is in a designated RAMSAR site and falls within the Chichester Area of Outstanding Natural Beauty (AONB).
- 1.3 The site also falls within the Chichester Harbour Mouth Landscape character area, as defined by the CBA 2005 Landscape Character assessment for the Chichester Harbour Conservancy. The site inevitably lies within Flood Zones 2 & 3.

2 Planning History

98/51335/010 - Installation of new visitor pontoons and associated no 4 new dolphin piles to northeast of boatyard (granted permission 24.3.1998).

98/51335/011 - New craning quay and extended pontoons (granted permission 11.6.1998).

03/51335/024 - Alterations to pontoon dolphin piles (granted permission 9.5.2003).

05/51335/027 - Repair and upgrading works to existing sea wall on east side of marina (granted permission 24.8.2005).

APP/20/00610 - Replacement sheet piled quay wall with concrete capping beam APPROVED February 2021

3 Proposal

- 3.1 The application seeks planning permission for minor engineering works to reinforce the existing hard surfaced area at Sparkes Marina. The works proposed would

facilitate and support the ongoing launching of boats and marina operations.

- 3.2 The specific area of tarmac/concrete hardstanding would be reinforced to enable the use of the marina forklift. The works would entail a new reinforced ground slab on existing hardstanding along with a raised edge to the existing capping beam. Non-percussive piles are proposed to support the slab. No encroachment into the Harbour would arise from the proposed works.

4 Policy Considerations

National Planning Policy Framework 2021

Planning Practice guidance 2016

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E1*	(High quality design)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy (summarised)

No increased visual impact per se would occur at the shoreline. The Conservancy is supportive of marine enterprise through its Planning Principle PP02. Provided safeguarding conditions are imposed to minimise potential for ecological disturbance/impact, no objections are raised.

Councillor Leah Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

No comments received.

County Ecologist, Strategic Environmental Delivery (summarised)

Whilst the works would not require works directly within any intertidal habitats, there is obvious potential for construction to result in waterborne and airborne pollution as well as novel noise and visual disturbance. These factors could result in damage or

disturbance to ecological features including protected habitats and species. During the winter months, bird species associated with the SPA/Ramsar will occur on intertidal areas adjacent to the site and may be affected by any novel noise and visual disturbance.

If minded to grant permission, can I recommend that a Construction Environment Management Plan (CEMP) is secured by condition. This should provide full details of how construction activities will avoid/mitigate potential ecological impacts arising from waterborne and airborne pollution, noise and visual disturbance.

Engineering Services, Havant Council

No land drainage comment received.

Environment Agency

No comments received.

Hampshire Wildlife Trust, Beechcroft House

No comments received.

Natural England Government Team

First comments 16 December 2021:

SUMMARY OF NATURAL ENGLAND'S ADVICE - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Chichester & Langstone Harbours Special Protection Area. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Construction Environmental Management Plan
- A Habitat Regulation Assessment/Appropriate Assessment

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

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

ADDITIONAL INFORMATION REQUIRED - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

The site is located adjacent to the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. The sites are also designated nationally as the Langstone Harbour Site of Special Scientific Interest. As a result, Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites

- Waste disposal.

The CEMP should ensure there is 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 - March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site). This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites.

Second comments 31 January 2022:

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application could have an adverse effect on the integrity of statutory designated sites in the Solent including Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC).

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Strict adherence to the Construction Environmental Management Plan (CEMP) during the construction phase.
- The implementation of measures to ensure that the operational phase of the development will not adversely affect the integrity of Solent designated sites.

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

Nutrient Team

No comments received.

Royal Society for the Protection of Birds

No comments received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the special AONB character and appearance of the area
- (iii) Ecology and the Habitats Regulations
- (iv) Impact upon residential amenity
- (v) Flooding

(i) Principle of development

- 7.2 The application site is situated adjacent to but outside of the defined urban area. Policy AL2 in the Havant Borough Council Local Plan (Allocations) July 2014 is relevant in this instance, which provides for community or recreation uses that cannot be accommodated elsewhere in the Borough, the case with this proposal. The development seeks to undertake reinforcing engineering works to an existing platform to safeguard the operation of the boatyard and the marine businesses supported by the Marina. As such, there is no objection in principle to the proposal, subject to compliance with relevant Development Plan Policies.

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

- 7.3 The proposal comprises of an engineering operation consisting of strengthening works to the existing tarmac/concrete hardstanding within the Marina to improve existing operations. These works would entail a new reinforced ground slab on existing hardstanding along with a raised edge to the existing capping beam, with non-percussive piles proposed to support the slab.
- 7.4 The applicant has advised that the usage of the boatyard or any other surrounding land would not be affected or altered by the proposed works. The works directly relate to the continuing operation of the Marina to enable more efficient boat launching using the Marina forklift. These works would not be perceptible outside the site and consequently are not considered to cause any impact upon the visual qualities of the area, in accordance with the aim of Policy DM9 (5) of the Havant Borough Local Plan Core Strategy, 2011.
- 7.5 The proposed works are set to the northern end of the Marina within the quay. The proposal would have a localised impact, set against the backdrop of an active marina. Having regard to the location of the development, the proposal would not materially impact upon the character and appearance of the area or compromise the purposes of the designation or special qualities of the AONB. The proposal would therefore accord with Policies CS11, CS12, CS16 of the Havant Borough Local Plan Core Strategy, 2011.
- 7.6 Furthermore, due to the location of the site within a number of European habitat designations, the LPA has carried out a Habitat Regulations Assessment/Appropriate Assessment in respect of the development, which is set out below.

(iii) Ecology and the Habitats Regulations

- 7.7 Whilst the proposed works would not require works directly within any intertidal habitats, there is an obvious potential for the construction works to result in waterborne and airborne pollution, as well as novel noise and visual disturbance. These factors could result in damage or disturbance to ecological features including protected habitats and species. During the winter months, bird species associated with the SPA/Ramsar will occur on intertidal areas adjacent to the site and may be affected by any novel noise and visual disturbance.

- 7.8 The Council's Ecologist was consulted regarding the proposed works and recommended that a Habitat Regulations Assessment/Appropriate Assessment was undertaken by the LPA in consultation with Natural England (NE). It is noted that the initial comments provided by Natural England on the 16 December 2021 also requested that a Habitat Regulations Assessment/Appropriate Assessment and supporting Construction Environmental Management Plan be submitted.
- 7.9 The completed HRA assessment determined that without appropriate mitigation the application could have an adverse effect on the integrity of statutory designated sites in the Solent including Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC).
- 7.10 In order to mitigate these adverse effects and make the development acceptable, a Construction Environment Management Plan (CEMP) would need to be provided. The CEMP is to provide full details of how construction activities would avoid/mitigate potential ecological impacts arising from waterborne and airborne pollution, noise and visual disturbance, and would need to be submitted and approved in writing by the LPA, prior to the commencement of construction works.
- 7.11 THE HRA assessment submitted to NE confirmed that a CEMP would be secured by condition and would need to be approved by Councils Ecologist. A further HRA assessment, including the detailed CEMP would then be undertaken, in conjunction with Natural England at the discharge of condition stage. It is considered that with the support of an approved CEMP, then the any construction impacts can be avoided/mitigated.

(iv) Impact upon residential amenity

- 7.12 The nearest residential dwelling is located approximately 170m from the location of the proposed works. The relationship between the urban residential area and the working Marina is well established and any disturbance resulting from the proposed minor works would be anticipated and short-lived. It is also noted that no objections have been received in respect of the scheme.

(v) Flooding

- 7.13 The site lies within Flood Zones 2 and 3 and consequently a Flood Risk Assessment has been submitted in support of the application. The Flood Vulnerability Classification for the site, which in the case of docks, marinas and wharves, is considered to be 'water compatible development'. It is concurred that the proposals would be acceptable in this location and would not increase flood risk.
- 7.14 The Environment Agency (EA) were consulted regarding the proposal however, provided no detailed comment. This is likely due to the minor scale of the proposed development. Regardless, an Environmental Permit, under the Environmental Permitting (England and Wales) Regulations 2016 would be required for the proposed works which would be rigorously assessed by the Environment Agency.

8 Conclusion

- 8.1 The supporting documents demonstrate the extent of work proposed is minor in nature and, subject to adopting good working practice through the submission of an acceptable CEMP, the proposed engineering works would not impact upon the

ecological importance of the Harbour.

- 8.2 To finish, the proposal would not adversely impact on the ecological designations, nor the special character and appearance of the area, or cause demonstrable harm to the existing level of residential amenity. The development as proposed is acceptable in ecological and flood risk terms and accords with the relevant planning policy.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01204, subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning Statement and Flood Risk Assessment Version 1

Location Plan

Plan of Launch Bay Construction Drw. No. SPK/2021/PLN/001 REV. A

Existing And Proposed Scheme Section Plan

Site Plan

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place, including any works or demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

i) A programme and phasing of the site clearance and construction work, including roads, footpaths, landscaping and open space;

ii) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

iii) Arrangements for the routing/ turning of lorries and details for construction traffic access to the site;

iv) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

v) Measures to minimise creation and impact of dust,

vi) Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). This shall include details of noise monitoring of the construction and demolition work at sensitive locations,

vii) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat – high tide roost sites) shall not be undertaken during the bird overwintering period (i.e. October to March inclusive).

viii) Measures to prevent mud and dust on the highway during development;

ix) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

x) Temporary lighting;

xi) Protection of pedestrian routes during construction;

xii) No burning on-site;

xiii) Scheme of work detailing the extent and type of piling proposed;

xiv) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;

xv) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.