

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

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

The current proposal lies inside the AONB. The proposal is located within a built-up urban location within the AONB protected national landscape. The proposed works comprise works / alterations that require detailed approval of the LPA. The planning history for the site indicates no earlier considerations that would have any obvious bearing on the current proposal in relation to the AONB. The works lie wholly within the site.

The proposal is for the construction of a pair of gate posts and the installation of a pair of galvanised steel barrier gates to the slipway area leading to the Lifeboat Station.

The submission includes no supporting statements. There is no reference to para 172 of the NPPF as the site is within the AONB. The submission does not include an AONB Visual Impact Statement. The submission does make recognition of the site's location within the AONB protected national landscape. There is no detailed AONB policy approach as would be expected in such a location although a floor space and silhouette profile consideration has been made. This is a helpful assessment by the agents given the status of the AONB within the statutory planning assessment regime.

ASSESSMENT CONSULTATION CONCLUSION

AONB PP01, PP11, and Joint SPD considerations have been part of this AONB planning assessment. Given the backdrop and setting of the built-up area, the works to the street scene / shoreline would be noticeable but this work would not be unduly imposing to the public realm. The main works to the site are proportionate and subservient to the host building. The scale of the proposed works would have a visual impact within the site and within the local area. In this setting the proposal is considered to have a minimal visual impact on the AONB protected national landscape and is not viewed as being demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area.

The Chichester Harbour Conservancy raises **no objection** to the current submission. Appropriate planning conditions to control the materials of construction and the finished appearance.

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

As the application is not accompanied by any detailed ecological information, I have

carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping.

The proposed works are relatively limited, and restricted to disturbance of 3 m² of land within or immediately adjacent to the existing hardstanding/road, outwith any designated sites for nature conservation. On that basis I would not expect the proposals to result in significant direct ecological impacts to species or habitats of conservation interest. However, the site is in close proximity to the Chichester & Langstone Harbour SPA/Ramsar, Solent Maritime Special Area of Conservation (approx. 50m to the east). The works should therefore avoid percussive piling during the winter period (October to March inclusive) and this measure should be conditioned as part of a Construction Environment Management Plan (CEMP), to avoid disturbance to overwintering birds from the SPA/Ramsar and damage or disturbance to designated habitats as a result of pollution, surface water runoff, dust emission or noise. The following wording may be useful:

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the local planning authority. This CEMP shall include (but not be restricted to): specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to avoid or mitigate damage and disturbance to important species and habitats, including the avoidance of percussive piling between October and March inclusive.

Reason: to protect biodiversity in accordance with NPPF, the Environment Act 2021, the Conservation of Habitats and Species Regulations 2017 (as amended) and Local Plan Policy CS11.

Engineering/Drainage

No comments received.

Environment Agency

No comments received.

Natural England Government Team

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on European sites in the Solent and has no objection.

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

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the designated sites in the Solent and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Protected Landscapes

The proposed development is for a site within a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Waterside CEMP

The development is in close proximity to the Chichester and Langstone Harbours SPA and Ramsar site, and Solent Maritime SAC. Without best practice working methods and mitigation there is risk during the construction phase of the development that pollution from machinery, equipment or materials may enter into the water. Natural England recommends that a Construction Environment Management Plan (CEMP) is produced prior to start of the works and submitted and approved in writing by your authority. This should be secured by an appropriate planning condition or obligation. The CEMP should include the following:

- A list of defined potential impacts on the designated sites
- Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.
- Details on the storage and disposal of waste on site
- Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.

'Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)'.

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: At least one site notice exists

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 character and appearance of the AONB
- (iii) Impact on Nature Conservation interests
- (iv) Flood risk

(i) Principle of development

7.2 The application site is near the road entrance to the Hayling Island Sailing Club and its acceptability will depend on the considerations of its impact on the landscape and nature conservation interests.

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

7.3 There is already a temporary gate arrangement that restricts access to the beach. The proposed pillars and gates are utilitarian in nature and it is considered that its siting and design would not be significantly intrusive to the AONB or harm the environmental character of the locality nor will it have significant adverse impacts on designated sites.

(iii) Impact on Nature Conservation interests

7.4 The proposed works are relatively minor and it is considered unlikely to result in any issues in terms of impact on local wildlife, biodiversity or ecological character of the locality. Natural England also considers that the proposed development will not have significant adverse impacts on European sites in the Solent and raises no objection but advises that a Construction Environment Management Plan (CEMP) should be

produced prior to commencement of any works. The County Ecologist also does not expect the proposals to result in significant direct ecological impacts to species or habitats of conservation interest, however, does recommend that a CEMP be submitted prior to works commencing. As such, this can be secured by a suitable planning condition.

(iv) Flood risk

7.5 The site is within Flood Zone 2 and 3.

7.6 Due to its small nature, it is considered that there are no direct flood risk concerns.

8 Conclusion

8.1 The development is of modest scale, and it does not have a significant impact on the character of the surrounding area or impact on local wildlife, biodiversity or ecological character of the locality and is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00078 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:

LOCATION PLAN

BLOCK PLAN

SE 05/002 - SITE PLAN

SE 05/001 - PROPOSED GATE

Reason: - To ensure provision of a satisfactory development.

3 The development shall be carried out in the following materials:

Purpose made galvanised steel gate posts, manually operated double gates and hold-open posts

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National

Planning Policy Framework.

- 4 No development hereby permitted shall commence until a Construction Environment Management Plan (CEMP) is submitted to and agreed in writing by the local planning authority. This CEMP shall include (but not be restricted to):

- a list of defined potential impacts on the designated sites;
- specifications for construction timing and logistics;
- details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water;
- measures to control surface water run-off and the emission of dust and noise;
- details on the storage and disposal of waste on site;
- details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water;
- details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters;
- specific measures to avoid or mitigate damage and disturbance to important species and habitats, including the avoidance of percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) between October and March inclusive.

Reason: to protect biodiversity in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, the Environment Act 2021, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework 2021.